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**1981 No. 1220**

**DEFENCE**

**The Rules of Procedure (Army) (Amendment) Rules 1981**

<i>Made - - - -</i>	<i>14th August 1981</i>
<i>Laid before Parliament</i>	<i>8th September 1981</i>
<i>Coming into Operation</i>	<i>1st October 1981</i>

The Secretary of State, in exercise of the powers conferred on him by sections 103 and 209 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) (Amendment) Rules 1981 and shall come into operation on 1st October 1981.

*Amendment*

2. The Rules of Procedure (Army) 1972(b) as amended(c) shall be further amended in the manner and to the extent prescribed in the Schedule to these Rules.

Dated this 14th day of August 1981.

*Philip C. Goodhart,*  
Parliamentary Under Secretary  
of State for the Armed Forces.

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(a) 1955 c. 18.            (b) S.I. 1972/316.  
(c) The relevant amending instrument is S.I. 1977/92.

## SCHEDULE

## AMENDMENTS TO THE RULES OF PROCEDURE (ARMY) 1972(a)

1. In paragraph (2) of Rule 79, after "31", there shall be inserted "31A".
2. So much of Part (1) of Schedule 2 as follows the commencement of charge-sheet prescribed for the purposes of section 131 of the Army Act 1955 shall be deleted and the following shall be substituted therefor—

“ RESERVE FORCES ACT 1980  
PART IV (ARMY RESERVE)

The accused.....(number, rank, name and unit) being liable to trial by court-martial under the provisions of section  $\left\{ \begin{array}{l} 73(4)(a) \\ 76(2) \end{array} \right\}$  of the Reserve Forces Act 1980, is charged with:—

## PART V (TERRITORIAL ARMY)

The accused.....(number, rank, name and unit) being liable to trial by court-martial under the provisions of section 113 of the Reserve Forces Act 1980, is charged with:—

## PART VII (ULSTER DEFENCE REGIMENT)

## SECTION 141

The accused..... (number, rank, name and unit) being subject to military law under section 141  $\left\{ \begin{array}{l} (a) \\ (b)(i) \\ (b)(ii) \end{array} \right\}$  of the Reserve Forces Act 1980, is charged with:—

## SECTION 143

The accused..... (number, rank, name and unit) being liable to trial by court-martial under the provisions of section 143(1) of the Reserve Forces Act 1980, is charged with:—”

3. So much of Part (2) of Schedule 2, as follows the statement of offence prescribed for the purposes of paragraph 4(6) of Schedule 5A of the Army Act 1955 shall be deleted and the following shall be substituted therefor—

“ RESERVE FORCES ACT 1980  
PART IV (ARMY RESERVE)  
SECTION 73

(1)  $\left\{ \begin{array}{l} \text{Desertion} \\ \text{Absence without leave} \end{array} \right\}$  contrary to section 73(1) of the Reserve Forces Act 1980.

(2) Absence without leave contrary to section 73(3) of the Reserve Forces Act 1980.

## SECTION 76

(1)(a) Failing to comply with { orders } respecting the payment of the Army Reserve contrary to section 76(1)(a) of the Reserve Forces Act 1980.

(1)(b) Failing to attend at a place where he was required to be contrary to section 76(1)(b) of the Reserve Forces Act 1980.

(1)(c) { Using { threatening } language } to { an officer } contrary to section 76(1)(c) of the Reserve Forces Act 1980.  
 { Behaving in an insubordinate manner } { a warrant officer }  
 { } { a non-commissioned officer }

(1)(d) { Fraudulently obtaining } { pay } contrary to section 76(1)(d) of the Reserve Forces Act 1980.  
 { Being an accessory to } { [other sum] }  
 { the fraudulent }  
 { obtaining of }

(1)(e) Failing to comply with { orders } contrary to section 76(1)(e) of the Reserve Forces Act 1980.  
 { regulations }

## PART V (TERRITORIAL ARMY)

## SECTION 106

(1) { Desertion } contrary to section 106(1) of the Reserve Forces Act 1980.  
 { Absence without leave }

## PART VII (ULSTER DEFENCE REGIMENT)

## SECTION 143

(1)(a) Failing to attend at a place where he was required to be contrary to section 143(1)(a) of the Reserve Forces Act 1980.

(1)(b) Failing to comply with { orders } contrary to section 143(1)(b) of the Reserve Forces Act 1980.  
 { regulations }

4. In Part (1) of Schedule 5, under the heading "WARRANT OFFICERS AND NON-COMMISSIONED OFFICERS" after the words "To be admonished", there shall be inserted "(non-commissioned officers only)".

5. In Appendix 2 to Schedule 9 under the heading "OFFENDER 17 OR OVER BUT UNDER 21" in the paragraph dealing with a custodial order, after "Army Act 1955", there shall be inserted "for a maximum period of .....".

**EXPLANATORY NOTE**

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

These Rules further amend the Rules of Procedure (Army) 1972 ("the Principal Rules"). They are for the most part consequential upon the passing of the Reserve Forces Act 1980. The amendments themselves are contained in the Schedule to the Rules.

Paragraph 2 amends Part (1) of Schedule 2 of the Principal Rules, relating to commencement of charge-sheets and is consequential upon the passing of the Reserve Forces Act 1980.

Paragraph 3 amends Part (2) of Schedule 2 of the Principal Rules, relating to statements of offences and is also consequential upon the passing of the Reserve Forces Act 1980.

The remaining provisions are minor and drafting amendments.

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