

## 1970 No. 1732

## DEFENCE

## The Rules of Procedure (Army) (Second Amendment)

## Rules 1970

<i>Made</i>	- - -	18th November 1970
<i>Laid before Parliament</i>		25th November 1970
<i>Coming into Operation</i>		1st December 1970

The Secretary of State in exercise of the powers conferred upon him by sections 103, 104, 105 and 106 of the Army 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 (Army) (Second Amendment) Rules 1970 and shall come into operation on 1st December 1970.

*Interpretation*

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

*Amendment to the Rules of Procedure (Army) 1956(c)*

3.—(1) The Rules of Procedure (Army) 1956, as amended (d), shall be further amended in accordance with the following provisions of this Rule.

(2) In Part G of Form 5 in the Fourth Schedule (Record of Proceedings of a Court-Martial) under the heading "SENTENCE" the words "The court sentence the accused.....<sup>2</sup>to<sup>3</sup>" shall be replaced by the words "The court (having taken into consideration that he has spent ..... days in civil custody and ..... days in close arrest and ..... days in open arrest in connection with the matters for which he is before the court)<sup>2</sup> sentence the accused .....<sup>3</sup>to<sup>4</sup>".

In the said Part G the annotation "4" shall be replaced by the annotation "5".

In the said Part G footnotes 2, 3 and 4 shall be renumbered "3", "4" and "5" respectively and the following new footnote inserted:—

"2. The words in brackets are to be struck out when the sentence is mandatory e.g., 'to be imprisoned for life' where the offence is murder. In all other cases only words which are inapplicable should be deleted."

*Carrington,*

One of Her Majesty's  
Principal Secretaries of State.

Dated 18th November 1970.

(a) 1955 c. 18. (b) 1889 c. 63. (c) S.I. 1956/162 (1956 I, p. 213).  
(d) The relevant amending instruments are S.I. 1968/1180, 1969/680 (1968 II, p. 3192; 1969 II, p. 1853).

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules amend the Rules of Procedure (Army) 1956 so as to record the fact that in appropriate cases courts-martial have taken into account time spent in custody awaiting trial before deciding on the sentence awarded.

SI 1970/1732  
ISBN 0-11-001732-3



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