
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1219

DEFENCE

The Rules of Procedure (Air Force) (Amendment) Rules 1981

<i>Made</i>	- - - -	14th August 1981
<i>Laid before Parliament</i>		8th September 1981
<i>Coming into Operation</i>		1st October 1981

The Secretary of State, in exercise of the powers conferred upon him by sections 103 and 209 of the Air Force Act 1955(a), and of all other powers enabling him in that behalf, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the Rules of Procedure (Air Force) (Amendment) Rules 1981 and shall come into operation on 1st October 1981.

Amendment

2. The Rules of Procedure (Air Force) 1972(b) as amended (c) shall be further amended in the manner and to the extent prescribed in the Schedule to these Rules.

Dated this 14th day of August 1981.

Philip C. Goodhart,
Parliamentary Under Secretary
of State for the Armed Forces.

(a) 1955 c. 19.
(c) S.I. 1974/752, 1976/1772, 1977/94.

(b) S.I. 1972/419.

SCHEDULE

AMENDMENTS TO THE RULES OF PROCEDURE (AIR FORCE) 1972

1. In paragraph (2) of Rule 79, after "31", there shall be inserted "31A".

2. So much of Part (1) of Schedule 2 as follows the commencement of the charge sheet prescribed for the purposes of section 131 of the Air Force Act 1955 shall be deleted and the following shall be substituted therefor:

"Air Force Reserve 23. The accused..... (number, rank, name and unit) being liable to trial by court-martial under the provisions of section {73(4)(b)} of the Reserve Forces Act 1980, is charged with:—
{ 76(2) }

Royal Auxiliary Air Force 24. The accused..... (number, rank, name and unit) being liable to trial by court-martial under the provisions of section 113 of the Reserve Forces Act 1980, is charged with:—"

3. So much of Part (2) of Schedule 2 as follows the statement of offence prescribed for the purposes of Paragraph 4(6) of Schedule 5A of the Air Force Act 1955 shall be deleted and the following shall be substituted therefor:

"
RESERVE FORCES ACT 1980
AIR FORCE RESERVE
SECTION 73

(1) { Desertion
Absence without leave } contrary to section 73(1) of the Reserve Forces Act 1980

(2) Absence without leave contrary to section 73(3) of the Reserve Forces Act 1980.

SECTION 76

(1)(a) Failing to comply with { orders
regulations } respecting the payment of the Air Force Reserve contrary to section 76(1)(a) of the Reserve Forces Act 1980.

(1)(b) Failing to attend at a place where he was required to be contrary to section 76(1)(b) of the Reserve Forces Act 1980.

(1)(c) { Using { threatening
insulting } language } to { an officer
a warrant officer
a non-commissioned officer } } contrary to section 76(1)(c) of the Reserve Forces Act 1980.

(1)(d) { Fraudulently obtaining
Being an accessory to the fraudulent obtaining of } { pay
(other sums) } } contrary to section 76(1)(d) of the Reserve Forces Act 1980.

(1)(e) Failing to comply with { orders
regulations } contrary to section 76(1)(e) of the Reserve Forces Act 1980

ROYAL AUXILIARY AIR FORCE

SECTION 106

- (1) { Desertion } contrary to section 106(1) of the Reserve Forces Act
 { Absence without leave } 1980.

4. Part (3) of Schedule 2 shall be deleted and the following shall be substituted therefor:—

“ (3) ILLUSTRATIONS OF CHARGE SHEETS

(i) CHARGE SHEET

The accused, No. R2143657 Leading Aircraftman John SMITH of Royal Air Force Station ANDOVER, an airman of the regular air force, is charged with:—

FIRST CHARGE MALINGERING CONTRARY TO SECTION 42(1)(b) OF THE AIR FORCE ACT, 1955
 in that he
 at Royal Air Force Station ANDOVER on the 1st day of May 1980 by discharging a rifle wilfully blew off two fingers of his right hand with intent thereby to render himself unfit for service.

SECOND CHARGE (Alternative to First Charge) NEGLECT TO THE PREJUDICE OF GOOD ORDER AND AIR FORCE DISCIPLINE CONTRARY TO SECTION 69 OF THE AIR FORCE ACT, 1955
 in that he
 at Royal Air Force Station ANDOVER on the 1st day of May 1980 so negligently handled a rifle as to cause it to be discharged, thereby injuring his right hand and rendering himself unfit for service.

Andover
 7th May 1980

A. B. JONES
 Group Captain
 Commanding
 Royal Air Force Station
 Andover.¹

To be tried by district² court-martial

Barchester
 8th May 1980

C. D. BROWN
 Air Vice-Marshal
 Commanding
 No. 6 Group.³

NOTES

¹As to who is a commanding officer for disciplinary purposes see Q.R.994. It must be made apparent from the description of the commanding officer's appointment which follows his signature, that he is the commanding officer of the unit or station to which the accused, in the heading of the charge sheet, is stated to belong. This fact would not be apparent in the illustration given above if, for example, the word "Station" were not included in the description of the commanding officer's appointment, because the accused is described as being of "Royal Air Force Station Andover."

²The type of court will be a general, district or field general court-martial according to the circumstances.

³The order for trial may be signed by a staff officer "an officer authorised to sign for" the convening officer, but in the event that staff officer's appointment should be shown (see second illustration charge-sheet).

(ii) CHARGE SHEET

The accused, No. P3216547 Corporal John ROBINSON, a non-commissioned officer of the air force reserve called out on permanent service subject to air force law under section 205(1)(h) of the Air Force Act 1955, and No. S4523176 Aircraftman William SPROGG, an airman of the Royal Auxiliary Air Force embodied, subject to air force law under section 205(1)(i) of the Air Force Act, 1955, both of Royal Air Force Station ANDOVER, are charged with:—

Both accused jointly:

FIRST CHARGE COMMITTING A CIVIL OFFENCE CONTRARY TO SECTION 70(1) OF THE AIR FORCE ACT, 1955, THAT IS TO SAY COMMON ASSAULT
in that they
at BATTLE on the 1st day of May 1980 assaulted Jack SPRATT.

Corporal ROBINSON only:

SECOND CHARGE STRIKING HIS SUPERIOR OFFICER CONTRARY TO SECTION 33(1)(a) OF THE AIR FORCE ACT, 1955
in that he
at Royal Air Force Station HASTINGS on the 1st day of May 1980 struck No. B9876345 Sergeant William GREEN of Royal Air Force Station ANDOVER.

Aircraftman SPROGG only:

THIRD CHARGE STRIKING HIS SUPERIOR OFFICER CONTRARY TO SECTION 33(1)(a) OF THE AIR FORCE ACT, 1955
in that he
at Royal Air Force Station HASTINGS on the 1st day of May 1980 struck No. C5678934 Sergeant John BROWN of Royal Air Force Station ANDOVER.

Andover
7th May 1980

A. B. JONES
Group Captain
Commanding
Royal Air Force Station
Andover.¹

To be tried by district² court-martial³

Barchester
8th May 1980

J. O. HOPE
Squadron Leader
Personnel Staff Officer
an officer authorised
to sign for the
Air Officer Commanding
No. 6 Group.

NOTES

¹See note 1 to charge-sheet (i) above.

²The type of court-martial will be a general, district or a field-general court-martial according to the circumstances.

³The order for trial by court-martial should not be entered on the charge-sheet until the convening officer has decided that the accused is to be tried by court-martial. ”

5. In Appendix 2 to Schedule 9 under the heading “OFFENDER 17 OR OVER BUT UNDER 21” in the paragraph dealing with a custodial order, after “Air Force Act 1955”, there shall be inserted “for a maximum period of

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules further amend the Rules of Procedure (Air Force) 1972 (“the Principal Rules”). The amendments themselves are contained in the Schedule to the Rules.

Paragraph 2 amends Part (1) of Schedule 2 of the Principal Rules, relating to commencement of charge sheets and is consequential upon the passing of the Reserve Forces Act 1980.

Paragraph 3 amends Part (2) of Schedule 2 of the Principal Rules, relating to statements of offences and is also consequential upon the passing of the Reserve Forces Act 1980.

Paragraph 4 replaces Part (3) of Schedule 2 of the Principal Rules relating to illustrations of charge sheets, in order to correct minor errors and omissions and to accord with current service writing procedures.

Paragraphs 1 and 5 are minor and drafting amendments.

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