

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)

1979 No 1456

Imprisonment and Detention (Army) Rules 1979

Made - - - 19th October 1979

Authority: Army Act 1955, ss 119, 122, 123, 124, 126, 127, 129; Courts-Martial (Appeals) Act 1968, s 52; Armed Forces Act 1976, Sch 3, para 12; SI 1977 No 88, art 90

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part I Preliminary/1 Citation and commencement

Part I

Preliminary

1 Citation and commencement

These Rules may be cited as the Imprisonment and Detention (Army) Rules 1979, and shall come into operation on the first day of January 1980.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1980: see above.

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part I Preliminary/2 Interpretation

2 Interpretation

In these Rules unless the context otherwise requires--

"the Act" means the Army Act 1955;

"air-force establishment" means an air-force prison or any other establishment under the control of the Secretary of State maintained for the air-force service where persons may be required to serve air-force sentences of imprisonment or detention;

"air-force prison" means separate premises under the control of the Secretary of State maintained for the air-force service and primarily allocated for persons serving air-force sentences of imprisonment;

(1) The commandant may permit a soldier under sentence to be visited by a constable or, on the written order of a staff officer or provost officer of the Navy, Army or Royal Air Force, by any officer or other person whose duty it is to investigate the commission, or suspected commission, of an offence.

(2) The commandant shall permit any person to visit a soldier under sentence if that person is authorised to visit him by a warrant or an order of a court.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1980: see r 1.

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part VII Treatment, Employment, Discipline and Control of Soldiers Under Sentence/72 Medical attention

72 Medical attention

(1) The commandant shall ensure that every soldier under sentence shall be seen by a medical officer at least once every day on the occasions when he is--

- (a) in close confinement; or
- (b) subject to any form of mechanical restraint; or
- (c) sick or complains of sickness.

(2) The medical officer shall also see daily every soldier under sentence to whom his attention is especially directed by the commandant.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1980: see r 1.

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part VII Treatment, Employment, Discipline and Control of Soldiers Under Sentence/73 Functions of the medical officer

73 Functions of the medical officer

The medical officer shall have the care of the mental and physical health of soldiers under sentence in a military establishment. The commandant shall act in accordance with his advice in these matters unless to do so would be contrary to any Act or these Rules, or the officer in charge of the medical services of the district or command in which the military establishment is situated directs otherwise.

Initial Commencement*Specified date*

Specified date: 1 January 1980: see r 1.

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part VII Treatment, Employment, Discipline and Control of Soldiers Under Sentence/89 Corporal punishment prohibited

89 Corporal punishment prohibited

The commandant and members of the staff of a military establishment shall not inflict, or cause or allow to be inflicted, corporal punishment upon any soldier under sentence.

NOTES**Initial Commencement***Specified date*

Specified date: 1 January 1980: see r 1.

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part VII Treatment, Employment, Discipline and Control of Soldiers Under Sentence/90 Close confinement

90 Close confinement

- (1) No soldier under sentence shall be placed in close confinement unless he has been certified by the medical officer as fit to undergo that punishment.
- (2) A soldier under sentence in close confinement shall not be permitted to attend Divine Service.
- (3) A soldier under sentence in close confinement shall not be permitted any exercise except on the recommendations of the medical officer.
- (4) A soldier under sentence who is in close confinement shall not be deprived of his room furniture or books nor be subjected to any form of discipline which has not been lawfully ordered under these Rules.
- (5) A soldier under sentence who is in close confinement shall be visited at least once every day by the commandant or his deputy and the medical officer. In addition, he shall be visited at least once every three hours by a member of the staff of the military establishment.

NOTES**Initial Commencement***Specified date*

Specified date: 1 January 1980: see r 1.

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part VII Treatment, Employment, Discipline and Control of Soldiers Under Sentence/91 Mechanical restraint

91 Mechanical restraint

- (1) Soldiers under sentence may be put under mechanical restraint in the circumstances and under the conditions authorised by these Rules.
- (2) A soldier under sentence may be placed in handcuffs for the purpose of safe custody during removal from one place or establishment to another.
- (3) A soldier under sentence in a military establishment shall not be subjected to any form of mechanical restraint as a punishment.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1980: see r 1.

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part VII Treatment, Employment, Discipline and Control of Soldiers Under Sentence/92 Authorisation of mechanical restraint

92 Authorisation of mechanical restraint

- (1) If the commandant of a military establishment considers that a soldier under sentence ought to be placed under mechanical restraint to prevent him from injuring himself or others, damaging property or creating a disturbance, he may issue a written order that mechanical restraint is to be applied to the soldier under sentence. Such order shall be in the form provided for by Part I to Schedule 3 to these Rules and shall specify the date and hour when the restraint is to be applied and the period, not exceeding twenty-four hours, during which it shall be applied. Immediately after making the order the commandant shall notify the local commander and the medical officer that he has made such an order and the terms it contains.
- (2) On receiving such notification the medical officer shall examine the soldier under sentence and inform the commandant if he considers there is any objection on medical grounds to the application of the mechanical restraint which has been ordered. If such objection is made the commandant shall revoke or modify the order in accordance with the recommendations of the medical officer.
- (3) The commandant shall ensure that the soldier is not kept under mechanical restraint longer than is necessary and in any case for any period exceeding twenty-four hours, provided that the local commander may order that such period of mechanical restraint be extended for a further period or periods, each such period not to exceed forty-eight hours and to be the subject of a separate order in writing.
- (4) No type of mechanical restraint is to be used except one authorised by these Rules.
- (5) Whenever mechanical restraint is applied or removed an officer or a senior member of the staff of the military establishment shall be present. The name of the officer or member of the staff present on each

The commandant of a military establishment who orders the use of handcuffs on a soldier under sentence shall state in the written order authorising their use whether they are to be placed with the hands to the front of or to the rear of the body. When handcuffs are placed to the rear of the body they shall be moved to the front during meals and for sleeping.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1980: see r 1.

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part VII Treatment, Employment, Discipline and Control of Soldiers Under Sentence/95 Use of the strait waistcoat

95 Use of the strait waistcoat

- (1) The strait waistcoat shall not be used except under the direction of a medical officer. It may only be used when restraint is necessary to prevent a soldier under sentence from injuring himself or others, or from damaging clothing or other articles.
- (2) The medical officer shall visit every soldier restrained in a strait waistcoat at least once in every twenty-four hours and more often if he considers it necessary. He shall record in his journal all such visits, the periods of restraint and the reason for its application.
- (3) The commandant shall visit every soldier restrained in a strait waistcoat at least once every twenty-four hours.
- (4) A strait waistcoat shall never be applied for more than twenty-four hours consecutively. If at the end of that period the medical officer considers that the use of the strait waistcoat is still necessary he shall order it for a further period but the restraint shall not be applied until the soldier under sentence has been free of any form of restraint for at least one hour.
- (5) The medical officer shall inform the commandant in writing when the restraint is discontinued and when making a further order under paragraph [4] of this Rule.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1980: see r 1.

Amendment

Para (5): amended by SI 1983/1853, r 2(p)

UK Parliament SIs 1950-1979/1979/1451-1500/Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456)/Part VII Treatment, Employment, Discipline and Control of Soldiers Under Sentence/94 Use of the body belt