



Air Force Act 1955

1955 CHAPTER 19 3 4 Eliz2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

Execution of sentences of death, imprisonment and detention

121 Execution of sentences of death

- (1) The Secretary of State may make regulations with respect to the execution of sentences of death under this Act, whether passed in the United Kingdom or elsewhere.
- (2) Without prejudice to the generality of the last foregoing subsection regulations under this section may make provision with respect to all or any of the following matters, that is to say—
 - (a) the manner in which, the person by whom and the country or territory, place and kind of establishment (whether air-force or not) where any such sentence is to be executed; and
 - (b) the custody and treatment of the person under sentence and his removal from one place or establishment to another between the passing and execution of the sentence,or may authorise such persons as may be specified in or determined by or under the regulations to give directions with respect to all or any of those matters.
- (3) Such provost marshal or other provost officer not below the rank of squadron leader as may be specified in or determined under regulations under this section shall be responsible for the due execution of any sentence of death passed under this Act.

122 Imprisonment and detention rules

- (1) Subject to the provisions of this Act, the Secretary of State may make rules (in this Part of this Act referred to as Imprisonment and Detention Rules) with respect to all or any of the following matters, that is to say—

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- (a) the places in which and the establishments or forms of custody (whether air-force or not) in which persons may be required to serve the whole or any part of air-force sentences of imprisonment and detention passed on them;
 - (b) the committal of persons under air-force sentences of imprisonment or detention to the appropriate establishment or form of custody, their removal from one country or place to another and from one establishment or form of custody to another and their release on the coming to an end of any term of imprisonment or detention;
 - (c) the provision, classification, regulation and management of air-force establishments;
 - (d) the classification, treatment, employment, discipline and control of persons serving air-force sentences of imprisonment or detention in air-force establishments or otherwise in air-force custody ;
 - (e) the temporary release on compassionate grounds of persons serving such sentences in such establishments or custody as aforesaid, the cases in which, periods for which and conditions subject to which they may be allowed out of any such establishment or custody and the remission of part of any such sentence for good conduct and industry;
 - (f) the appointment, powers and duties of inspectors, visitors and governors, and of officers and other members of the staff, of air-force establishments.
- (2) Imprisonment and Detention Rules shall not authorise the infliction of corporal punishment.
- (3) Imprisonment and Detention Rules may apply with the necessary modifications all or any of the provisions of sections thirty-nine to forty-two of the Prison Act, 1952 (which relate to offences by persons other than prisoners).
- (4) Imprisonment and Detention Rules may, to such extent as may be provided by the Rules, be made so as to apply to persons detained in air-force establishments while serving sentences of imprisonment or detention awarded under the Naval Discipline Act or the Army Act, 1955, notwithstanding that such persons are not for the time being subject to air-force law.
- (5) The Secretary of State may as respects any area in which persons subject to air-force law are on active service delegate his power to make Imprisonment and Detention Rules to the officer commanding the command within which those persons are serving, subject to such restrictions, reservations, exceptions and conditions as the Secretary of State may think fit.

123 Supplementary provisions relating to regulations and rules under ss. 121 and 122

- (1) Regulations made under section one hundred and twenty-one of this Act or Imprisonment and Detention Rules may contain such incidental and supplementary provisions as appear to the Secretary of State to be requisite for the purposes of the regulations or rules.
- (2) Any such regulations or rules as aforesaid made by the Secretary of State shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

124 Restrictions on serving of sentences of detention in prisons

A person shall not be required to serve any part of an air-force sentence of detention in an air-force or civil prison:

Provided that in such cases and subject to such conditions as may be specified by or under Imprisonment and Detention Rules a person serving such a sentence may be temporarily detained in an air-force or civil prison for any period not exceeding seven days.

125 Special provisions as to civil prisons in the United Kingdom

- (1) A person sentenced to death or imprisonment and committed or transferred to a civil prison in pursuance of regulations under section one hundred and twenty-one of this Act or of Imprisonment and Detention Rules shall while in that prison be confined and otherwise dealt with in the same manner as a person confined therein under a like sentence of a civil court.
- (2) The Capital Punishment Amendment Act, 1868 and any rules made under section seven of that Act shall apply in relation to the execution in a civil prison of a sentence of death passed by a court-martial for any offence, but with the substitution in that Act for references to the sheriff of references to the provost marshal or other provost officer responsible for the due execution of the sentence.

126 Special provisions as to carrying out or serving of sentences outside the United Kingdom otherwise than in air-force establishments

- (1) A Secretary of State may from time to time make arrangements with the authorities of any country or territory outside the United Kingdom whereby sentences of death passed by courts-martial may in accordance with regulations under section one hundred and twenty-one of this Act be carried out in establishments under the control of those authorities and air-force sentences of imprisonment or detention may in accordance with Imprisonment and Detention Rules be served wholly or partly in such establishments.
- (2) The powers conferred on the Secretary of State by sections one hundred and twenty-one and one hundred and twenty-two of this Act shall extend to the making of such provision as appears to the Secretary of State necessary or expedient for giving effect to any arrangements made under the last foregoing subsection.
- (3) The said powers shall be so exercised as to secure that no sentence of death passed by a court-martial shall be executed, and no air-force sentence of imprisonment or detention shall be served, in an establishment in any country or territory outside the United Kingdom not being an air-force establishment, except in accordance with arrangements made as respects that country or territory.

127 Country in which sentence of imprisonment or detention to be served

- (1) A person who is serving an air-force sentence of imprisonment or detention in the United Kingdom may (in so far as may be specified by or under Imprisonment and Detention Rules) be removed out of the United Kingdom—
 - (a) to any colony in which he was enlisted; or
 - (b) to any place out of the United Kingdom where the corps or unit to which for the time being he belongs is serving or is under orders to serve,

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but not to any other place.

- (2) Subject to the following provisions of this section, a person sentenced under this Act, by a court-martial held out of the United Kingdom, to imprisonment or detention for more than twelve months shall as soon as practicable after the confirmation of the sentence is completed be removed to the United Kingdom.
- (3) The last foregoing subsection shall not apply in relation to any person belonging to a class of persons specified by or under Imprisonment and Detention Rules as persons whose removal to the United Kingdom would for reasons of climate, place of birth or place of enlistment or any other reason not be beneficial.
- (4) Where a person has been sentenced under this Act, by a court-martial held out of the United Kingdom, to imprisonment or detention for more than twelve months, the confirming officer or reviewing authority may notwithstanding anything in subsection (2) of this section direct that he shall not be required to be removed to the United Kingdom until he has served such part of his sentence, not exceeding ,(in the case of a sentence of more than two years' imprisonment) two years, as may be specified in the direction; and in determining whether or not to exercise the powers conferred by this subsection a confirming officer or reviewing authority shall have regard to any recommendation in that behalf made by the court-martial.
- (5) Any direction of a confirming officer under this section may at any time be revoked by the confirming officer or by a reviewing authority, or superseded by any direction of the confirming officer or a reviewing authority which the officer or authority could have given under the last foregoing subsection ; and any direction of a reviewing authority under this section may at any time be revoked by a reviewing authority or superseded as aforesaid.
- (6) Any direction given under this section, and the revocation of any such direction, shall be promulgated.
- (7) In ascertaining at any time for the purposes of this section the nature or length of a sentence regard shall be had to any commutation or remission of the sentence previously directed.

128 Application of enactments relating to coroners

- (1) Section five of the Capital Punishment Amendment Act, 1868 (which makes special provision for the holding of inquests on the bodies of persons on whom judgment of death has been executed within the jurisdiction of a coroner) shall apply in relation to the execution in any premises in the United Kingdom under the control of the Secretary of State within such jurisdiction of a sentence of death passed under this Act by a court-martial as it applies to the execution of a judgment of death passed by a civil court, but with the substitution for the reference to the sheriff of a reference to the provost marshal or other provost officer responsible for the due execution of the sentence.
- (2) The Coroners Acts, 1887 to 1926 shall apply in relation to any premises in the United Kingdom under the control of the Secretary of State and allocated for the accommodation of persons sentenced by court-martial to imprisonment or detention as those Acts apply in relation to a prison.

129 Duties of governors of prisons and others to receive prisoners

- (1) It shall be the duty of the governor of a civil prison, or, in so far as regulations under section one hundred and twenty-one of this Act or Imprisonment and Detention Rules so provide, of the superintendent or other person in charge of a prison (not being an air-force prison) in a colony, to receive any person duly sent to that prison in pursuance of the regulations or rules and to confine him until execution of the sentence is completed or the prisoner is discharged or delivered over in due course of law.
- (2) Where a person is in air-force custody in pursuance of an air-force sentence of imprisonment or detention, then on receipt of a written order in that behalf purporting to be signed by that person's commanding officer it shall be the duty of any such governor, superintendent or other person as aforesaid, of the police officer in charge of a police station or of any person in charge of any other place in which prisoners may be lawfully confined (whether the station or place is in the United Kingdom or in a colony), to keep that person in custody for a period not exceeding seven days unless the said person is earlier discharged or delivered over in due course of law.

130 Application to military establishments and custody

- (1) In section one hundred and eighteen of this Act, the reference in subsection (2) to an air-force establishment shall include a reference to a military establishment (within the meaning of the Army Act, 1955).
- (2) In section one hundred and nineteen of this Act references to an air-force establishment and to Imprisonment and Detention Rules shall include respectively references to such a military establishment as aforesaid and to Imprisonment and Detention Rules made under the Army Act, 1955, and the reference in subsection (5) to air-force custody shall include a reference to military custody.
- (3) In section one hundred and twenty-four of this Act the reference to an air-force prison shall include a reference to a military prison (within the meaning of the Army Act, 1955).
- (4) In subsection (3) of section one hundred and twenty-six of this Act the reference to an air-force establishment shall include a reference to a military establishment (within the meaning of the Army Act, 1955).