

2009 No. 1215

DEFENCE

The Armed Forces (Minor Punishments and Limitation on Power to Reduce in Rank) Regulations 2009

<i>Made</i> - - - -	<i>7th May 2009</i>
<i>Laid before Parliament</i>	<i>13th May 2009</i>
<i>Coming into force</i> - -	<i>31st October 2009</i>

The Defence Council make the following Regulations in exercise of the powers conferred by row 7 of the Table in section 132, section 132(3), section 138(7), row 11 of the Table in section 164, section 164(4) and section 164(6) of the Armed Forces Act 2006(a):

Citation and commencement

1. These Regulations may be cited as the Armed Forces (Minor Punishments and Limitation on Power to Reduce in Rank) Regulations 2009 and shall come into force on 31st October 2009.

Minor punishments available to the Court Martial and commanding officers

2. The first column of the following Table lists the minor punishments that may be awarded by the Court Martial or by a commanding officer who has heard a charge summarily, subject in the case of each punishment to any limitation shown in the second column opposite it.

Table

<i>Punishment</i>	<i>Limitation</i>
a stoppage of leave order	only if the offender is below the rank or rate of warrant officer
a restriction of privileges order	only if the offender is an able rate, marine, soldier, airman or military officer cadet
an admonition	

Stoppage of leave order

3.—(1) A stoppage of leave order is an order that the offender shall not leave a relevant place on a specified number of days without the permission of his commanding officer.

(2) The specified number of days shall not exceed 14.

(3) The commanding officer shall decide the dates on which each of the specified number of days is to fall.

(a) 2006 c. 52.

(4) Each date decided under paragraph (3) shall either be a calendar date or a date identified by reference to the occurrence of a particular event or circumstance.

(5) The commanding officer shall—

- (a) make the decision under paragraph (3) not more than 48 hours after the punishment is awarded; and
- (b) shall inform the offender of his decision as soon as practicable after he makes it.

(6) The latest date decided under paragraph (3) shall fall no later than 28 days after the date on which the order is awarded.

(7) The commanding officer may give permission under paragraph (1) at any time after the order is awarded and before the end of the day to which the permission relates.

(8) In this regulation “relevant place” means—

- (a) a naval ship or establishment;
- (b) a military establishment; or
- (c) an air force station.

Restriction of privileges order

4.—(1) Subject to paragraph (8), a restriction of privileges order is an order that on a specified number of days the offender shall perform such extra duties as his commanding officer shall decide.

(2) In this regulation “extra duties” means work, training or any other duty performed by the offender at times when he would not otherwise be required to perform any duty.

(3) The specified number of days shall not exceed 14.

(4) The commanding officer shall decide the dates on which each of the specified number of days is to fall.

(5) Each date decided under paragraph (4) shall either be a calendar date or a date identified by reference to the occurrence of a particular event or circumstance.

(6) The commanding officer shall—

- (a) make the decision under paragraph (4) not more than 48 hours after the punishment is awarded; and
- (b) inform the offender of his decision as soon as practicable after he makes it.

(7) The latest date decided under paragraph (4) shall fall no later than 28 days after the date on which the order is awarded.

(8) The offender shall not spend more than a total of five and a half hours performing extra duties on each day of the specified number.

Prohibited combinations of punishments

5.—(1) Paragraphs (2) to (4) apply where a commanding officer awards a minor punishment in respect of an offender.

(2) If he awards a stoppage of leave order, the only additional punishments he may award are—

- (a) a fine;
- (b) a severe reprimand or a reprimand;
- (c) a restriction of privileges order;
- (d) a service compensation order.

(3) If he awards a restriction of privileges order, the only additional punishments he may award are—

- (a) a fine;
- (b) a stoppage of leave order;

(c) a service compensation order.

(4) If he awards an admonition, the only additional punishment he may award is a service compensation order.

Power to direct that a minor punishment shall take effect at a later date

6. When awarding a minor punishment other than an admonition, the Court Martial or a commanding officer may direct that the punishment shall be treated as if it were awarded at a time not later than 28 days after it was awarded. In that event, any reference in these Regulations to when an order is awarded shall be construed as a reference to when, in accordance with this regulation, it is to be treated as awarded.

Delegations

7.—(1) Subject to paragraphs (2) and (3), a commanding officer may delegate any function conferred on him by these Regulations in relation to a punishment to any person subject to service law who is of or above the rank of naval lieutenant, military or marine captain or flight lieutenant.

(2) The commanding officer may only delegate a function under regulation 3(3) or 4(4) to the person who hears the charge to which the punishment relates.

(3) The commanding officer may delegate his function under regulation 4(1) (deciding the extra duties which the offender shall perform) to any person subject to service law who is of or above the rank or rate of chief petty officer, marine colour sergeant, military staff sergeant or flight sergeant.

Limitation on power to reduce an offender in rank

8. A member of any of Her Majesty's air forces may not be reduced under section 164 of the Armed Forces Act 2006 to a rank which is lower than the highest rank he has held in that force as an airman.

7th May 2009

Kevan Jones
Parliamentary Under Secretary of State
Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations authorise minor punishments which may be imposed on offenders by the Court Martial and by commanding officers who have heard charges summarily. The minor punishments authorised are stoppage of leave orders, restriction of privileges orders and admonitions. The punishments are listed in the first column of the Table in regulation 2 and limitations, if applicable, are listed in the second column. Regulations 3 and 4 make more detailed provision in relation to stoppage of leave orders and restriction of privilege orders respectively. Regulation 5 prohibits the combination of each minor punishment with certain other punishments (minor or otherwise). Regulation 6 permits the Court Martial, or the commanding officer who has heard a charge summarily, after awarding a minor punishment other than an admonition, to direct that it shall take effect at a date not later than 28 days after it was awarded. Regulation 7 provides for the delegation by commanding officers of the functions conferred on them by these Regulations. Regulation 8 prevents the Court Martial from reducing a member of any of Her Majesty's air forces below the highest rank he has held as an airman (Ranks held as an "airman" are ranks below that of corporal). A similar limitation is placed by section 135(3) of the Armed Forces Act 2006 on commanding officers' powers to impose reduction in rank.

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£4.00

