
STATUTORY INSTRUMENTS

1991 No. 826

DEFENCE

**The Imprisonment and Detention
(Army) (Amendment) Rules 1991**

<i>Made</i>	- - - -	<i>15th March 1991</i>
<i>Laid before Parliament</i>		<i>15th April 1991</i>
<i>Coming into force</i>	- -	<i>27th May 1991</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 122 and 123 of the Army Act 1955⁽¹⁾ and all other powers enabling him in that behalf, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Imprisonment and Detention (Army)(Amendment) Rules 1991 and shall come into force on 27th May 1991.

Amendment of principal rules

2. The Imprisonment and Detention (Army) Rules 1979⁽²⁾ shall be amended in accordance with the following provisions of these Rules.

Places in which women shall serve military sentences of imprisonment or detention

3.—(1) In Rule 18(1), for the words from “or in unit” to the end there shall be substituted “or, pending reception therein, in a military establishment or part thereof (not being a military prison) of, or set apart for members of, the women’s forces.”

(2) In Rule 18(2), for the words from “in unit” to the end there shall be substituted “in a military establishment or part thereof (not being a military prison) of, or set apart for members of, the women’s forces.”

(3) In Rule 18(3), for the words from “service detention” to the end there shall be substituted “a military establishment or part thereof (not being a military prison) of, or set apart for members of, the women’s forces.”

(1) 1955 c. 18.

(2) S.I. 1979/1456, amended by S.I. 1980/723, 1983/1853.

(4) In Rule 19, for the words “other than one” there shall be substituted “unless the whole or part thereof is”.

Mechanical restraint and use of special clothing

4. In Rule 98(3)(f), the words “(i) shall not apply to unit detention rooms of a unit of the women's forces; and (ii)” and the words “(other than those of a unit of the women's forces)” shall be omitted.

Removal of references to the reconsidering authority

5.—(1) In Rule 2, the definition of “reconsidering authority” shall be omitted.

(2) In Rule 21, for the words “officer, reviewing authority or reconsidering authority” there shall be substituted “officer or reviewing authority”.

(3) In Rule 31, the words “(c) the reconsidering authority” and in paragraph (d) the words “or reconsidering” shall be omitted.

(4) In Rule 81(a), for the words “court-martial, the reviewing authority or the reconsidering authority” there shall be substituted “court-martial or the reviewing authority”.

15th March 1991

Tom King
Secretary of State for Defence

EXPLANATORY NOTE

(The note is not part of the Rules)

These Rules make further provision for the imprisonment and detention of service men and women in the army by—

- (a) amending Rules 18 and 19 of the Imprisonment and Detention (Army) Rules 1979 (as amended) to extend the range of establishments where service women may be held in custody;
- (b) amending Rule 98(3)(f) to provide that the Rules (Rules 91 to 97) relating to the use of mechanical restraint and special clothing are the same for service men and women; and
- (c) removing references to the reconsidering authority following the repeal of section 114 of the Army Act 1955.