

1961 No. 2469

## ARMY

## Board of Inquiry (Army) (Amendment) Rules, 1961

Made - - - -	20th December, 1961
Laid before Parliament	29th December, 1961
Coming into Operation	1st January, 1962

The Secretary of State, in exercise of the powers conferred upon him by section 135 of the Army Act, 1955(a), as amended by section 26 of the Army and Air Force Act, 1961(b), and of all other powers enabling him in that behalf, hereby makes the following Rules:—

*Citation, Interpretation and Commencement*

1.—(1) These Rules may be cited as the Board of Inquiry (Army) (Amendment) Rules, 1961.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) These Rules shall come into operation on the first day of January, 1962.

*Amendment of Principal Rules*

2. The Board of Inquiry (Army) Rules, 1956(d), shall be amended as follows:—

(1) In Rule 2—

(a) in paragraph (2) in the definition of “civilian witness” for the words “to which the Visiting Forces (Application of Law) Order, 1954(e), applies” there shall be substituted a comma and the words “that is to say, any such body, contingent or detachment of the forces of any country as is for the time being a visiting force for the purposes of any of the provisions of the Visiting Forces Act, 1952(f)”

(b) the following paragraph shall be added—

“(3) In these Rules references to the Army Council shall, in relation to the Royal Marines and the officers, non-commissioned officers and marines thereof, and to officers, non-commissioned officers and men of the Royal Marine Forces Volunteer Reserve or the Royal Fleet Reserve, include references to the Admiralty”

(2) For Rule 7 there shall be substituted the following:—

“7.—(1) Subject to paragraph (2) of this Rule a board shall consist of a president who shall be an officer not below the rank of captain or corresponding rank and be subject to military law, the Naval Discipline Act, 1957(g), or air-force law, and not less than two other members each of whom shall be either an officer so subject or a person not so subject who is in the service of the Crown.

(a) 3 & 4 Eliz. 2. c. 18. (b) 9 & 10 Eliz. 2. c. 52. (c) 52 & 53 Vict. c. 63.  
 (d) S.I. 1956/630 (1956 I, p. 207). (e) S.I. 1954/635 (1954 II, p. 2465).  
 (f) 15 & 16 Geo. 6 and 1 Eliz. 2. c. 67. (g) 5 & 6 Eliz. 2. c. 53.

(2) Where a board is convened with reference to such absence and deficiency (if any) as are mentioned in sub-paragraph (a) of paragraph (1) of Rule 4 one of the members of the board may be a warrant officer or a non-commissioned officer of the Royal Marines not below the rank of quarter-master-sergeant.

(3) The authority shall appoint the president by name and each remaining member of the board either by name or in the case of a person subject to military law, the Naval Discipline Act, 1957, or air-force law, by detailing a commanding officer to appoint from persons under his command an officer, or (in the case of a board referred to in paragraph (2) of this Rule) a warrant officer or a non-commissioned officer of the Royal Marines not below the rank of quarter-master-sergeant, of a specified rank."

(3) In Rule 11—

(a) In paragraph (1) after the words "witness or other person" where they first appear there shall be inserted a comma and the words "being a witness or other person subject to military law, the Naval Discipline Act, 1957, or air-force law,";

(b) there shall be added the following paragraph—

"(3) This Rule shall also apply to a witness or other person who, though not subject to military law, the Naval Discipline Act, 1957, or air-force law, is in the service of the Crown and may be affected in his character or professional reputation by the findings of the board";

(4) In Rule 13, in paragraph (3)—after the words

"reasonably practicable" there shall be inserted the words "without inconvenience or without delaying the proceedings".

Dated this 20th day of December, 1961.

*John Profumo.*

### EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules make the following amendments to the Board of Inquiry (Army) Rules, 1956 :—

- (a) certain minor amendments of definitions (Rule 1);
- (b) amendments concerning the constitution of boards of inquiry (Rule 7) and the persons who may be affected by the findings of a board (Rule 11), consequent upon certain provisions of the Army and Air Force Act, 1961; and
- (c) an amendment concerning the administration of oaths (Rule 13), consequent upon the provisions of the Oaths Act, 1961.

The references quoted are to provisions of the Board of Inquiry (Army) Rules, 1956.