

1977 No. 87

DEFENCE

**Courts-Martial and Standing Civilian Courts
(Additional Powers on Trial of Civilians) Regulations 1977**

Made - - - - - 19th January 1977

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Coming into Operation in accordance with Regulation 1

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The Secretary of State, in exercise of the powers conferred on him by paragraph 17 of Schedule 5A to the Army Act 1955(a), paragraph 17 of Schedule 5A to the Air Force Act 1955(b) and paragraph 17 of Schedule 4A to the Naval Discipline Act 1957(c) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977 and shall come into operation on such date as section 8 of the Armed Forces Act 1976(d) comes into force.

(a) 1955 c. 18.

(b) 1955 c. 19.

(c) 1957 c. 53.

(d) 1976 c. 52.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“commanding officer” means the officer who was appointed to be the accused’s commanding officer in relation to the charge or such other officer not below the rank of commander or corresponding rank as may be appointed for the purposes of these Regulations by the officer who made the former appointment;

“convening officer” means the officer who convenes a court-martial under any of the Services Acts;

“directing officer” means the officer who directs that a charge shall be tried by a Standing Civilian Court;

“the relevant schedule” means:

(a) where an accused is charged under the Army Act 1955, Schedule 5A to that Act;

(b) where an accused is charged under the Air Force Act 1955, Schedule 5A to that Act;

(c) where an accused is charged under the Naval Discipline Act 1957, Schedule 4A to that Act;

“the Services Acts” means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957 and the Armed Forces Act 1976.

(2) In these Regulations, unless the context otherwise requires, any reference to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and, in particular, unless the contrary intention appears, words importing the masculine gender shall include females, words importing the singular shall include the plural and words importing the plural shall include the singular.

PART II

REPORTS

Interpretation of Part II

3. In this Part of these Regulations—

“appropriate officer” means—

(a) in the case of a trial by court-martial, the convening officer;

(b) in the case of a trial by a Standing Civilian Court, the directing officer;

“prosecutor” means the prosecutor appointed for the trial of a person in respect of whom a report is made.

Preparation of reports where an accused has attained the age of 17 years

4.—(1) In the case of an accused who is aged 17 years or more, the appropriate officer shall consider whether a social enquiry, medical or other report might assist the court if, having found the accused guilty, it were to consider making any order under the relevant schedule.

(2) If in his opinion such a report might assist the court he shall direct that a report is made by a suitable person on behalf of the Secretary of State.

Preparation of reports where an accused is under 17

5. In the case of an accused who has not attained the age of 17 years and for the purpose of assisting the court if, having found the accused guilty, it were to consider making any order under the relevant schedule, it shall be the duty of the appropriate officer to direct that a report relating to the accused's home surroundings, school record, health, character and any other relevant circumstances is made by a suitable person on behalf of the Secretary of State.

Action before trial by a person who makes a report

6. A person who makes a report by virtue of either of the last two preceding Regulations shall—

- (a) sign it and send a copy of it to the appropriate officer;
- (b) before the commencement of the trial of the accused, ensure that the accused has a copy of it.

Production of a report in court

7.—(1) Where the court finds an accused guilty, any report made in relation to that accused shall be produced to the court by the person who made it or, if that person cannot in the opinion of the appropriate officer reasonably attend the trial, by such other person as that officer shall designate.

- (2) The person who produces a report—
 - (a) shall not read it aloud to the court unless the court directs him to do so and
 - (b) shall, at the time when he produces it to the court, provide a copy of it for the prosecutor.
- (3) For the purposes of paragraph (1) above, the opinion of the appropriate officer may be signified by the prosecutor.

PART III

COMMUNITY SUPERVISION ORDERS

Nomination of supervisors

8. For the purposes of paragraph 4 of the relevant schedule, any officer who has power to convene a general court-martial under the Army Act 1955(a) or the Air Force Act 1955(b), or a court-martial under the Naval Discipline Act 1957(c), may be directed by the Defence Council, or by an officer authorised by them in that behalf, to draw up and maintain a list of persons who are in his opinion fit to be specified as supervisors under that paragraph by reason of their experience, occupation, training or some other qualification:

Provided that—

- (i) a person's name shall be included in a list only with that person's consent; and
- (ii) any such list may be maintained in different sections for different purposes or for different areas.

Specifying supervisors

9.—(1) When a court has found an accused guilty, the prosecutor shall if the court so requests supply it with a copy of the appropriate list of persons maintained under Regulation 8 above or a relevant section of it and the court shall include in any community supervision order the name of the person specified by it from that list or section to act as supervisor in relation to that order.

(a) 1955 c. 18.

(b) 1955 c. 19.

(c) 1957 c. 53.

(2) For the purposes of paragraph 4(11) of the relevant schedule, an officer authorised by the Defence Council shall in the second form set out in Part I of Schedule 2 to these Regulations specify from the appropriate list or a relevant section of it the person who shall, with effect from such date as the form may specify, act as a replacement supervisor.

General duty of a supervisor

10. It shall be the general duty of a supervisor to advise, assist and befriend a person under his supervision.

Prescribed requirements

11. The following requirements are hereby prescribed for the purposes of paragraph 4(3) of the relevant schedule, namely—

- (a) in the case of an offender who has not attained the age of 17 years at the date when a community supervision order is made in his case, the requirements set out in Part I of Schedule 1 to these Regulations;
- (b) in any other case, the requirements set out in Part I and Part II of that Schedule:

Provided that the court may only include in a community supervision order one or other (but not both) of the requirements set out in paragraphs 5 and 6 of that Schedule.

Limitations relating to requirements

12.—(1) No person under supervision shall be ordered to comply with the requirement to reside set out in paragraph 4 of Schedule 1 to these Regulations or with any direction to like effect given by a supervisor, for a period or aggregate of periods exceeding 60 days.

(2) For the purposes of the requirements set out in paragraphs 5 and 6 of Schedule 1 to these Regulations and of any direction to like effect given by a supervisor—

- (a) no person under supervision shall be ordered to comply with such a requirement or a direction for a number or an aggregate number of hours exceeding 90;
- (b) no fixed number of hours nor any lower limit specified in a community supervision order shall be less than 30 hours.

(3) No requirement ordered by the court to be included in a community supervision order nor any requirement of or direction given by a supervisor shall be such as to conflict with any religious belief or observance of the person under supervision or interfere with the times, if any, at which he normally works or attends a school or other educational establishment.

Calculation of periods specified by the court or by a supervisor

13. For the purpose of calculating any period or periods or number of days or hours in respect of which compliance with a requirement on the part of a person under supervision is directed by the court or by a supervisor—

- (a) any day or hour in respect of which directions were previously given and on or during which the directions were not complied with shall be disregarded;
- (b) a direction given in respect of one or more parts of a day shall be treated as given in respect of the whole of that day.

Periodic re-consideration of an order

14. From time to time throughout a supervision period, an officer authorised by the Defence Council to exercise the powers under paragraph 4(11) of the relevant Schedule may consider whether he should exercise any of those powers in respect of that order.

PART IV

PARENT'S AND GUARDIAN'S RIGHT TO PETITION AND APPEAL

Exercise of the right to petition against a fine or compensation order

15. A service parent or guardian who wishes to exercise his right to petition against a fine or compensation order shall exercise it as if it were a right under—

- (a) section 108 of the Army Act 1955 or the Air Force Act 1955, if the fine was imposed or the order made by a court-martial under that Act;
- (b) section 70(2) of the Naval Discipline Act 1957, if the fine was imposed or the order made by a court-martial under that Act;
- (c) paragraph 19 of Schedule 3 to the Armed Forces Act 1976(a), if the fine was imposed or the order made by a Standing Civilian Court.

Exercise of the right to appeal against a fine or compensation order

16. A service parent or guardian who wishes to exercise his right to appeal against a fine imposed or a compensation order made by a Standing Civilian Court shall exercise it as if it were a right under paragraph 18 of Schedule 3 to the Armed Forces Act 1976.

PART V

FORMS AND ORDERS

Interpretation of Part V

17. In this Part of these Regulations—

“certified true copy” means a copy certified in writing to be a true copy—

- (a) for the purposes of Regulation 18 below, by the confirming officer;
- (b) for the purposes of Regulation 19 below, by the directing officer;
- (c) for the purposes of Regulation 20 below, by the officer who discharges or modifies a community supervision order;

or, in each case, by an officer authorised by him to do so on his behalf.

Orders made by a court-martial

18. Where a court-martial makes an order specified in column 1 of Part II of Schedule 2 to these Regulations or, on confirmation, a confirming officer makes such an order, the confirming officer shall—

- (a) in the case of a fine imposed on or a compensation order made against an absent parent or guardian, draw up a notice of the fine or order, as confirmed, in the fifth form set out in Part I of that Schedule, send it to the parent or guardian and attach a certified true copy of it to the record of the proceedings;

- (b) in any other case, draw up the order, as confirmed, in the appropriate form in Part I of that Schedule and attach the completed form to the record of the proceedings;
- (c) in any case, send a certified true copy of the form to each of the persons specified opposite that order in column 2 of Part II of that Schedule and himself retain such a copy.

Orders made by a Standing Civilian Court

19. Where a Standing Civilian Court makes an order specified in column 1 of Part II of Schedule 2 to these Regulations—

- (a) in the case of a fine imposed on or a compensation order made against an absent parent or guardian—
 - (i) the Standing Civilian Court shall draw up a notice of the fine or order in the fifth form set out in Part I of that Schedule and send it to the directing officer with but not attached to, the note of the proceedings;
 - (ii) the directing officer shall send the completed form to the parent or guardian and shall attach a certified true copy of it to the note of the proceedings;
- (b) in any other case, the Standing Civilian Court shall draw up the order in the appropriate form in Part I of that Schedule and attach the completed form to the note of the proceedings;
- (c) in any case, the directing officer shall, on receipt of the form, send a certified true copy of it to each of the persons specified opposite that order in column 2 of Part II of that Schedule and himself retain such a copy.

Discharge or modification of a community supervision order

20. Where an officer discharges or modifies a community supervision order he shall—

- (a) draw up an order in the second form set out in Part I of Schedule 2 to these Regulations and attach the completed form to the record or note of the proceedings as the case may be; and
- (b) send a certified true copy of the form to each of the persons specified opposite that order in column 2 of Part II of that Schedule and himself retain such a copy.

Manner in which documents may be sent

21. Where any document is required by any provision of these Regulations to be sent to any person other than the commanding officer of the accused, it may be sent to that person either by its being delivered personally to him or by its being served on him by post in a registered letter addressed to him at his last known place of work or residence.

PART VI

DELIVERY UP AND RELEASE OF OFFENDERS SUBJECT TO RECEPTION
OR CUSTODIAL ORDERS

Application of Part VI

22.—(1) This Part of these Regulations shall apply where a court has made—

- (a) a reception order under paragraph 6 of the relevant schedule and as a result the offender is in care; or

(b) a custodial order under paragraph 10 of the relevant schedule and in pursuance of that order the offender is confined in an appropriate institution.

(2) For the purposes of this Regulation a person is in care if he is in care for the purposes of section 151 of the Air Force Act 1955(a).

Delivery up of an offender into service custody

23. Where an offender is required to attend the hearing of any appeal under any of the Services Acts outside the United Kingdom, he shall be delivered up into service custody on production of an order in the first form set out in Schedule 3 to these Regulations and purporting to be signed in accordance with Regulation 25 below.

Release of an offender under the Services Acts

24. Where an offender is entitled to be released from his sentence as a result of the exercise of any power contained in any of the Services Acts, he shall be released on receipt of an order in the second form set out in Schedule 3 to these Regulations and purporting to be signed in accordance with Regulation 25 below.

Signature of orders

25.—(1) An order in the first form set out in Schedule 3 to these Regulations shall be signed by the officer who convenes the appellate court-martial which is to hear the appeal or by an officer authorised by him to do so on his behalf.

(2) An order in the second form set out in Schedule 3 to these Regulations shall be signed by the officer who exercised the power under any of the Services Acts by virtue of which the offender is entitled to be released or by an officer authorised by him to do so on his behalf.

PART VII

MISCELLANEOUS PROVISIONS

Declaration of forfeiture of a recognisance

26. Where under paragraph 14(1) of the relevant schedule a court had made an order of recognisance against a service parent or guardian and the person whose conviction resulted in the order being made has been found guilty by the court (whether or not it is the court which made the order) of an offence committed within the period specified in the order, any declaration under paragraph 14(4) of the relevant schedule shall be made in open court and shall be recorded.

Consents to be in writing

27. Any consent required to be given by virtue of any provisions of the relevant schedule or these Regulations shall be given in writing.

Deviations from the forms in the Schedules

28. A deviation or omission from a form or form of words set out in a Schedule to these Regulations shall not, by reason only of such deviation or omission, render any document, act or proceeding invalid.

Cases not covered by the Regulations

29. In any case not provided for by these Regulations such course shall be adopted as appears best calculated to do justice.

Dated this 19th day of January 1977.

Fred Mulley,
One of Her Majesty's Principal
Secretaries of State.

SCHEDULE 1

Regulation 11

PRESCRIBED REQUIREMENTS FOR COMMUNITY SUPERVISION ORDERS

PART I

Requirements applicable to all offenders

1. To report in person and to receive visits at his home as directed by the supervisor.
2. To notify the supervisor of any change, whether temporary or permanent, in his address or employment.
3. To participate in activity of a recreational, educational or cultural nature or of social value as directed by the supervisor.
4. To reside for a period or periods specified in the order with an individual named in the order who agrees to that requirement or at a place as so specified.

PART II

Requirements applicable to offenders aged 17 years or over

5. To perform unpaid work or activity as specified by the supervisor for a fixed number of hours as specified in the order.
6. To perform unpaid work or activity as specified by the supervisor for the number of hours which the supervisor, within any limits specified by the court, from time to time directs.

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PART I

FORMS

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COURT-MARTIAL/STANDING CIVILIAN COURT¹
 COMMUNITY SUPERVISION ORDER

(Army Act/Air Force Act 1955, Sch. 5A; Naval Discipline Act 1957, Sch. 4A; Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations, 1977)

WHEREAS.....² of.....³
 (hereinafter called the offender), who was born on.....⁴
 appeared before a Court-Martial/Standing Civilian Court¹ sitting at.....⁴
⁵ and, [as confirmed by me]⁶ he/she¹ was
 on.....⁷ found guilty of an offence/the following
 offences¹ namely.....⁸

NOW IT IS ORDERED [on confirmation]⁶ that the offender comply during the period
 of.....⁹ from.....
¹⁰ with the reasonable requirements of.....
¹¹ of.....¹²
 (hereinafter called the supervisor).¹³

- ¹³[IT IS FURTHER ORDERED that the offender shall:
- [a. Report in person and receive visits at his home as directed by the supervisor.]
 - [b. Notify the supervisor of any change whether temporary or permanent in his address or employment.]
 - [c. Participate in activity of a recreational, educational or cultural nature or of social value as directed by the supervisor.]
 - [d. Reside [with.....¹⁴ of.....¹⁵
 (who consents to this requirement)] [at.....¹⁶ from.....¹⁷
 to.....¹⁷]]
 - [e. Perform unpaid work as specified by the supervisor.....¹⁸]]

DATED this day of 19 .

Signature
 Rank.....
 Appointment.....
 Confirming Officer¹
 or
 Magistrate¹



COURT-MARTIAL/STANDING CIVILIAN COURT¹
 COMMUNITY SUPERVISION ORDER
 DISCHARGE OR MODIFICATION

(Army Act/Air Force Act 1955, Sch. 5A; Naval Discipline Act 1957, Sch. 4A; Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations, 1977)

WHEREAS:

[(1)]¹ On the day of 19 , a ¹Court-Martial/Standing Civilian Court sitting at² made a Community Supervision Order, a copy of which is attached, (hereinafter called the Order) against.....³

¹[(2). The Order was modified by an order dated the day of 19 , a copy of which is attached.]

NOW IT IS ORDERED that:

¹[1. With effect from the day of 19, the Order ¹[as so varied] is hereby discharged.]

¹[2. The following requirement¹[s] of the Order, namely:

.....

⁴

¹is/are, with effect from the day of 19 , hereby modified, as follows:

.....

^{5]}

¹[3. The following requirement¹[s] of the Order, namely:

.....

⁶
 is/are¹, with effect from the day of 19 , hereby deleted from the Order.]

¹[4.⁷ of.....

.....⁸, is with effect from the day of 19 , hereby discharged from his/her¹ duty as supervisor and.....¹⁰

of¹¹
 shall with effect from the day of 19 ,¹² be the supervisor in relation to the Order.]

DATED this day of

19 .
 Signature
 Rank
 Appointment

An officer authorised by the
 Defence Council.

NOTES:

1. Delete or amend as necessary.
2. Insert the name of the place where the court sat.
3. Insert full name of person under supervision.
4. Insert requirements which are to be modified. They may be referred to by their paragraph numbers in the Order.
5. Insert the modified requirements. These must be set out in full.
6. Insert requirements which are to be deleted. They may be referred to by their paragraph numbers in the Order.
7. Insert supervisor's full name.
8. Insert supervisor's address.
9. This date is to be the last day of the replaced supervisor's duty.
10. Insert full name of replacement supervisor.
11. Insert address of replacement supervisor.
12. This date is to be the first day of the replacement supervisor's duty and must be the day after the date of Note 9.

COURT-MARTIAL/STANDING CIVILIAN COURT¹

RECEPTION ORDER

(Army Act/Air Force Act 1955, Sch. 5A; Naval Discipline Act 1957, Sch. 4A; Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977)

WHEREAS.....² of.....³
⁸
 (hereinafter called the offender), who was born on.....⁴,
 appeared before a Court-Martial/Standing Civilian Court¹ sitting at.....
⁵ and, [as confirmed by me]⁶ he/she¹ was on.....
⁷ found guilty of an offence punishable under the
 Services Acts with imprisonment, namely.....⁸

IT IS ORDERED AND DECLARED [on confirmation]⁶ that the offender is to be subject to a reception order and that the Secretary of State may authorise a local authority in England or Wales to receive the offender into their care.

DATED this day of 19 .

Signature

Rank

Appointment

Confirming Officer¹

or

Magistrate¹

NOTES:

1. Delete or amend as necessary.
2. Insert offender's full name.
3. Insert offender's address.
4. Insert offender's date of birth.
5. Insert the name of the place where the court sat.
6. Delete these words when the order is made by a Standing Civilian Court.
7. Insert the date when the court found the accused guilty.
8. State brief details of the offence.



COURT-MARTIAL/STANDING CIVILIAN COURT¹

CUSTODIAL ORDER

(Army Act/Air Force Act 1955, Sch. 5A; Naval Discipline Act 1957, Sch. 4A; Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977)

WHEREAS.....² of.....³
 (hereinafter called the offender) who was born on.....⁴
 appeared before a Court-Martial/Standing Civilian Court¹ sitting at.....
⁵ and, [as confirmed by me]⁶ he/she¹ was on.....
⁷ found guilty of an offence punishable under the
 Services Acts with imprisonment, namely.....⁸

NOW IT IS ORDERED [on confirmation]⁶ that the offender be committed to such
 appropriate institution as the Secretary of State may direct for a maximum period
 of.....⁹ with effect from.....¹⁰

DATED this day of 19 .

Signature
 Rank
 Appointment.....
 Confirming Officer¹
 or
 Magistrate¹

NOTES:

1. Delete or amend as necessary.
2. Insert offender's full name.
3. Insert offender's address.
4. Insert offender's date of birth.
5. Insert the name of the place where the court sat.
6. Delete these words when the order is made by a Standing Civilian Court.
7. Insert the date when the court found the offender guilty.
8. State brief details of the offence.
9. Insert maximum period of the custodial order.
10. Insert the date when the court sentenced the offender.



COURT-MARTIAL/STANDING CIVILIAN COURT¹

NOTICE OF FINE/COMPENSATION—ABSENT PARENT OR GUARDIAN

(Army Act/Air Force Act 1955, Sch. 5A; Naval Discipline Act 1957, Sch. 4A; Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977)

			To..... ² of..... ³ ³ ⁴ of..... ⁵ ⁵ (hereinafter called the offender), who was born on ⁶ appeared before a Court-Martial/Standing Civilian Court ¹ sitting at..... ⁷ and [as confirmed by me] ⁸ he/she ¹ was on..... ⁹ found guilty of an offence/the following offences ¹ , namely..... ¹⁰ and you, being the parent/guardian of the offender, were ordered to pay the sum of..... ¹¹ , as shown in the margin hereof.
ADJUDICATION			
Fine			
Compensation			
Total			

Payment is to be made to.....¹²

Any application for the grant of time to pay is to be made in writing to the commanding officer of the offender.

DATED the day of 19 .

Signature

Rank

Appointment

Confirming Officer¹
or
Magistrate¹

NOTES:

1. Delete or amend as necessary.
2. Insert the full name of the person ordered to pay.
3. Insert the address of the person ordered to pay.
4. Insert the offender's full name.
5. Insert the offender's address.
6. Insert the offender's date of birth.
7. Insert the name of the place where the court sat.
8. Delete these words when the order is made by a Standing Civilian Court.
9. Insert the date when the court found the offender guilty.
10. State brief details of the offence or offences.
11. Insert the total sum shown in the margin.
12. Insert name and address of person to whom the payment is to be made. Such a person may be designated by his appointment instead of his name.



COURT-MARTIAL/STANDING CIVILIAN COURT¹
ORDER OF RECOGNISANCE

(Army Act/Air Force Act 1955, Sch. 5A; Naval Discipline Act 1957, Sch. 4A; Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977)

WHEREAS.....² of.....³
 (hereinafter called the offender), who was born on.....⁴,
 appeared before a Court-Martial/Standing Civilian Court¹ sitting at.....⁵,
⁶ and [as confirmed by me]⁶ he/she² was on
⁷ found guilty of an offence/the following offences¹,
 namely⁸

IT IS ORDERED [on confirmation]⁶ that.....
⁹ of.....¹⁰
 the offender's service parent/guardian who consents to the making of this order, do
 forthwith enter into a recognisance in the sum of.....¹¹
 to exercise proper control over the offender for the period of.....¹²
 from.....¹³

DATED this day of 19 .

Signature
 Rank
 Appointment
 Confirming Officer¹
 or
 Magistrate¹

I,⁹ HEREBY CONSENT to the making
 of this order against me.

Signature
 Rank and No. (or other description)
 Parent/Guardian

Note—This consent form printed on this order is only to be used where—
a. the order is made by a Standing Civilian Court;
b. in court-martial cases, the confirming officer makes the order for the first time.
In any other case, a form of consent is to be written or typed on plain paper, signed
and attached to the record of the proceedings.

NOTES:

1. Delete or amend as necessary.
2. Insert offender's full name.
3. Insert the offender's address.
4. Insert the offender's date of birth.
5. Insert the name of the place where the court sat.
6. Delete these words if the order is made by a Standing Civilian Court.
7. Insert the date on which the court found the offender guilty.
8. State brief details of the offence or offences.
9. Insert the full name of the parent or guardian bound by the recognisance.
10. Insert the address of the parent or guardian bound by the recognisance.
11. Insert the amount of the recognisance in figures and in words.
12. Insert the period of the recognisance.
13. Insert the date when the court made the order.



COURT-MARTIAL/STANDING CIVILIAN COURT¹
ORDER DECLARING FORFEITURE OF RECOGNISANCE
ABSENT PARENT OR GUARDIAN

(Army Act/Air Force Act 1955, Sch. 5A; Naval Discipline Act 1957, Sch. 4A; Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977)

WHEREAS:

(1) On², it was ordered that
³ of⁴
 a service parent/guardian¹ of⁵
 of⁶
 (hereinafter called the offender) enter into a recognisance in the sum of
⁷ to exercise proper control
 over the offender for the period of⁷ from
⁷ to which order the said
³ consented.

(2) The offender who was born on⁸ appeared
 before a Court-Martial/Standing Civilian Court¹ sitting at⁹
 and [as confirmed by me]¹⁰ he/she¹ was on¹¹
 found guilty of an offence/the following offences¹, namely¹²
 committed during the said period of recognisance.

IT IS THEREFORE DECLARED AND ORDERED [on confirmation]¹⁰ that the/
 part of the¹ said recognisance is forfeited and that the said³
 do pay the sum of¹³ in respect of it.
 Payment should be made to¹⁴

Any application for the grant of time to pay is to be made in writing to the commanding officer of the offender.

DATED this day of 19 .

Signature
 Rank
 Appointment
 Confirming Officer¹
 or
 Magistrate¹

NOTES:

1. Delete or amend as necessary.
2. Insert the date when the court made the original order.
3. Insert full name of parent or guardian bound by the recognisance.
4. Insert address of parent or guardian bound by the recognisance.
5. Insert the offender's full name.
6. Insert the offender's address.
7. Enter the details from the order of recognisance.
8. Insert the offender's date of birth.
9. Insert the name of the place where the court sat.
10. Delete these words when the order is made by a Standing Civilian Court.
11. Insert the date when the court found the offender guilty.
12. State brief details of the offence or offences.
13. Insert the sum ordered to be paid in words.
14. Insert the name and address of the person to whom payment is to be made. Such a person may be designated by his appointment instead of his name.

PART II

PERSONS TO WHOM COPIES OF ORDERS ARE TO BE SENT

Column 1	Column 2
1. Community supervision order..	1. a. The person under supervision. b. If the person under supervision was under 17 years of age when the original order was made, his parent or guardian who consented to its being made. c. The supervisor. d. In the case of a modification of the order which replaces a supervisor, the replaced supervisor. e. Where the person under supervision is required by the order or was required by the order before it was modified or discharged, to reside with an individual or at a place, that individual or the person in charge of that place. f. The commanding officer of the person under supervision.
2. Community supervision order—discharge or modification	2. The same persons as are listed against 1 above.
3. Reception order	3. a. The Secretary of State. b. The offender. c. The parent or guardian of the offender. d. The commanding officer of the offender.
4. Custodial order	4. a. The Secretary of State. b. The offender. c. The commanding officer of the offender.
5. Order to pay a fine imposed on an absent parent or guardian	5. The commanding officer of the offender.
6. Compensation order against an absent parent or guardian	6. The commanding officer of the offender.
7. Order of recognisance	7. The parent or guardian bound by it.
8. Order declaring forfeiture of recognisance—absent parent or guardian	8. The absent parent or guardian.

SCHEDULE 3

Regulations 23, 24

ORDERS FOR DELIVERY INTO SERVICE CUSTODY AND RELEASE
UNDER THE SERVICES ACTS

APPEAL TO COURT-MARTIAL

ORDER FOR DELIVERY UP INTO SERVICE CUSTODY

To.....²

WHEREAS on the day of 19 , a Reception/Custodial¹
Order was made by a Standing Civilian Court against.....
.....³ (hereinafter called the offender) and the offender is as a result
now in your care/custody¹.

AND WHEREAS the offender is required to be present at.....⁴
a place outside the United Kingdom on the day of 19 ,
for the purpose of attending the hearing of an appeal under the Services Acts.

NOW therefore in pursuance of the Army Act 1955/Air Force Act 1955¹ and of the
Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians)
Regulations 1977 and of all other powers enabling me,

I ORDER you to deliver up the offender for that purpose to the person who produces
this Order;

AND for so doing this shall be your sufficient warrant.

Signed at.....⁵ this.....day of..... 19 .

Signature

Rank

Appointment

Convening Officer

or

An officer authorised to sign for

.....⁶

the convening officer.

NOTES:

1. Delete or amend as necessary.
2. Insert the name and address of the authority or person in whose care or custody the offender is.
3. Insert the offender's full name.
4. Insert the place where the offender is required to attend.
5. Insert place at which the order is signed, e.g. "Rheindahlen".
6. Insert the appointment of the officer who authorised the signature.

COURT-MARTIAL/STANDING CIVILIAN COURT¹
ORDER FOR RELEASE UNDER THE SERVICES ACTS

To.....
.....²

WHEREAS on the day of 19 , a Reception/Custodial¹
Order was made by a Court Martial/Standing Civilian Court¹ against
.....³ (hereinafter called the offender) and
the offender is as a result now in your care/custody¹.

AND WHEREAS.....
.....⁴

NOW therefore in pursuance of the Army Act 1955/Air Force Act 1955/Naval
Discipline Act 1957¹ and of the Courts-Martial and Standing Civilian Courts
(Additional Powers on Trial of Civilians) Regulations 1977 and of all other powers
enabling me,

I ORDER you to release the offender.

AND for so doing this shall be your sufficient warrant.

Signed at.....⁵ this..... day of.....19 ..

Signature
Rank
Appointment
[An officer exercising] [An officer authorised to
sign for.....⁶ an officer
exercising]¹ the power under the Services Acts
entitling the offender to be released.

NOTES:

1. Delete or amend as necessary.
2. Insert the name and address of the authority or person in whose care or custody the offender is.
3. Insert the offender's full name.
4. Insert brief details of the circumstances giving rise to the need to release the offender, e.g. "the sentence passed on the offender was remitted on review under section 113 of the Air Force Act 1955" or as the case may require.
5. Insert the place at which the order is signed, e.g. "Rheindahlen".
6. Insert the appointment of the officer who authorised the signature.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Regulations are tri-service in application and are made under paragraph 17 of Schedule 5A to the Army Act 1955 and the Air Force Act 1955 and paragraph 17 of Schedule 4A to the Naval Discipline Act 1957. Those Schedules were inserted into those Acts by section 8 of and Schedule 4 to the Armed Forces Act 1976. The Regulations generally make provision for matters which are supplementary and incidental to the additional powers contained in Schedule 4 to the Armed Forces Act 1976 and available to courts-martial or Standing Civilian Courts on the trial of civilians to whom the Service Disciplinary Acts are applied.

Part II deals with the preparation, signature and submission of social enquiry and other reports designed to assist the court in its deliberation on sentence.

Part III and Schedule 1 relate to community supervision orders and include the provision of supervisors for such orders, matters relating to the requirements which may be imposed by such an order, limitations relating to those requirements and the periodic re-consideration of the contents of an order.

Part IV contains two Regulations which deal with the exercise by a service parent or guardian of his right to petition or appeal against the imposition of a fine on him or the making of a compensation order against him. This Part comprises the necessary link between the granting of such rights by paragraph 13 of Schedules 5A and 4A to the Services Acts and the exercise of them in accordance with the existing provision of those Acts.

Part V and Schedule 2 collect together all the provisions relating to forms and orders. Part V requires the forms set out in Schedule 2 to be used and in conjunction with Part II of that Schedule provides for the action to be taken when an order is made and the sending of copies of written orders. Regulation 21 in this Part deals with the manner in which documents are to be sent to the intended recipients.

Part VI contains provisions designed to cover the need for an offender who has been subject to a reception or custodial order, to be delivered back into service custody or released when he is so entitled. It also provides for the signature of the orders for this purpose contained in Schedule 3.

Part VII deals with a number of miscellaneous matters the most important of which is the manner in which a recognisance by a parent or guardian may be declared to be forfeited. The remaining Regulations in this Part cover matters of a general nature.

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