

CHAPTER 15

DISCIPLINE**SECTION 1 – GENERAL****989. Acquaintance with Regulations, etc.***Sponsor: ACOS Pers Pol (RAF)*

- (1) Every officer is to make himself acquainted with, obey, and, so far as he is able, enforce, the Armed Forces Act 2006, the Queen's Regulations for the RAF, and all other regulations, instructions and orders that may from time to time be issued. He is also to conform to the established customs and practices of the Service.
- (2) Every airman will be held personally responsible for making himself acquainted with:
 - (a) The Queen's Regulations for the RAF.
 - (b) Station Standing Orders published under QR 65.
 - (c) Such station and other local orders and instructions as are necessary for the due performance of the duties appertaining to his Service employment, and
 - (d) Such orders and details of duties as are posted in his station. He will further be required to conform to the established customs and practices of the Service.
- (3) A copy of Queen's Regulations for the RAF is to be held available for reference by airmen and is to be kept by unit HR staff or in such other place that the CO may decide. COs are responsible that the copy is kept up to date and that airmen are notified by means of Station Routine Orders or otherwise where the copy is kept.
- (4) Ignorance of duly published regulations, or orders, will not be admitted as an excuse for their non-observance.
- (5) The contents of paragraph (2) above is to be published in unit routine orders at 3-monthly intervals.

990-992. (Omitted)**993. Occupation of Public Accommodation.***Sponsor: ACOS Pers Pol (RAF)*

- (1) Personnel will be required to occupy, and to meet by deductions from pay the charges for, public accommodation where this is appropriate for Service reasons, or where suitable alternative accommodation is not available.
- (2) Single and married unaccompanied personnel in the following categories are to occupy public accommodation:

- (a) Airmen under 18 years of age unless granted permission by COs to reside with parents/guardians; those wishing to reside in any other location are to obtain written consent from parents/guardians before seeking permission from COs.
 - (b) Airmen undergoing training on courses for which there is a requirement to live in, as determined by CinC Air Command.
 - (c) Officer cadets in circumstances defined by CinC Air Command.
 - (d) Officers and airmen serving at certain units overseas. (The authority under which living-in is to be regarded as mandatory on overseas stations will be laid down by the unified commander or by the single Service commanders in committee.)
 - (e) Officers and airmen in circumstances when training, operational, security, welfare or management factors are overriding.
- (3) In applying the general principle at clause (1) above and in determining who should be ordered to live in under the terms of clause (2)(e) above, COs should avoid unnecessarily restricting the freedom of choice of their personnel. Except for those categories at clause (2)(a) to (d) above, personnel should not normally be ordered to live in public accommodation unless operational efficiency, security or the good name of the Service would otherwise be jeopardised, or administrative circumstances (e.g. persistent lateness in reporting to work because of transport difficulties) make it necessary. However, the option to live out in private accommodation may be exercised only provided that:
- (a) Permission is granted by the CO.
 - (b) Suitable private accommodation is available within reasonable commuting distance of place of duty.
 - (c) Where accommodation is to be shared with other Service personnel on a communal basis, arrangements are in accordance with the spirit of Para 997 which defines relationships with subordinates.
 - (d) Rooms and bed spaces are not retained on camp.
 - (e) Responsibility for the payment of rent including any rent outstanding at the time of a move on posting or detachment and any damages claimed by the landlord, rests with the tenant (Personnel are advised to include in any tenancy agreement a Service clause which will allow a break at short notice, including the termination of any lease.)
- (4) Personnel wishing to exercise their option to vacate public accommodation are to give a minimum of 21 days notice of their intention to do so. They are to state the address of the premises at which they intend to live and are to give notice of any subsequent intention to leave that accommodation and live elsewhere.

994. Definition of 'CO' for Disciplinary Purposes.*Sponsor: ACOS Pers Pol (RAF)*

- (1) The law, in the form of the Armed Forces Act 2006 (The Act), places a CO at the centre of the Service Justice System and confers a range of powers on him. The Act also defines higher authority as any officer in the CO's disciplinary chain of command who is superior. Volume 1 Chapter 2 of the Manual of Service Law (MSL) provides comprehensive guidance on the meaning of commanding officer and explains how a person's CO, for any purpose under the Act is identified. This regulation provides a summary of the relevant parts of Chapter 2 and associated guidance.

(2) The CO is at the apex of a unit's command and control structure and it is in the CO that the union of command and the responsibility for discipline is embodied. A station commander, appointed by the Air Secretary, is an obvious example of a CO but there are a range of circumstances where the appointment of a CO may be less obvious. The key criteria for deciding whether a person is a CO are the type of unit, its function and location. QR 995 Definition of a Unit enlarges on this theme.

(3) There are a number of general principles that apply in relation to a CO that are designed to ensure that a CO is clear for whom he has disciplinary authority and who is his higher authority. Further, every Service person and relevant civilian should have a CO for disciplinary purposes, who in the case of the Service person is normally the CO of the unit of which he is a member.

Status of CO exceptions to general rules

(4) When an individual is for the time being in Service custody or detention at the Military Corrective Training Centre (MCTC), the officer in command of the MCTC is to be his CO for all purpose under the Act. This is to allow the CO of the MCTC to exercise discipline over all persons in his unit. Similarly, when an individual is serving a sentence of detention in a Service custody facility other than MCTC, he is to be attached to the unit responsible for that facility. Personnel arrested and held at units other than their own may continue to be commanded by their own COs or, their CO may decide that it would be more appropriate for the CO of the unit holding the individual to deal with him. This could be achieved by attaching the individual to the unit concerned or by making a bespoke appointment. Such specific

appointments can only be made by or on behalf of the Defence Council. Those officers authorised to make specific appointments are listed in Volume 3 of the MSL. Specific appointments of Cos override all other provisions as to the identity of a person's CO.

(5) Where a Service person is for the time being in a Service hospital as a patient, the CO of the hospital becomes the person's CO unless there are reasons for him to relinquish authority over the individual. In the latter event, the individual's unit CO resumes authority unless the individual is attached to a different unit. In the latter event the CO of the unit to which the individual is attached is to resume authority over the individual.

The 2-Rank Rule

(6) Only officers up to the rank of Wg Cdr and equivalents in the other 2 Services (Cdr and Lt Col) may be dealt with summarily by COs. In order to deal summarily with an officer the CO must be 2 ranks higher. Where the CO is not 2 ranks higher, an officer will be specifically appointed to be CO for the purpose of hearing the charge. The officer next higher in the CO's chain of command would usually be specifically appointed as CO in these circumstances.

995. Definition of a Unit.

Sponsor: ACOS Pers Pol (RAF)

(1) Volume 1 Chapter 2 of the Manual of Service Law (MSL) provides comprehensive guidance on the definition of a 'unit'. It also provides guidance on the criteria that have to be considered with regard to the creation of joint units, headquarters and the various sub-units. This regulation provides a summary of the relevant parts of Chapter 2 and associated guidance.

(2) A unit, in terms of the Armed Forces (Meaning of a Commanding Officer) Regulations 2009, is defined as: a naval ship or establishment; any body of Her Majesty's forces formed under the command of a person appointed to be the commanding officer of the body; and an air force station. A body of Her Majesty's forces includes a tactical wing and lesser formations that require unit status with an appointed CO to fulfil their operational commitments.

(3) Units (including joint units) may be created for specific purposes but they must meet certain criteria before they can be deemed units that require their own COs. The key questions that need to be determined are: does the unit have a specific, and individual, mission; does the unit need a CO for discipline in order to achieve its mission; is the unit capable of deploying as a discrete body in order to achieve its operational effect; would the unit's operational effectiveness decrease if a another CO exercised discipline over it; has the unit sufficient administrative support; and is there an appropriate higher authority?

Lodger Units and Co-accused

(4) A unit that is lodged with another unit will retain its own discipline chain and its CO will retain full powers. (See below for the particular regulations that apply to units aboard warships). COs of units that share a site are responsible for ensuring that discipline is seen to be fairly and evenly administered across the site. Co-operation and communication between COs in these circumstances will assist greatly in achieving this aim. This is especially apposite where there are co-accused. Here a single investigation and common legal advice would not only expedite the case but would also provide the foundation for a harmonised approach. Cases that involve co-accused should be dealt with in accordance with the lead Command principle. This usually means that the Command of the main protagonist takes the lead; however, legal advice is advisable in all such cases to determine the optimum way ahead at the earliest juncture. It should be borne in mind that it is possible under the terms of the Armed Forces Act 2006 to specifically appoint one CO to deal with co-accused from different units – Higher Authority should be consulted where this arrangement may be a consideration.

Attachments

(5) Where a Service person is attached to a unit, his CO for all purposes is the CO of the unit to which he is attached. If, for any reason, formal disciplinary action against an attached person is referred to his parent unit, the CO of the unit where he was previously attached should act in support of the CO dealing with the case.

Detachments

(6) Where a body of Service personnel is detached formally it should be formed as a unit under the command of a CO.

Forces Embarked in Her Majesty's Ships

(7) A CO with full powers should not normally be subordinate to another for disciplinary purposes; however, sea command has unique features and requires bespoke arrangements. Formed units with their own COs, sub units and individual personnel embarked on ships come under the command of the ship's CO for disciplinary reasons; they are in effect attached to the ship. There is one exception to this general rule; it concerns formed units with their own COs and it is where HQ Air Command (or HQ Land) has notified HQ Fleet that the CO of the formed, embarked unit will retain command for disciplinary purposes. However, it should be borne in mind that should a member of the formed unit commit an offence that affects the seagoing or fighting efficiency of the ship, or the incident takes place overseas where the sovereign immunity of the ship is an operative factor, the CO of the ship will be able to take jurisdiction over the accused. The accused is attached to the ship for disciplinary purposes.

996. Responsibility of Officers in General.

Sponsor: ACOS Pers Pol (RAF)

(1) An officer is responsible at all times for the maintenance of good order and discipline. Notwithstanding the provision's of Para 111, clause (9) an officer referred to therein is to exercise his authority in the maintenance of discipline, by virtue of his commission and rank, in circumstances independent of the special functions of his particular branch.

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- (2) An officer is to afford the utmost aid and support to his CO: it is his duty to notice, repress, and instantly report, any negligence or impropriety of conduct on the part of airmen, whether on or off duty and whether the offenders do or do not belong to his particular unit.

997. Treatment of Subordinates.

Sponsor: ACOS Pers Pol (RAF)

- (1) An officer of any rank is to adopt towards his subordinates such methods of command and treatment as will not only ensure respect for authority but also foster the feelings of self respect and personal honour which are essential to efficiency.
- (2) An officer is not to reprove a warrant officer or NCO in the presence or hearing of other airmen unless it is necessary for the benefit of example that the reproof be public.
- (3) Warrant officers and NCOs are to be guided by the foregoing principles in dealing with each other and with other airmen. They are to avoid intemperate language or an offensive manner.

998. Treatment of Young Airmen.

Sponsor: ACOS Pers Pol (RAF)

- (1) An officer, warrant officer or NCO entrusted with the duty of educating and training, is to endeavour to inculcate such a sense of honour, responsibility and esprit de corps as will cause misbehaviour to be regarded as a breach of trust and a disgrace to the culprit's squadron and school. Discipline is to be taught and maintained on its true basis and not on that of fear of punishment.
- (2) Every training school is to form a recreation committee whose aim will be to ensure that all trainees, particularly those on long, courses, have ample opportunity for occupation in their leisure hours for hobbies, cultural pastimes or organised entertainments. Trainees are to be represented on such committees.

999. Criticism of Superiors.

Sponsor: ACOS Pers Pol (RAF)

An officer is to refrain from making remarks or passing criticisms on the conduct or orders of his superiors, which may tend to bring them into contempt, and is to avoid saying or doing anything which, if seen or heard by, or reported to, those under him, might discourage them or render them dissatisfied with their condition or with the service on which they are or may be employed.

1000. Redress of Complaints.

Sponsor: ACOS Pers Pol (RAF)

- (1) A person subject to Service Law who thinks himself wronged in any matter relating to his service, or a person who has ceased to be subject to Service Law who thinks himself wronged in any such

matter may make a Service Complaint. The authority to make Service Complaints is derived from sections 334 to 339 of the Armed Forces Act 2006, the Armed Forces (Redress of Individual Grievances) Regulations 2007, The Armed Forces (Service Complaints Commissioner) Regulations 2007 and the Armed Forces Redress of Individual Grievances (Procedures and Time Limits) Regulations 2007.

- (2) Procedures and guidance on the process of making a Service Complaint, details of the Regulations listed above and the transitional arrangements for complaints made before 1 Jan 2008 are to be found in JSP 831 – (Redress of Individual Complaints: Service Complaints). Additional

arrangements for dealing with complaints of discrimination, harassment and bullying are contained in JSP 763 (The MOD Harassment Complaints Procedure).

1000A. Complaints to Employment Tribunals.
Tribunals)

Sponsor: Air Personnel Casework (Employment

(1) Service personnel also have the right to submit complaints to Employment Tribunals (ETs), Industrial Tribunals (ITs) in Northern Ireland primarily under the Equality Act 2010, under the Sex Discrimination Act 1975, the Sex Discrimination (Northern Ireland) Order 1976, the Race Relations Act 1976, the Race Relations (Northern Ireland) Order 1997, the Equal Pay Act 1970 and the Equal Pay Act (Northern Ireland) 1970, The Working Time Regulations 1998, The Sex Discrimination (Gender Reassignment) Regulations 1999, The Employment Equality (Religion or Belief) Regulations 2003 and The Employment Equality (Sexual Orientation) Regulations 2003. A complaint may not be presented to an ET before it has been submitted under the internal service complaints procedures - see Para **1000**. Complainants should note that ETs may refuse to accept a case if it is submitted outside the appropriate time limit. Responsibility for complying with the time limit lies entirely with the complainant.

(2) In recognition of the requirement for complaints to be submitted first under the internal service complaints procedures, the time limit for a Service complainant to refer his case to an ET on all eligible matters (except for claims under the Equal Pay Act 1970) is six months, which is three months longer than for civilians. Complaints under the Equal Pay Act 1970 may be made at any time during service or within nine months of leaving the Service. Where a person rejoins after a break in service, this time limit will continue to run irrespective of any subsequent period of service. However, it should be noted that the Equal Pay Act 1970 restricts any award of arrears of pay or damages to the two year period immediately preceding the date on which the complaint is submitted under the internal procedures.

(3) The decision as to whether, and if so, at what stage in the internal process, to refer a case to an ET is solely for the complainant to make. Complainants may seek advice from an independent source at any time on any matter relating to a complaint. Complainants may also take legal advice from a solicitor at their own expense at any time.

(4) Complainants who decide to await the outcome of the internal procedures before applying to the ET must note the need to submit their ET applications before the appropriate statutory deadline (see Para (2)). If a final decision on the complaint has not been reached by then, the MOD will nevertheless continue its investigation with a view to reaching a decision before a hearing date has been set. If a decision is reached before the ET hearing and the complainant is satisfied, he may withdraw the application to the ET.

(5) An application to the ET must be made on an Originating Application Form (ET1). Forms are available online at <http://www.employmenttribunals.gov.uk> Completed forms can be submitted online. Applications by post in England and Wales can be sent to the appropriate ET office, details of the appropriate centre can be found by accessing the 'hearing centre finder' on the employment tribunal website. In Scotland all postal claims can initially be processed by the Glasgow tribunal office, Eagle Building, 215 Bothwell Street, Glasgow, G2 7TS. New claimants in Northern Ireland should apply to: www.employmenttribunalsni.co.uk, the postal address of the office is; Killymeal House, 2 Cromac Quay, Ormeau Road, Belfast, BT7 2JD. Advice can also be obtained from an Employment Tribunal office, a Job Centre or from a Citizens' Advice Bureau.

(6) The Originating Application asks for the name and address of the employer. To ensure that MOD is able to comply with the ET deadline for the employer's initial response, it is most important that the correct MOD address is given. This is:

The Ministry of Defence, Air Personnel Casework
Headquarters Air Command

RAF High Wycombe,
Naphill,
Bucks, HP14 4UE.

- (7) If a complaint is still being considered under the internal service complaints procedures when the Originating Application is received, the MOD response will confirm this, indicating the likely duration of the procedures, and will normally request an adjournment until a Level 1 Decision is made.

1001. Equal Opportunities.

Sponsor: Hd of EOFG

The RAF aims to achieve universal acceptance of a working environment free from harassment, intimidation and unlawful discrimination in which, consistent with our legal obligations, all personnel have equal opportunity to realise their full potential in contributing to the maintenance and enhancement of operational effectiveness. Every individual will be valued for his or her unique contribution to the RAF, irrespective of race, ethnic origin, religion, gender or social background. This aim is vigorously supported by a policy of 'Zero tolerance' toward any form of harassment, intimidation or unlawful discrimination. Full detail of the RAF policy, together with guidance on submitting or dealing with complaints of harassment, intimidation or unlawful discrimination, are contained in AP3392 Vol 4 Leaflet 1803.

1002. Conflicting Orders.

Sponsor: ACOS Pers Pol (RAF)

If an officer should receive from his superior an order which he deems to be at variance with his obedience to any paragraph of these regulations, or with any particular order that may have been issued by the Defence Council or by another superior officer, he is to represent orally (or in writing if the order does not require immediate obedience) such contrariety to the officer from whom he receives it: and if after such representation that officer shall still direct him to obey the order, he is to do so.

J1003. Acceptance of Gifts, Rewards and Hospitality.

Sponsor: ACOS Pers Pol (RAF)

- (1) Subscriptions from Service personnel for the purpose of a presentation should normally be permitted only when the individual concerned leaves the Service; in no case is the subscription fund to be the subject of official orders.
- (2) Service personnel, when acting in an official capacity, should not be placed in a position where their actions might give the impression to anyone, inside or outside the Service, that they may have been or might be influenced to show favour or disfavour to any person or organisation by the receiving of any gift, reward, hospitality, loan or other consideration. Personnel should have regard not only to whether they feel themselves to have been influenced, but also to the impression that their actions will create on others.
- (3) The acceptance of a gift, reward, hospitality or other consideration will be allowed only in exceptional circumstances and, when personnel receive such offers, they should normally be refused. Where refusal might offend (for example when a gift is offered by a foreign Head of State, Government or governmental organisation) the item should be accepted and then surrendered to the MOD for disposal. If the donor is likely to pay a reciprocal visit it might be appropriate temporarily to retain and display the item. In these circumstances, CM(IR&C) should be notified that the gift has been retained.
- (4) Any offer that could be construed as an inducement or bribe (including an offer of lavish hospitality) is to be reported immediately to the commanding officer.
- (5) The same considerations apply to offers made to relatives or friends, where those offers are made because of a relationship or association with a member of the armed forces.

(6) MOD approval must be obtained before a presentation to, or exchange of gifts with, a

representative of the government or armed forces of another country is initiated on behalf of Her Majesty's Government as a charge to public funds.

(7) Overseas, and particularly in countries where gifts of appreciation are common, Service personnel are to exercise great caution in accepting a gift and any gift must be reported. Where a chain of command does not exist the Defence/Military Attaché, should be informed or in his absence the British Embassy or High Commission. Where a presentation has been made on departure from a host country, at an airport or port, and the recipient is clearly unable to report the acceptance of a gift in the country where it was presented, the recipient should declare the gift to Customs and Excise on arrival in the UK, explain the circumstances of its presentation and that it is to be reported to MOD (CM(IR&C)). Whether the gift is described as personal or official the Customs and Excise will probably hold the gift in bond and a receipt given which should be forwarded to CM(IR&C) when reporting the acceptance of the gift. Individuals should not pay duty on the gift and retain it since it may later have to be surrendered and the individual cannot be reimbursed.

(8) In any cases of doubt, Service personnel should seek advice through their chain of command to DP&T Discip Pol (RAF), and where a policy issue arises they will seek advice from CM(IR&C). Detailed instructions on the acceptance of gifts, rewards and hospitality are issued by CM(IR&C) annually in Defence Council Instructions.

J1004. Testimonials.

Sponsor: ACOS Pers Pol (RAF)

- (1) The publication of laudatory orders when an individual leaves his ship, establishment or unit, or when he relinquishes an appointment is forbidden.
- (2) Written testimonials may be provided by commanding officers and other senior officers only at the request of those who are about to leave the Service or have recently left it.
- (3) (RAF only) Detailed instructions governing the provision and content of testimonials are contained in AP 3392, Vol 2, Leaflet 706.

1005. Recommendations.

Sponsor: ACOS Pers Pol (RAF)

An officer is forbidden to forward testimonials relating to his services or character, with any application he may make to the MOD. In the event of an officer wishing that the opinion of officers under whom he has served should be brought to notice, he is to submit their names so that if necessary they may be referred to.

1006. Communication and Interview with MOD Officials.

Sponsor: ACOS Pers Pol (RAF)

- (1) An officer is forbidden to write private letters to officials in the MOD on official personal matters such as promotion, posting, etc.
- (2) Except as provided elsewhere in these or other regulations or instructions an officer on full pay serving at home is forbidden to ask for an interview with any official in the MOD unless he has previously obtained from the Air or other OC under whom he is immediately serving written permission to do so. If the grounds are considered good and reasonable, the application, which must state the purpose of the interview desired, is, in the first instance, to be forwarded to the appropriate department in the MOD or Lead Command so that an appointment may be made with the official concerned. The date and time of the appointment will be notified by the department concerned and the written permission is to be brought to the interview by the interviewee.
- (3) An officer temporarily at home, but belonging to a unit abroad, may apply in writing direct to the appropriate department in the MOD or Lead Command for an interview. or, in extreme urgency

only, may apply in person for an interview without previous permission.

(4) Attempts by officers or airmen to obtain favourable consideration of any application by the use of outside influence are forbidden and, if resorted to, will be regarded as an admission on the part of the applicant that his case is not good on its merits, and it will be dealt with accordingly.

(5) When an interview is asked for, or a letter is written on behalf of an officer or an airman by any person other than himself, such communication will be deemed to have been made at his suggestion unless he can show to the satisfaction of the authorities that he has no knowledge, directly or indirectly, of it.

(6) An airman is forbidden to write to the MOD, Lead Command or to officials serving therein on official personal matters.

(7) An airman is forbidden to visit the MOD or Lead Command for the purpose of obtaining an interview, unless he brings with him written permission from his CO: such permission is not to be given in connection with the redress of complaints which will be dealt with as laid down in Para **1000** it is to be granted only in very special circumstances when it is evident that an official application would not answer the purpose.

1007. Communication with other Services, etc.

Sponsor: ACOS Pers Pol (RAF)

An officer or airman is not to enter into direct communication with any Service or department of state or with any subordinate officer of such Service or department, at home or abroad, on subjects connected with the RAF, or with his particular duties or present or future employment in the Service unless authorized to do so by the regulations of the Service or by superior authority: all communications on such subjects are to be made through the proper channels to the MOD in order that such steps may be taken therein as may be necessary.

1008. Officers attending University Courses.

Sponsor: ACOS Pers Pol (RAF)

(1) An officer who is attending a course at a university will be subject to the university and college discipline, and is to comply with all standing orders and other directions issued by the university or college authorities.

(2) The senior officer in residence at a university is to be responsible generally for the discipline of all officers attending thereat during the period of residence.

(3) The officer mentioned in clause (2) will receive copies of DINs, and will be responsible that every officer is given full opportunity of keeping himself acquainted with all recent orders and instructions. It is his duty to impress upon all officers in residence at the university the importance of maintaining the highest standard of discipline in order that the reputation of the Service may not be damaged by adverse criticism. If he requires assistance or guidance he is to apply in writing to the appropriate headquarters for instructions.

1009. Officer's Character Impugned.

Sponsor: ACOS Pers Pol (RAF)

(1) An officer whose character or conduct as an officer has been impugned, must report the circumstances to his CO for investigation. Pending the investigation an officer may be suspended from duty, when the provisions of Para **J1009A** will apply. As to action taken when an officer is charged with an offence before a civil court, see Para **1062**.

(2) If any report submitted to higher authority, as a result of the CO's investigation required by

submission of an adverse report upon an officer is to be followed.

1009A. Officers Suspended from Duty.

Sponsor: ACOS Pers Pol (RAF)

(1) When an officer is suspended from duty, either in accordance with Para **1009** or when so ordered by higher authority, the following arrangements are to be made:

- (a) The officer is to be informed in writing by his CO of the reason for the suspension and the terms and conditions of suspension.
- (b) The officer is normally to remain at his parent unit accommodated in officers' mess quarters. If living in married quarters or private accommodation at or near his parent unit, he may be permitted with the prior authority of the CO, to remain there. An officer may be ordered by his CO to live in officers' mess accommodation when it would be in the interests of Service discipline. Alternatively, with the prior authority of the AOC, the officer may proceed to the home of his parents or relatives to await further orders.
- (c) If it is not appropriate for the officer to be retained at his parent unit, he is to be detached to a nearby unit where the accommodation arrangements detailed in (b) above are to be followed.
- (d) An officer suspended from duty is not to be required to return to his normal duties during suspension. He may, however, subject to prior authority from the AOC, be employed on secondary duties not connected with his normal primary task.

1010. Bankruptcy.

Sponsor: ACOS Pers Pol (RAF)

An individual who has a Receiving Order in Bankruptcy made against him or files a Petition for Bankruptcy or who is unable to meet his financial commitments, is to report the facts immediately to his CO. The CO is, if necessary, to report the matter, with his recommendations, to ACOS Manning through the usual channels. Further guidance on bankruptcy is contained in AP3392, Vol 5, Leaflet 121.

1010A. Private Debts.

Sponsor: RAF Employment Policy

Detailed instructions concerning the action to be taken on receipt of a complaint that an officer or an airman has failed to honour a financial obligation are contained in AP 3392, Vol 4, Leaflet 1802.

J1011. Trade Unions.

Sponsor: RAF Pers Sec (Legislation)

- (1) Regular Service personnel may become members of civilian trade unions and professional associations in order to enhance their trade skills and professional knowledge and as an aid to resettlement into civilian life. They are not to participate in industrial action or in any form of political activity organised by civilian trade unions or professional associations.
- (2) No restriction is to be placed upon the attendance at meetings of civilian trade unions or professional associations or at courses of instruction run by such organizations where attendance at such a meeting or course is intended to enhance trade skills and professional knowledge. Attendance at such meetings and courses is to be subject to the proviso that uniform is not to be worn, Service duties are not impeded, and no action is taken which would bring the Service into disrepute.
- (3) **Service Facilities and Speakers.** No Service facilities, including Service aircraft and motor transport, are to be used at, or in connection with, any function the purpose of which is to further the interests of a trade union or professional association, nor are Service bands to play at such functions.

Where requests are received from either of these groups for Service speakers to lecture or give a presentation, these should be referred for action to the MOD (Personnel Secretariat) who will reply direct to the group. If there is uncertainty about the nature of any organisation, the MOD should also be consulted.

J1012. Political Activities- General.*Sponsor: ACOS Pers Pol (RAF)*

- (1) Regular Service personnel are not to take an active part in the affairs of any political organisation, party or movement. They are not to participate in political marches or demonstrations.
- (2) No restriction is to be placed upon the attendance at political meetings of such personnel provided that uniform is not worn, that Service duties are not impeded and no action is taken which could bring their Service into disrepute.

J1012A. Parliamentary Candidature.*Sponsor: ACOS Pers Pol (RAF)*

- (1) Members of the regular Armed Forces of the Crown are disqualified from membership of the House of Commons (House of Commons Disqualification Act 1975) and from election to the European Parliament (European Parliamentary Act 1978). Such personnel must therefore apply for permission to retire voluntarily or resign or be granted a free discharge from the Service before their formal adoption as a Parliamentary candidate or prospective candidate. Such personnel must complete their last day of service before their formal adoption as a candidate or prospective candidate.
- (2) Attention is called to the Servants of the Crown (Parliamentary, European Communities or the Northern Ireland Assembly Candidature) Order 1987, reproduced at J Appendix 30, with which members of the Armed Forces to whom that Order applies, are required to comply.
- (3) In addition, no member of the Armed Forces to whom that Order would apply may announce himself in any manner as a candidate for election to the European Parliament, the Parliament of the Irish Republic or to any legislative assembly of the Commonwealth.
- (4) *(RAF only)*. The procedure for processing applications under this JQR is outlined in AP 3392, Vol 2, Leaflet 712.

J1012B. Release of Parliamentary Candidates.*Sponsor: ACOS Pers Pol (RAF)*

Any person to whom the Order mentioned in Para **J1012A** (1) applies, and who desires to stand as a parliamentary candidate or who seeks election as in Para **J1012A** (2), must make application through normal Service channels to retire voluntarily or to resign or to be granted a free discharge. In his own interests he should make application as early as possible. Approval of an application will depend on the exigencies of the Service. An unsuccessful candidate will have no right to reinstatement. A candidate or prospective candidate must take all steps within his power to ensure that no public announcement of his candidature or prospective candidature is made before he has retired or resigned or been discharged.

1013. Candidates in Local Government Elections.*Sponsor: ACOS Pers Pol (RAF)*

- (1) Serving personnel may not accept membership of any local authority, or allow themselves to be nominated for election to any such body, without the permission of Air Personnel Casework.
- (2) A member of the Armed Forces who is recalled for service while he is a member of a local authority is to report such membership to his CO.
- (3) Serving personnel who are permitted by Air Personnel Casework to be nominated for

election to any local authority may only stand as independent candidates, they are not to stand as candidates for any political organisation, party or movement, and, if elected, are not to involve themselves in any way in the affairs of any such organisation, party or movement.

J1013A. Political Activities in Service Establishments.

Sponsor: ACOS Pers Pol (RAF)

All forms of political activity, including political meetings and speeches, are prohibited in Service establishments. Canvassers may visit, and motor cars used for carrying electors to the poll may call at, married quarters and families' hostels to which there is normal access direct from the public highway. Where access is by Service roads and there is no separate entrance, access to married quarters will be at the discretion of the CO under such conditions as he may approve. Information about party programmes or policies is not to be made available through Service journals or information rooms; nor is any propaganda issued by or on behalf of a political party to be distributed in Service institutions. No publicity is to be given in Service establishments to meetings, fetes, or similar activities having a political association.

1013B. Service Facilities and Speakers.

Sponsor: ACOS Pers Pol (RAF)

(1) No service facilities, including Service aircraft and motor transport, are to be used at, or in connection with, any function the purpose of which is to further the interest of a political party or an organisation having controversial aims, nor are Service bands to play at such functions. Where requests are received from political groups for Service speakers to lecture or give a presentation, these should be referred for action to HQ Air (Pers Sec), who will reply direct to the group; if there is uncertainty about the nature of any organisation, MOD should be consulted.

(2) *(RAF only)*. If requested by Returning Officer, a polling booth may be set up in any suitable accommodation available at a Service establishment at the discretion of the CO. Primarily, such a polling booth would be to facilitate voting by Service personnel and their dependants, but other voters could not be debarred from voting there. If it is decided to allow the setting-up of a polling booth, the CO is to notify Defence Estates. Canvassing is not permitted near polling booths: advice on this point should be sought from the Returning Officer.

(3) *(RAF only)*. If a Service establishment contains a building which is the property of, or has been leased to, the local education authority, that building may at the discretion of the CO be used for political meetings by candidates.

(4) *(RAF only)*. In considering whether or not to exercise his discretion under clauses (2) and (3) the CO is to be as helpful as the requirements of national security, in its widest aspects will allow.

1014. (Omitted)

J1015. Gambling.

Sponsor: ACOS Pers Pol (RAF)

(1) Except as provided in clause (2) all forms of gambling and book-making (or acting as an agent for a bookmaker) are forbidden in ships, establishments or units.

(2) Any proposal to hold a lottery or sweepstake or to permit any other lottery or gambling is to be referred to the CO. If he agrees to the proposal, he is to issue such instructions as he considers necessary and to ensure that the provisions of the Gaming Acts are complied with. Outside Great Britain he is to satisfy himself that there is also no infringement of local law.

J1015A. Money lending.

Sponsor: ACOS Pers Pol (RAF)

Personnel are forbidden to engage in money lending or to borrow money from their subordinates.

1016. Intoxicants.*Sponsor: ACOS Pers Pol (RAF)*

COs are to issue such orders as they consider necessary to control the sale and consumption of intoxicants within Service establishments. In determining these orders COs are to pay particular attention to the requirements of UK law in relation to young people. Orders may also be necessary to restrict the premises into which intoxicants may be introduced.

1017. Flying Discipline.*Sponsor: Policy Staffs, HQ RAFF*

(1) Any incident in which a breach of flying discipline may have occurred is to be reported to and investigated by the RAF Special Investigations Branch Defence Flying Complaints Investigations Team. The investigation report is to be submitted to Directorate of Air Staff (Low Flying) (DAS LF) and any other appropriate higher authority; where the evidence discloses that the alleged breach was deliberate, or caused by neglect of a serious nature, court martial action should follow. Neglect that is not of a serious nature may be dealt with appropriately by summary disposal or administrative action.

(2) While reprimands and severe reprimands may be appropriate to some cases, the more appropriate punishment for breaches of flying regulations is a fine, either on its own or in conjunction with a reprimand or severe reprimand. The Defence Council does not regard the imposition of a stoppage of pay towards the loss or damage involved or an order made under AFA 2006, as appropriate.

1018. Race Relations - Armed Forces Code of Practice.*Sponsor: ACOS Pers Pol (RAF)*

Details of the Armed Forces Code of Practice on Race Relations, together with guidance for COs on dealing with complaints of racial discrimination or harassment are contained in JSP 763 and AP3392, Vol 4, Chap 18.

1019. Appraisals on Officers.*Sponsor: RAF Employment Policy*

(1) Officers' appraisals on MOD Forms 2020 are to be prepared and forwarded to Manning on the annual and other occasions described in JSP 757.

(2) The CO of a unit on whose strength officers are borne is responsible for ensuring that reports are submitted at the appropriate times.

(3) Officers are to be reported on in the rank (including acting rank) in which they are serving on the date of report, except as regards fitness for promotion. For the purpose of the promotion assessment included in the report they are to be considered in substantive rank and not in any higher rank held on the date of the report.

(4) MOD Form 2020 is to be completed in accordance with the instructions contained in JSP 757.

(5) Reports on MOD Forms 2020 are considered privileged and will not be made public. They are to be safeguarded by privacy marking "PRIVATE".

(6) Manning will consider reports on MOD Forms 2020 when evaluating an officer's fitness for appointments and promotion.

(7) MOD Form 2020 is not to be used for the purpose of submitting a report on any officer under Para **1027**. All such reports are to be made in narrative form and are to be submitted immediately they become necessary. They are not to await the normal occasions for submitting annual appraisals.

1019A. (Omitted)

1020. (Omitted)

1021. (Omitted)

1022. Powers of Provost Officers and RAF Police.

Sponsor: Policy Staffs, HQ RAFP

A Provost Officer or RAF Policeman may arrest any persons subject to service law irrespective of rank and civilians subject to service discipline if he reasonably suspects them of being engaged in committing, of having committed or about to commit a service offence. Additionally they may arrest any person being at large after sentence of service detention has been awarded.

1023. Drugs Misuse - RAF Policy on Disposal of Cases.

Sponsor: ACOS Pers Pol (RAF)

Details of the Services' policy on the disposal of cases involving the misuse of drugs, together with background information commonly misused drugs, are contained in JSP 835.

J1023A. Compulsory Drug Testing (CDT).

Sponsor: ACOS Pers Pol (RAF)

- (1) Tri-Service policy on drug testing is implemented by Joint and Single-Service Compulsory Drug Testing teams, who are authorised to supervise the taking of urine samples from Service personnel. Samples are subsequently analysed by an independent laboratory for the presence of controlled drugs, and commanding officers notified of the results. Units, detachments or individuals, wherever they are in the world, are liable to testing, which may be with or without prior notification. The team supervising a test may comprise members drawn from any of the three Services.
- (2) If a unit or detachment is visited by a Compulsory Drug Testing Team, or when a devolved compulsory drug test is authorised to be conducted in a unit or detachment, each officer, warrant officer, non-commissioned officer, rating, marine, private or airman is required to provide a urine sample when requested to do so by a drug testing officer. The following are authorised as drug testing officers:
 - a. Any officer, warrant officer, senior rating, non-commissioned officer, or leading rating appointed or drafted to have immediate authority over or to serve as a member of Compulsory Drug Testing Team;
 - b. Any officer, warrant officer, senior rating, non-commissioned officer, or leading rating assisting in the supervision of tests on the authority of a drug testing officer authorised in accordance with sub-Para 2a above.
- (3) Failure to provide a sample of urine when requested to do so by a drug testing officer is an offence under each Service Discipline Act. Substitution, adulteration or corruption of a sample may be construed as being a refusal to supply a specimen for analysis. Conviction of such an offence may result in the punishment of Dismissal from Her Majesty's Service, which may be accompanied by a custodial sentence of up to 6 months.
- (4) Personnel who provide a urine sample that tests positive for a controlled drug will be individually notified of the result. Subsequently, other than in exceptional circumstances, they may be subject to administrative discharge in accordance with single-Service regulations. Moreover, if investigations reveal evidence of further offences, disciplinary action may also be taken, and this would normally take precedence over any administrative action.

1024. Victim's Charter.*Sponsor: ACOS Pers Pol (RAF)*

- (1) The Victim's Charter (a Statement of the Rights of Victims of Crime) is a Home Office document which sets out the rights and expectations of people who have become the victims of crime.
- (2) The Code Of Practice On Services To Be Provided By The Armed Forces To Victims Of Crime is an administrative code applied by the MOD which is essentially about the passage of information to a victim at various stages throughout the armed forces criminal justice process, the purpose being to keep the victim of crime informed of key events in relation to their case and enabling the victim to know to whom to turn for that information. The Code places responsibilities on COs, the Prosecuting Authorities and the Service Police to provide information to the victims of crime (see 2008DIN 01-212).

1025. Acquaintance with Armed Forces Act 2006.*Sponsor: ACOS Pers Pol (RAF)*

COs are to ensure that all Service personnel under their command are acquainted with the Manual of Service Law Volume 1 Chapter 7 (Non Criminal Conduct (Disciplinary Offences) and Chapter 13 (Summary Hearing Sentencing and Punishments). The import of Chapter 7 is also to be explained to recruits during their initial training so as to preclude the possibility of ignorance on their part of the additional offences and punishments to which they render themselves liable by becoming subject to Service law. A copy of AP 3392, Volume 4 'P1 Administration' and a copy of the Manual of Service Law are to be available to all personnel at all permanent duty stations.

1026. Concealment of Disease.*Sponsor: SOI Med Pol*

In every unit there is to be a standing order directing that all ranks who know or have reason to suspect that they are suffering from any infectious disease (including venereal disease) are to report themselves sick to the RAF Medical Authorities without delay. The order is to be brought to the attention of recruits on joining. Disobedience of such unit standing order will be dealt with under Chapter 13, AFA06.

1027. Administrative Action.*Sponsor: ACOS Pers Pol (RAF)*

- (1) The RAF system of administrative action encompasses a range of processes employed to rehabilitate, censure or initiate administrative sanctions in respect of an individual for professional or personal failings. It is separate from disciplinary action under the Air Force Act although it may be appropriate to initiate administrative action as a consequence of, and in addition to, civil proceedings or military disciplinary action. Reports under this paragraph are not to be regarded as a substitute for disciplinary action. The process for administrative action is described in AP 3392, Vol 5, Leaflet 127. It is a graduated 2-stage process and comprises:

a. Minor Administrative Action

- (1) Report Back Muster/Parades
- (2) Extra Duties/Tasks
- (3) Extra Work
- (4) Informal/Formal Interviews
- (5) Return to Unit (RTU)

- b. Major Administrative Action
 - (1) Formal Warning
 - (2) Administrative Report (AR)

The specific procedures for Minor Administrative Action, formal warnings and ARs are dealt with in AP 3392, Vol 5, Leaflets 128, 129 and 130 respectively. These procedures apply to all ranks and officers.

Administrative Reports

(2) It is not necessary to exhaust each stage of administrative action before initiating the next level if the seriousness of the case warrants the immediate use of a higher level of sanction. If a CO or commander of a Gp or Comd or other reporting officer considers that an AR is appropriate in relation to an officer, warrant officer, non-commissioned officer or airman serving under his command, a report is to be raised in accordance with Para 1b(2) of this QR immediately it is warranted, following the guidance in AP 3392, Vol 5 Leaflet 130.

(3) The individual reported on is to have a copy of the original report disclosed to them for their signature and be advised of their right of reply. The individual is to be informed of the procedures for the disposal of the report given in AP 3392, Vol 5 Leaflet 130. In all cases, all personnel involved in the case, including the subject of the report, are to be reminded of the document handling caveat in relation to third parties. In cases of a sexual nature, given the sensitive information likely to be contained in such reports, extra care should be taken in the staffing process, particularly in relation to disclosure

(4) The initiating officer may recommend one or more specific sanctions in an AR; the sanctions available for officers and airmen are detailed below. If, during the course of preparing the AR, a lesser form of administrative action is considered more appropriate the Report may be withdrawn and a Formal Interview or a Formal Warning initiated instead. However, where a more severe sanction is recommended, the case is to be re-disclosed to the subject.

(5) In all cases (except those based upon the subject having been given a custodial sentence) where it is considered appropriate to terminate an officer's commission (including compulsory retirement and being called upon to retire) or compulsorily discharge of an airman from the Service, no disposal decision shall be made until the individual has been given an opportunity to make representations in person to the appropriate disposal authority. During such an interview, the subject has the right to be accompanied by a Service Colleague in accordance with AP 3392, Vol 5, Leaflet 130. For the avoidance of doubt, the right to an interview under this QR does not extend to individuals who are serving a custodial term.

Sanctions

(6) **Airmen.** In addition to the ability of the chain of command to initiate Minor Administrative Action and/or Formal Warnings, reports by COs on airmen under this regulation may be raised in relation to one of the following courses of action, for consideration by the appropriate disposal authority:

- (a) Discharge from the Service under the terms of Para 607(6)(b) or (c), **607(7)(b)** or (c), **607(18)**, **607(21)** or **607(22)(b)** or **607(24)(b)** or **607(25)** (a) or (b) as appropriate.
- (b) Reduction in rank:
 - (i) An airman who is reduced in substantive rank but not discharged is, except where over-riding Service reasons apply, to be posted.

(ii) The reduction of an airman is to take effect immediately the order is signed. If, as a consequence of the reduction, the airman is to be remustered, and he opts for discharge under Para 607(10)(e) in the circumstances at subparagraph (c), he is to be discharged in his existing trade in the rank to which he has been reduced.

(iii) A Warrant Officer or NCO is not to be reduced below the highest aircraftman rank appropriate to his trade career plan, or the highest aircraftman rank to which he is qualified unless reduction is ordered by the appropriate authority because of an offence against trade practices, or on the basis of general inefficiency as a tradesman. See also paras 623A, 1118 and 1061(20) or (21).

(iv) An airman (including an airman transferred from other arms of HM Forces) may not be reduced to a rank actually or relatively lower than the rank in which he initially enlisted, re-enlisted or re-entered the RAF. Cases where reduction below this rank appears to be warranted are to be referred to the HQ AIR, APC for advice.

(v) Where appropriate, a direction which includes a reduction in rank is also to state the date on which restoration of rank is to be considered by a Board of Officers at ACOS Manning. (See AP 3392 Volume 2 Leaflet 570).

(c) **Remustering.** Reduction in rank to a rank inappropriate to the airman's trade or career pattern may result in consequential remustering. Similarly, compulsory remustering may result in consequential reduction in rank. However, when an airman is recommended for remustering and consequential reduction in rank is not considered justified, remustering in existing rank may be recommended. An airman who is to be compulsorily or consequentially remustered is to attend the Trade Reselection Centre (TRC) at ACOS Manning, for consideration of suitability for and availability of training. Where the individual is not considered suitable or no suitable training vacancy is available the individual will be discharged. The airman will also be given the option of discharge under QR 607(10)(e). An airman who is to be compulsorily remustered and consequentially reduced in rank who accepts an alternative trade is to be reduced to the rank of Leading Aircraftman or woman if they have completed 6 months service, or reduced to the rank of Aircraftman or woman if they have completed less than 6 months service. In both cases, they should be remustered in their existing trade under training in the new trade from the date of commencement of formal training.

(d) **Posting.** An airman may be posted to another unit or area where it is considered desirable in the interest of the Service. Such posting will usually but not exclusively be associated with another administrative sanction.

(e) **Retention.** There are cases where the raising of an AR under this regulation is mandatory and would normally lead to the airman being discharged. However, if exceptional circumstances exist and it is in the Service Interest, a Unit may raise an AR with a recommendation that the individual be retained.

(7) **Non-Commissioned Aircrew – Reduction or Remustering.** In addition to Para (6) above, it is to be borne in mind that fully trained non-commissioned aircrew cannot be employed productively if reduced below the rank of sergeant. A decision to reduce a non-commissioned aircrew below this rank will involve either remustering and reduction to the rank of aircraftman (or any higher rank up to junior technician which had previously been held) or discharge.

(8) **Officers.** In addition to the ability of the chain of command to initiate Minor Administrative

Action and/or Formal Warnings, reports by COs on officers under this regulation may recommend the following course of action:

- (a) Terminate an officer's commission, including being called upon to retire, relinquish or resign his commission or be transferred to the reserve, or be compulsorily retired or transferred to the reserve iaw Para **2905**.
- (b) Removed from branch. An officer who is removed from their branch will be considered for employment in another branch.
- (c) Delay time promotion.
- (d) Removal of Acting Rank.
- (e) An officer may be posted to another appointment commensurate to their training, ability and experience. Such posting will usually but not exclusively be associated with another administrative sanction.
- (f) Interview with AOC, in association with Formal Warning.

(9) When under a Suspended Sentence of Service Detention and the individual commits a subsequent offence, in addition to considering formal disciplinary action and the activation of the suspended sentence, admin action should also be considered.

1028. Allowances and Travelling Expenses for Civilian Witnesses Attending RAF Courts and Official RAF Inquiries.

Sponsor: ACOS Pers Pol (RAF)

(1) **General.**

- (a) The regulations are based on the principle that it is a primary duty incumbent on every citizen to assist the course of criminal justice and that an ordinary witness is not entitled to remuneration in the strict sense. Travelling expenses and allowances will normally be granted to all civilian witnesses at a court-martial, who are called for by the prosecution or whose attendance is reasonably requested by the accused in accordance with CMR 22 and 23, and for witnesses who attend the Summary Appeal Court, or an application for custody or a custody review for a judicial officer or CO.
- (b) When a Service Inquiry or non-statutory inquiry is convened to investigate mess accounts or other non-public funds, the travelling expenses and allowances of civilian witnesses will only be admitted as a charge against public funds with the sanction of the AOC.
- (c) At the time the subpoena is served the witness should be informed that any reasonable expenses, including loss of earnings, incurred will be reimbursed subject to Defence Council regulations. Claims are to be passed to the accountant officer for payment before the witness leaves the station. A similar procedure should be followed in the case of civilian witnesses who attend a Service Inquiry or non-statutory inquiry, the claim being certified by the officer acting as President of the Inquiry.
- (d) Expenses incurred by any person required by the AOC to attend in connection with the subsequent consideration of a case will also be allowed.

(2) **Witnesses Giving Professional Evidence.** Professional witness allowances will not be paid to salaried officers who do not lose income by attendance; for the purpose of allowances they will be

treated as ordinary civilian witnesses. Attendance at court of salaried hospital, medical and dental staff in the National Health Service as professional witnesses is not regarded as within the scope of the hospital and specialist services and professional witness allowances may be paid.

(3) ***Allowances.***

(a) The rates of allowances applicable to professional and non-professional civilian witnesses summoned to attend disciplinary proceedings in the UK are published by MOD. The published rates should not be exceeded. In overseas areas, any tariff or established practice which exists for civilian courts should be made the basis of settlement. The claim should be certified to this effect by the President of a court-martial or the accused's CO, as appropriate.

(b) The rates of allowances payable to civilian witnesses as at (3)(a) above should also be applied, as far as possible, to civilian witnesses attending Service Inquiry or non-statutory inquiry, but as their attendance is voluntary, the rate of payment (if any) may have to be agreed by prior arrangement.

(4) ***Expert Witnesses and Interpreters.*** Expert witnesses and interpreters attending a trial or Inquiry may be paid an allowance for giving expert evidence or interpreting and a fee for any work done in connection with its preparation. Payment for these services should be negotiated before the expert or interpreter is engaged. For units in the UK approval for the payment of such costs is to be sought from MOD through HQ AIR. In overseas areas any tariff or established practice which exists for civilian courts should be followed but prior MOD approval is to be sought if it is proposed to engage an expert witness or interpreter from the UK.

(5) ***Civil Servants, Police and Prison Officers.***

(a) Civil Servants, police and prison officers attending a trial, a Summary Appeal Court hearing, an application for custody, a custody review or inquiry in their official capacity may, subject to the production of a certificate of attendance signed by the President of the court or the accused's CO, claim expenses and allowances at the rates and under the provisions of their own regulations. Such claims will be rendered to and paid by the civil servant's or officer's parent authority who will reclaim from the accountant officer concerned.

(b) An allowance is not to be granted to a prisoner appearing at a trial, a Summary Appeal Court hearing, an application for custody, a custody review or Inquiry in the custody of a prison officer.

1029. Forfeitures and Deductions.

Sponsor: ACOS Pers Pol (RAF)

(1) The Manual of Service Law (MSL) Chapter 20 and JSP 754 (Tri-Service Regulations for Pay and Charges) contain comprehensive guidance on forfeitures and deductions. The following clauses in this regulation provide a synopsis of the occasions when pay may be affected for disciplinary reasons. The Armed Forces (Forfeitures and Deductions) Regulations 2009 (The Regulations) made under the Armed Forces Act 2006 (AFA 06) provide the legal framework for making deductions or forfeitures from Service persons in certain circumstances. For example pay may be reduced to service a fine or a Service Compensation Order or in satisfaction of a judgement debt. The Defence Council may delegate the powers conferred on it by the Regulations to authorise officers to make orders to effect forfeitures and deductions from the pay of a Service person; the Manual of Service Law Volume 3 details the officers holding such delegated authority.

Limitations

(2) The Armed Forces (Forfeitures and Deductions)(Minimum Rates of Pay) Regulations

2009 provide that a Serviceperson must always remain in receipt of a minimum rate of pay notwithstanding any order for deductions to which he may be subject; further guidance is in JSP 754.

Forfeiture – Absence from Duty

(3) A Service person found guilty of an offence of absence without leave or desertion may have his pay forfeit for each day he was absent from duty. In certain circumstances pay may be forfeit for a Service person in respect of an absence or desertion where no finding of guilt has been made. These circumstances usually arise where a decision has been made that it is not in the public, or Service, interest to prosecute the Service person. The MSL Chapter 10 gives further guidance on when it might be appropriate to dispense with Service proceedings following desertion.

(4) A Service person may have his pay forfeited for any day of imprisonment or detention awarded under AFA 06. This includes any custodial sentences and hospital orders that may be imposed by the Court Martial along with all sentences of detention that may be imposed by the Court Martial or at summary hearing.

Forfeiture – Post Charge Custody

(5) Where a Service person is held in custody without charge he will remain in receipt of pay as normal. A Service person held in custody after charge will also remain in receipt of pay for the period held in custody unless there is a subsequent finding of guilt and the Court Martial, or the officer who heard the charge summarily, directs that time spent in custody after charge will count as time served towards any sentence of detention awarded. In that circumstance, the Service person's pay will be forfeit for the number of days in custody after charge counted as days served.

(6)

Forfeiture – Awards of Imprisonment or Detention by Civilian Court

(6) A Service person may have his pay forfeited for any day of absence by reason of imprisonment or detention awarded to him by a civilian court. However, when being remanded in custody awaiting or during trial, he will remain in receipt of pay as normal. Pay may only be forfeit for this period where there is a subsequent conviction and the period in custody is counted as time served towards any sentence of imprisonment or detention.

Forfeiture – Time Spent Captured by the Enemy

(7) A person who is absent from duty in consequence of being captured by the enemy will continue to receive pay. There are, however, circumstances in which pay may be forfeit. They include where his capture by the enemy was caused by an intentional breach of duty in respect of which he has been convicted of an offence such as failure to escape or assisting an enemy. Further detail on these aspects of forfeiture may be found in the MSL, Volume 1, Chapter 20.

Forfeiture – Self Inflicted Sickness

(8) The general principle is a person who is absent from duty due to sickness or injury will continue to be paid. However, where a Service person is convicted of an offence under the AFA 06 in respect of conduct that contributed or caused the sickness or injury, pay may be forfeited for the period in question. The offence that is most applicable in this context is malingering under Section 16(1) but any other offences that cause injury to the offender (such as injuries caused by an assault on another person, whilst causing criminal damage or as a result of dangerous driving).

Forfeiture – Service Supervision and Punishment Orders

(9) A proportion (one sixth) of an offender's pay who is sentenced to undergo a Service Supervision and Punishment Order will be forfeited for a period of the sentence. See Regulation 1072 for further detail on this offence and the period of the sentence for which pay is forfeited.

Remission of Forfeitures

(10) Under AFA06, the Defence Council, or an authorised officer, has the power to remit any forfeiture imposed as a result of absence from duty. An example where remission of a forfeiture would be appropriate would be where pay was forfeit for an offence of absence without leave that was subsequently overturned on appeal. JSP 754 (Tri-Service Regulations for Pay and Charges) provides further guidance on the circumstances where remission of forfeiture of pay may be appropriate.

Deductions – Satisfaction of Financial Penalty

(11) Orders authorising deductions from pay may be made against a Service person who is required to make a payment in respect of a financial penalty that has been imposed upon him. A financial penalty, in the context of forfeitures and deductions, includes any fine or Service Compensation Order imposed under AFA 06; any sum in the form of the forfeit of a recognizance ordered by the Court Martial or the Service Civilian Court and any order as to the payment of costs made by a Service court. The MSL Chapter 20 contains further detailed guidance on deductions including judgement orders and maintenance payments and the circumstances where the remission of deductions may be appropriate.

1030. *(Omitted)*

J1031. Provision of DNA samples and fingerprints by Service Police and support staff. *Sponsor: DDefSy*

Members of the Service Police, upon completion of professional training, and support staff, upon assignment to a post involving the provision of technical services to the Service Police, will be required to provide a sample of their DNA and fingerprints for entry on the Police Elimination Database (PEDb). Service Police personnel enlisted prior to that date and support staff already employed on such duties may not be compelled to participate in the programme, although they may be invited to do so voluntarily. Any Service Police personnel who transfer to another trade group and then re-join after 1 July 2008 and any support staff who cease to be employed in the provision of technical services and then resume such employment after 1 July 2008 will be subject to the mandatory requirement.

J1031A. Use of Samples

Sponsor: DDefSy

DNA profiles and fingerprints are held for elimination purposes only. For DNA profiling a comparison will be made of a specific stain or mark against the profile of a named member of the Service Police or support staff who attended a specific scene of crime, where unidentified crime scene marks have been found. There will be no general search made of the PEDb. Where unidentified fingerprints have been found at a scene of crime a general search will be made of the PEDb.

J1031B. Destruction of Samples

Sponsor: DDefSy

In the case of members of Service Police who are discharged or transferred to another trade group and support staff on discharge or transfer to other employment their DNA profile and fingerprints will be destroyed and removed from all databases. A certificate confirming this will be provided upon request to the Service Police Crime Bureau, MOD Southwick Park, Fareham, Hampshire, PO17 6EJ.

J1031C. Consequences of non-compliance

Sponsor: DDefSy

Any member of the Service Police subject to the mandatory sampling programme who fails to comply with the terms of this policy will be liable to compulsory transfer to another trade group. Any member of the support staff so subject who similarly fails to comply with the terms of this policy will be liable to compulsory transfer to other duties.

1032-1033. *(Omitted)*

SECTION 2 - SEARCH, ARREST AND CUSTODY

1034. A CO's Powers to Authorise Stop and Search of Service Personnel, Service Premises and Property of Service Personnel.

Sponsor: ACOS Pers Pol (RAF)

JSP 397 (Service Police Code of Practice – Code A) contains comprehensive guidance on Stop and Search. QRs 1034A and 1034B focus on the CO's powers in these respects; however, COs are advised to take advice from the Service police or staff legal officers, where this is available, before authorising the stop and search of personnel or vehicles or the entry, search and seizure in Service premises.

1034A. Stop and Search.

Sponsor: ACOS Pers Pol (RAF)

(1) A CO may order a Service person other than a Service policeman to stop and search a person whom he knows to be or reasonably believes to be a person under his command. This power also extends to searching a vehicle in the charge of such a person. However, before making such an order, the CO must have reasonable grounds for believing that an offence under section 42 of the Armed Forces Act 2006 (Criminal Conduct Offences) will be committed or that, having committed such an offence, the offender will avoid apprehension before it is possible to obtain the assistance of a Service policeman or a member of the UK civilian police force. Items discovered following such a search may be seized and retained. Thus the CO should reasonably believe that he will find, for example, stolen or prohibited items, unlawfully obtained stores or controlled drugs. It is important to note that a CO can only give an order outlined above in relation to a particular person or vehicle.

(2) The Service person ordered to carry out a search under clause (1) is to make a record of the search either immediately or as soon as practicable thereafter and provide the record to the CO. Refer to the Manual of Service Law Volume 1 Chapter 4 for the matters that must be recorded.

1034B. Entry, Search and Seizure.

Sponsor: ACOS Pers Pol (RAF)

(1) Full guidance on Entry, Search and Seizure is to be found in the MSL Chapter 4; this regulation summarises the CO's powers in these respects rather than those of the Service Policeman. It should be noted from the outset that nothing in AFA 06 precludes a CO from entering and searching any buildings for which he is responsible, including office and living accommodation, to carry out inspections for the purposes of ensuring, for example, security, health and safety and hygiene. It is also important to note that a CO can never authorise a search for material that he considers will include any matters subject to legal privilege, excluded material or special procedure material. This whole area is legally complex and COs are advised to take legal advice, if it is available in the time constraints that may be present, before undertaking any action related to entry, search and seizure.

Entry and Search of Non-Residential Premises

(2) A CO does not need any specific legal powers to enter or to order entry to non-residential Service premises for the purpose of arrest. Further, a CO may also order the entry, by a Service person

other than a Service policeman, of residential premises for the purpose of arrest. This is normally the bailiwick of the Service police and there are conditions attached to the exercise by the CO of this power. The power relates only to Service living accommodation of Service personnel under the command of the CO and premises that are, or which the CO has reasonable grounds to believe are the residence of a Service person or civilian of whom he is the CO. Additional conditions include that the CO has reasonable grounds to believe that the person might evade arrest, or conceal, damage, alter or destroy evidence or present a danger to himself or others or that discipline or morale among members of the armed forces might be undermined before it is possible to obtain the assistance of a Service Policeman or a member of the UK civilian police force. The CO must also have reasonable grounds to suspect that a person has committed or is committing a Service offence.

Entry of Residential Premises

(3) A CO may also authorise a Service person (other than a Service policeman) to enter any premises in order to save life or limb or prevent serious damage to property. Such premises may include residential premises, should time preclude waiting for a Service policeman, in order to save life or limb or serious damage to property.

Entry Search and Seizure – Residential Premises

(4) In the normal course of events, a Service policeman will usually require a warrant from a judge advocate to search residential premises. (See MSL Chapter 4 for the criteria that must be met for such a warrant to be issued). However, under certain conditions a CO has the power to authorise a Service policeman to undertake entry search and seizure. Namely, the CO has reasonable grounds that the reason for search will be frustrated or seriously prejudiced unless the search takes place before a warrant would have been made available by a judge advocate or, in a suitable case, before the UK police could obtain and execute a warrant. Before using this power the CO must have reasonable grounds for believing an offence has been committed and there is material on the premises likely to be of substantial value to the investigation. (See MSL Chapter 4 for the further criteria that apply in these circumstances).

(5) Where a Service or UK policeman is not available, the CO has the power under similar conditions outlined in clause (4) to authorise a Service person to search premises without a warrant. The relevant premises are more restricted in this scenario, they include:

(a) A room, structure or area (whether on land or ship) provided as sleeping accommodation for Service person under his command.

(b) Any locker that is provided (in connection with sleeping accommodation) for the personal use of that person.

The premises exclude Service families' accommodation. The grounds for the search remain essentially the same as clause (4) as do the other criteria, which are outlined in MSL Chapter 4.

Review by Judge Advocate

(6) Whenever a CO has authorised entry and search by a Service policeman or any Service person and the search has resulted in anything being seized, he must request a judge advocate to undertake a review of the search and of the seizure and retention of anything seized and retained during it as soon as is practicable. The MSL Chapter 4 has further guidance on the procedure to be followed in this event.

(1) Arrest involves the restriction of a person's liberty. The power to arrest must only be exercised when it is appropriate and there are grounds for doing so. Arrest is usually a matter for the Service police but should there not be Service police available, COs may have to play the key role in determining when arrest may be authorised. This regulation provides a summary of the powers of arrest and the criteria that must be observed when exercising such powers. The Manual of Service Law, Volume 1, Chapter 4 provides more comprehensive guidance. The Service Police Codes of Practice (JSP 397) is another key source of information in this area; however, COs are advised that this is a complex area of law and legal advice is advisable, when time permits, before steps are taken to arrest an individual.

Grounds for Arrest

(2) The grounds for arrest are where a Service person who is subject to Service law or a civilian, who is subject to Service discipline, is reasonably suspected of being about to commit, of committing or having committed a Service offence.

(3) A Service policeman (only) may arrest a person whom he reasonably suspects of being about to commit an offence. Where a person is arrested under this criterion, the arrest must be reported to his CO as soon as is practicable and he may be kept in Service custody until such time as a Service policeman is satisfied that the risk of his committing the Service offence concerned has passed. There are strict limits as to how long a person may be kept in custody after arrest in general but in particular under this criterion. (See MSL Chapter 4 for further guidance).

Method of Effecting Arrest

(4) The power of arrest may be exercised personally or by giving an order to another person to effect the arrest or by ordering (Service personnel only) into arrest.

Power of Arrest

(5) A Service policeman, or any person legally exercising authority on behalf of a provost officer, may arrest personnel of any rank and also civilians subject to Service discipline. Otherwise in general terms a higher rank may arrest a lower rank. The exception to this principle is where an officer is engaged in mutiny, quarrel or disorder, he may be arrested by another officer of any rank.

Arrest by Civilian Policeman

(6) An officer of a UK or Isle of Man police force or British overseas territory police force may arrest, without warrant, a person whom he reasonably suspects of being a Service person who has deserted or is absent without leave or is unlawfully at large when having been ordered in to detention. Such police officers may arrest a Service person for any civilian offence under the same conditions as would apply to the arrest of a civilian.

Arrest after Charge or during Proceedings

(7) Arrest after Charge or During Proceedings by order of the CO.

(8) The CO of an accused who has been charged with, or is awaiting sentence for, a Service offence and is not in Service custody may order his arrest if he has reasonable grounds to believe that, if the accused were not in custody, he would:

- (a) Fail to attend a hearing in the proceedings against him.

- (b) Commit an offence.
 - (c) Interfere with witnesses or otherwise obstruct the course of justice.
- (9) Ordering an accused into custody could also be justified if:
- (a) The accused has failed to attend any hearing in the proceedings against him.
 - (b) There are reasonable grounds for believing that he should be taken into Service custody:
 - (1) For his own protection.
 - (2) For his own welfare or in his own interests where the accused is under the age of 17.
 - (3) He has failed to comply with any requirements imposed on him by a judge advocate.
 - (10) An accused who is arrested and kept in custody in accordance with the foregoing clauses, must be brought before a judge advocate as soon as practicable in order for a review to be undertaken to decide whether he should remain in Service custody. (See the Manual of Service Law Volume 1, Chapter 5 for further guidance).

Arrest during proceedings at the direction of a court

- (11) A judge advocate may direct the arrest of the accused at any time after he has been arraigned at a court martial or a Service Civilian Court should he consider custody is justified. Reviews of the arrest will be in accordance with the procedures for reviewing custody after charge. (See Regulation 1042).

The Issue of a Warrant for Arrest

- (12) In some circumstances application may be made to a judge advocate for a warrant for arrest. Examples of such circumstances are when a person fails to adhere to the conditions of release following arrest for desertion or being absent without leave. Such applications may be made by COs, or persons acting on their behalf, a Service policeman and members of the Service Prosecuting Authority. Procedural guidance on the issues of warrants of arrest is in the MSL Chapter 4.

J1035A. *(Omitted)*

1036. *(Omitted)*

1037. Arrest and Custody Conditions.

Sponsor: Policy Staffs, HQ RAFP

- (1) An officer, warrant officer, non-commissioned officer or aircraftman in custody is to be confined in a licensed custody facility in accordance with the provisions of JSP 837 - (Service Code of Practice for the Management of Personnel in Service Custody and Committal to Service Custody Premises and Civil Prisons.). However, if circumstances require, they may, on arrest, be temporarily placed under the charge of a guard, picket, patrol, sentry or member of the RAF Police; all associated custody records for this period are to be maintained in a Detention Register (MOD 1137) in accordance with normal custody admission procedures. During the period of their custody they are referred to as either a Detainee Under Sentence (DUS) or Detainee Not Under Sentence (DNUS)
- (2) An officer, warrant officer, non-commissioned officer or aircraftman under arrest, is to be

searched by a person of the same sex prior to confinement and deprived of any prohibited articles or substances, in accordance with JSP 837.

(3) When a DNUS is being held at a RAF Unit without a licensed RAF custody facility they are to be conveyed to a licensed RAF custody facility without delay. The only exception to this is when the DNUS is under arrest by the RAF Police for the purpose of questioning in relation to an investigation. In this circumstance the DNUS is to be continually monitored by custody trained RAF Police personnel and confined to either a Service Police Processing area, or an interview room, for the duration of their time in arrest. If a DUS is being held at a RAF Unit without a licensed custody facility, they are to be conveyed to either a licensed RAF custody facility, or if, sentenced to a period in excess of 14 days, MCTC.

(4) Persons in custody are to be the subject of risk assessments in accordance with Chapter 2, JSP 837.

(5) A Service person in custody will not be required to perform any duty, other than those duties that may be necessary to relieve him from the charge of any cash, equipment, stores, accounts or office for which he is responsible. If by error, or in an emergency, he has been ordered to perform any duty, he remains liable to be proceeded against the offence for which he is in arrest. He is not to be armed, except by order of his CO in an emergency. On active service, however, he may be armed, attend parades and perform all his ordinary duties, provided that he is not called upon to perform any duties additional to those performed by airmen who are not in arrest or undergoing punishment.

(6) Bedding will normally be issued to Service personnel in custody. However, the advice of the MO is always to be sought with regard to the issue of bedding to Service personnel in custody for an offence accompanied by drunkenness.

(7) An individual in custody is to take sufficient supervised exercise for the preservation of his health.

(8) Mail to and from personnel in custody should not be withheld or subjected to scrutiny or censorship. However, in exceptional circumstances a CO may order the scrutiny and withholding of such mail if they believe it is necessary in the interests of national security or public safety, for the prevention, detection, investigation or prosecution of crime, for the protection of health or morals, securing or maintaining security in service custody premises, or good order and discipline in such premises and for the protection of the rights and freedom of any person. Letters passing between personnel in custody and their legal adviser or defending officer must not be scrutinized, censored or withheld. To maintain the legal privilege of such letters, the CO is to arrange with both parties that these letters carry distinguishing marks. When censorship of other letters is considered necessary, it must be done so in accordance with the instructions in JSP 837, Para 445 - 448 and The Service Custody and Service of Relevant Sentences Rules 2009/1096 (SCSRSR) rules 23-26. If in doubt legal advice should be sought.

1038. *(Omitted)*

1039. Report of Arrest of an Officer.

Sponsor: ACOS Pers Pol (RAF)

When an officer has been arrested, whether later released or not, the CO is to report the case, including a brief outline of the circumstances leading to the arrest and subsequent custody, immediately by electronic means to Air Command for the attention of Air Personnel Casework. Informing other interested parties such as the CINC, AOC, DLS and RAF Media and Communications is the responsibility of Air Personnel Casework.

1040. Identification of Offenders*Sponsor: Policy Staffs, HQ RAFP*

Except as provided in Para 1093, where circumstances render it necessary to hold a parade for the purpose of identifying an alleged offender, the parade should be carried out under the directions of a Service Police Identification Parade Supervisor the minimum rank of whom must be a Flight Sergeant. The procedure to be followed is laid down in JSP 397 (Service Police Codes of Practice).

1041. Codes of Practice for Custody.*Sponsor: Policy Staffs, HQ RAFP*

- (1) Rules for Service persons in custody (SIC) are contained within JSP 837 (Code of Practice for the Management of Personnel In Service Custody and Committal to Service Custody Premises and Civil Prisons).
- (2) Under the terms of JSP 837, PM(RAF) has responsibility for the inspection and licensing of RAF Custody Facilities. This responsibility will be discharged through the HQ RAFP Professional Standards Dept.

1042. Custody.*Sponsor: ACOS Pers Pol (RAF)***Definition, Types of Custody and the Accused's Rights**

- (1) Custody is the physical deprivation of a person's liberty and therefore should only be authorised when it is deemed essential after the consideration of any sensible and practical alternatives. Further, custody is to be for the minimum period necessary and must not exceed the time limits. Custody may occur without charge or after charge. In order to ensure that the accused is informed of his rights in a timely fashion, the CO is to ensure that the individual is issued with the booklet 'Rights of an Accused' when the individual is placed in custody.

Legal Advice

- (2) COs may seek legal advice on all matters relating to custody from DLS(RAF). Such advice should be sought in a timely manner whenever they are considering custody for an individual.

Custody without Charge

- (3) A person who has been arrested on reasonable suspicion of being engaged in committing or having committed a Service offence may be held in custody without charge. However, it is necessary for the person who made the arrest to believe that keeping the person in custody is necessary:
 - (a) To secure or preserve evidence relating to a Service offence for which the individual is under arrest.
 - (b) To obtain such evidence by questioning the individual.

The CO of the suspect must also be satisfied that the ensuing investigation is being conducted diligently and expeditiously.

Maximum Period of Custody and Continual Review of Custody

- (4) In broad terms, a CO may authorise custody without charge up to a maximum of 48 hours subject to a regime of periodic reviews at a maximum of 12 hourly intervals. A CO may apply to

a judge advocate to extend the overall period of 48 hours to a maximum of 96 hours. Custody reviews are a crucial part of the overall custody regime. COs are to adhere closely to the timetable for periodic review ensuring that any representation made by the individual in custody are given due consideration. To accommodate the exigencies of Service, a review may be postponed at the expiry of an authorised period of custody (usually 12 hours). Reasons for postponement may include the impracticality of conducting a review at a particular time or that the review would prejudice the investigation. Clearly, COs will be expected to justify any such postponement.

Release from Custody when Grounds Cease to Exist

(5) If at any time the CO of a person in custody without charge becomes aware that the grounds for keeping that person in such custody have ceased to exist and is not aware of any other grounds for continuing to keep that person in custody without charge, he is to release the individual immediately.

Notifications and Rights

(6) COs are to be aware that a person placed in arrest without charge has a number of legal rights in regard to the information and assistance that he is to receive. Comprehensive guidance on these rights is contained in the Manual of Service Law (MSL), Volume 1, Chapter 5 and COs are advised to consult the manual whenever they are considering placing an individual in custody. Briefly, the person being placed in custody is to be notified of the following matters in writing and must sign and date the documents:

- (a) The offence for which he was arrested and the date time and location of the arrest.
- (b) That he is to be kept in custody together with the grounds for custody and the period of custody authorised by the CO.
- (c) That he may nominate a person of or above the rank of Sgt as an Assisting Officer to advise him. Further, if nobody of his choice is available, the person may ask the CO to provide the names of 2 people who are available to be nominated.
- (d) That he may make representations requesting his release giving the grounds for his request.

Delegation

(7) A CO may delegate his functions in relation to custody without charge but there are limits to such delegation. The delegation must be in writing and to an officer not below the rank of flight lieutenant (or equivalent) who is under the CO's command. The delegation can also be made to a Service policeman who is not the arresting officer. See the MSL, Volume 1 Chapter 5 for further guidance on this subject.

Custody after Charge

(8) After charge, only a judge advocate may authorise custody and this is also subject to strict periodic review. Custody after charge would only be authorised if there were substantial grounds for believing that if the accused were released from custody he would:

- (a) Fail to attend any hearing in the proceedings against him.
- (b) Commit a further offence.

- (c) Interfere with witnesses or otherwise obstruct the course of justice.

An accused may also be kept in custody after charge if a Judge Advocate is satisfied that the person should be taken into custody:

- (d) For his own protection or
- (e) If he is under the age of 17, for his own welfare or in his own interests.
- (f) An accused may also be kept in custody after charge where a Judge Advocate is satisfied that, due to lack of time since the accused was charged, it has not been practicable to obtain sufficient information to decide whether any of the conditions (a) to (e) above are met.

(9) Legal advice should always be sought if, having read these regulations and the guidance contained in the Manual of Service Law, Volume 1, Chapter 5, a CO is in any doubt as to what action to take in respect of Service custody.

(10) The Director of Service Prosecutions will manage/ handle all cases of custody after charge during proceedings of Court Martial or Service Civilian Court.

1043. Service Personnel and Civilians taken into Custody or Charged with an Offence Overseas.

Sponsor: ACOS Pers Pol (RAF)

In the event that a serviceman or a civilian, subject to Service discipline, is arrested and/or placed in custody by Service or civil authorities overseas for an alleged offence falling under the jurisdiction of the host nation, COs are to inform Air Personnel Casework at Air Command expeditiously by electronic means. Air Personnel Casework will thereafter assume the responsibility of informing, as they deem necessary, the appropriate commanders and interested agencies such as DLS(RAF), RAF Media and Communications, and RAF Personnel Secretariat at HQ Air Command.

1044. Treatment in Cases of Drunkenness.

Sponsor: Policy Staffs, HQ RAFP

- (1) A Serviceman suspected of being drunk owing to the influence of alcohol or impaired through the presence of any drug is not to be put through any drill or tested for the purpose of ascertaining his condition. Persons suspected of impaired driving through the effects of alcohol or drugs may be subjected to breath or saliva tests in accordance with designated policy and procedures.
- (2) No person who is unfit through drink or drugs should be charged with an offence, interviewed by the Police, or brought before an officer for investigation of any charge, until that person is capable of understanding what is said to him.
- (3) A Serviceman who has been arrested and placed in custody and who is drunk is to be placed in a cell alone, if possible. The Serviceman is to be examined by an MO as soon as possible and he is to advise on the nature and frequency of any physical checks of the individual concerned. If the MO orders that the Serviceman is to be treated in a medical facility, an escort is to be provided for him. Should any symptoms of illness or injury become apparent during the duration of custody, the immediate attendance of the MO is to be requested.

1045. (Omitted).

1045A. Visits by Members of Parliament to Servicemen in Custody. *Sponsor: ACOS Pers Pol (RAF)*

At the discretion of the CO, a Member of the United Kingdom Parliament may visit a serviceman who is held in custody. If in a particular instance the CO is in any doubt, or considers that the visit should not be permitted, or if the request to visit is made by a Member of any other legislature, the CO should consult RAF Personnel Secretariat at HQ Air Command under the procedure set out in **Para J2449 (1)**.

1046 - 1050. *(Omitted)***1051. Custody Hearings.***Sponsor: ACOS Pers Pol (RAF)*

The Manual of Service Law Volume 1, Chapter 5, Part 5 has comprehensive guidance on custody hearings and this guidance should be followed should a custody hearing become necessary. Briefly, a custody hearing before a judge advocate is required:

- (a) On application of the CO for an extension of custody without charge.
- (b) On application for authorisation for custody after charge.
- (c) Where an accused has been arrested and taken into custody after charge.
- (d) On request by a CO for a review of custody after charge.
- (e) On an application by the accused or CO for variation of the 'release conditions'.

See MSL Chapter 5, Part 5 for the procedure to be followed to apply for a custody hearing.

1052. *(Omitted)***SECTION 3 – INVESTIGATION, CHARGING AND MODE OF TRIAL****1053. The Rights of an Accused.***Sponsor: ACOS Pers Pol (RAF)*

The pamphlet 'Rights of an Accused' provides advice and guidance to individuals under arrest; custody without and after charge; the summary and activation hearing processes; and appeals to the Summary Appeal Court. COs are to ensure that all personnel arrested or charged with an offence under the Armed Forces Act 2006 are issued expeditiously with the pamphlet a copy of which can be found at Annex F to Chapter 6 of Volume 1 of the Manual of Service Law.

1054. Summary Disposal of Offences – General.*Sponsor: ACOS Pers Pol (RAF)*

This section contains regulations relating to the investigation of charges, determination of the mode of trial, the charging and summary hearing processes and other relevant matters. Its purpose is to provide a brief synopsis rather than comprehensive guidance, which can be found in the Manual of Service Law (MSL), Volume 1, Chapters 6 and 9; more detailed references are contained in the relevant Regulations. The summary discipline process has a firm basis in law to ensure that it is as compliant as it can be with the European Convention on Human Rights. Officers exercising summary powers are to adhere strictly to the legal and policy protocols detailed in the MSL seeking legal advice as necessary. Generally, summary

disposal is normally only appropriate for the relatively less serious offences that are not of an overly complicated nature. It should be noted, however, that summary disposal is not usually suitable for offences associated with the deliberate disregard of authority.

1055. Investigation of Charges.

Sponsor: ACOS Pers Pol (RAF)

(1) Where an allegation is made or an incident comes to light, a CO is to first consider whether he has a statutory duty to inform the Service Police of the matter (see clause (2)) or he has the power to investigate the allegation/incident himself. It should be noted that a person may be authorised to contact the Service Police on the CO's behalf for this purpose but the responsibility for ensuring the Service Police are aware remains with the CO. The purpose of investigating a charge is to establish the facts and gather all the available evidence in order to determine whether an individual has committed an offence. Investigations, which are to be conducted diligently and as expeditiously as possible, may be carried out by an officer under the command of the CO or by the Service Police. (See the Manual of Service Law, Volume 1, Chapter 6 Part 1 (General Principles) and Annex E for CO's investigations).

Responsibility to Investigate a Charge

(2) An investigation may be carried out by the Service Police or a CO depending on the seriousness and complexity of the alleged offence and whether it can be heard summarily or must be tried by a Service court. The categories of offence are detailed in Part 2 (Offences Overview) of Chapter 6 of the MSL. Briefly, there are 2 categories of offence that are beyond the COs powers to deal with and must be reported to the Service Police. The first category is detailed in Schedule 2 of the Armed Forces Act 2006 (AFA 06); referred to as 'Schedule 2 Offences'. Schedule 2 offences include serious criminal offences such as murder, rape and grievous bodily harm and Service offences such as mutiny, looting and dangerous flying. The second category includes those that have been committed in 'prescribed circumstances.' This is a complex concept but examples of offences committed in prescribed circumstances would include death in custody, bullying and abuse of position (see clause (3)). Consequently, should a CO become aware of a Schedule 2 offence or one that has been committed in 'prescribed circumstances', he must inform the Service Police as soon as is reasonably practicable. Once the Service Police have been notified in these circumstances the CO may take no further disciplinary action unless the case is referred back to him by the Service Police or the Director of Service Prosecutions. It should be borne in mind that the CO's responsibility in this respect can always be fulfilled by ensuring the Service Police are aware of any matter that could be deemed serious.

Prescribed Circumstances

(3) Certain offences have been categorised as those committed in 'Prescribed Circumstances' with 2 distinct aims. The first aim is to ensure that certain circumstances are investigated by the Service Police. The second is to ensure that where an offence is committed in certain situations the decision on whether to charge is the responsibility of the Director of Service Prosecutions. The types of offence that come under the heading of being committed in 'Prescribed Circumstances' are outlined in the Manual of Service Law Volume 1, Chapter 6, Annex D. However, COs are advised that such issues are complex. Consequently, the brief descriptors that follow of the type of conduct that may lead to committing an offence in prescribed circumstances are to be regarded as warnings and indicators rather than legal definitions. Thus, COs are advised to take legal advice should they suspect that 'Prescribed Circumstances' exist.

(a) Circumstances that indicate a course of conduct by a person subject to service law on another person subject to service law, involving on at least two occasions an assault.

(b) An allegation has been made or there are circumstances to indicate that a person subject to service law has or may have been the victim of an assault causing serious injury (e.g. fracture, deep cut, a deep laceration or damage to an internal organ) inflicted by a person of superior rank while the assailant was on duty.

(c) The death of any person (e.g. Serviceman, civilian, PoW or detainee) or the serious injury of a 'relevant person' on Service premises including a Service vehicle, ship or aircraft. 'Relevant person' is defined as a person who is not a member of the regular or reserve forces or a person who is a member of the regular or reserve forces and who is:

- (i) Under 18.
- (ii) An enlisted person undergoing Phase 1 or 2 training.
- (iii) An officer or officer cadet undergoing Phase 1 training.
- (iv) In Service custody.

(d) The death has occurred on Service premises including a vehicle, ship or aircraft, of a person who at any time had been held in Service custody and there are reasonable grounds to believe that misconduct by a person subject to Service law or a civilian subject to Service discipline may have caused (directly or indirectly), or may have contributed, to the death.

Mode of Trial

(4) Where a CO has received an investigation report from the Service Police, or where a CO's investigation has been completed, or where a case has been referred to him by the DSP, the CO will need to satisfy himself that he has initial powers. Initial powers are to bring a charge summarily or refer it to the Director of Service Prosecutions (the Manual of Service Law, Volume 1, Chapter 6, Part 4 refers). Where the CO has initial powers he may dispose of the case in one of the following ways, he may:

- (a) Hear the case summarily.
- (b) Refer the case to the Director of Service Prosecutions for trial by court martial.
- (c) Take no disciplinary action.
- (d) Refer the case to the civilian authorities.

When considering whether he may hear a charge summarily a CO must take into account (see MSL Chapter 4 Part 4 for full list) :

- (a) The offence must be capable of summary disposal.
- (b) The accused must be of or below the rank of Wg Cdr.
- (c) The CO must be 2 ranks higher than the accused.
- (d) The adequacy of his powers of punishment (see Regulation 1067 for guidance on COs' powers of punishment).
- (e) The seriousness and complexity of the alleged offence.
- (f) Whether the alleged offence was committed during the operational period of a suspended sentence of Service detention. A CO cannot activate a suspended sentence imposed

by the Court Martial.

(5) When the CO decides on summary disposal of the offence, he will complete the procedure to bring a charge and arrange a summary hearing (see Regulation 1055). It should be borne in mind that the mode of trial can be changed at any time, even during the summary hearing itself, up until a finding has been recorded. This allows a CO, should he decide during the hearing that his powers of punishment are insufficient or that the case is more complex than he first thought, to refer the charge to the Director of Service Prosecutions for his consideration.

Delegation of CO's Disciplinary Powers

(6) A CO is responsible for all charges brought within his area of responsibility. He may delegate some or all of his disciplinary functions to subordinate commanders and make conditions on such delegations as he considers appropriate. The delegation will continue until the CO revokes it; both delegation and revocation may be made orally or in writing. Wherever time permits, officers who have disciplinary functions delegated to them should be promulgated in orders. Only one officer in the chain of command of body of personnel (e.g. a wing) may hold the delegation to hear a particular charge at any one time.

(7) A subordinate commander is an officer under the command of the CO who is of at least the rank of flight lieutenant or equivalent. Charges are allocated to be heard by the appropriate subordinate commander depending on the seriousness of the alleged offence and, consequently, the potential severity of the sentence.

(8) A CO may not delegate his powers for:

(a) Offences that are above a specific level of seriousness. For example those offences that a CO would have to apply to Higher Authority to hear summarily – see MSL Chapter 9, Part 1 for a list of these offences).

(b) An offence alleged to have been committed during the operational period of a suspended sentence of Service detention.

(c) Charges against an individual above the rank of flight sergeant (and equivalents).

(d) Charges against an individual of the rank of sergeant (and equivalents), unless the subordinate commander is of the minimum rank of squadron leader.

(9) A CO may revoke the delegation of his disciplinary powers in relation to a charge at any time before a decision is made by the officer hearing the charge as to whether the charge is proved. Where revocation is made after the accused has elected trial by court martial, the election stands. Similarly, if a revocation is made after the accused has been asked whether he admits or denies the charge, the accused's decision stands. (For further guidance on delegation and summary hearing procedure see the MSL Volume 1, Chapters 6 and 9).

1055A. *(Omitted)*

1056. Procedure Preparatory to the Summary Disposal of Charges.

Sponsor: ACOS Pers Pol (RAF)

(1) Summary discipline enables the chain of command to exercise immediate and effective authority in all situations including on operations. Comprehensive guidance on the procedure for the bringing of a charge and for the holding of a summary hearing is to be found in the Manual of Service Law (MSL) Volume 1, Chapter 9. This regulation provides a synopsis of the key points of these procedures.

(2) Once the CO has decided on the most appropriate charge he should take action formally to bring the charge. Form 252 is to be used for reporting a person with a view to bringing a charge against him. A charge is brought when the CO signs the charge sheet (Form T-SL-CS01; Annex H to MSL Volume 1 Chapter 6) and gives a copy to the accused. Apart from the personal details of the accused, the charge sheet contains a statement of the offence charged and its underpinning statutory provision. (Specimen charges are to be found in MSL Chapter 7 (Non criminal (disciplinary) offences) and Chapter 8 (Criminal Conduct Offences). Particulars of the conduct constituting the commission of the offence, which clarifies the allegation against the accused, also forms a part of the charge sheet.

(3) As soon as practicable after the charge has been brought, the CO or a person authorised by him (generally OC P1) is to prepare a Case Summary (See MSL Chapter 9 for further guidance and Annex E to Chapter 9 for an example), inform the accused of his rights and provide him with case papers. In addition, the CO or a person authorised by him should inform the accused that he may consider seeking legal advice at his own expense and that this may be a matter that he discusses with his Accused's Assisting Officer (see 'Representation' at Clause 6 below). Where the CO considers that it is not necessary for him to apply to Higher Authority for permission to hear the charge or for extended powers of punishment, (see next clause), he should proceed to hear the charge.

(4) As alluded to in clause (3), before arranging the summary hearing, the CO (if below the rank of air marshal) must consider whether he is required to apply to Higher Authority for permission to hear the charge that he has brought. Such applications, which can be made only by COs (i.e. not subordinate commanders), are required for certain more serious offences such as assault occasioning actual bodily harm (see the MSL Volume 1, Chapter 6 Annex B). At this stage, the CO only (i.e. not a subordinate commander) is also to apply to Higher Authority for extended powers of punishment if he considers they are needed in order to deal with the charge appropriately. It is important to note that an application for extended powers may not be made after the commencement of the summary hearing (i.e. after the accused has been given the option of trial by court martial).

(5) When bringing the charge, the CO is also to check whether the accused is presently subject to a suspended sentence of Service detention. If so, the CO may have to apply for extended powers of punishment for the purposes of activating the suspended sentence should the current offence be proved. It is important to note here that, if the accused is subject to a suspended sentence of detention, the CO may not delegate the hearing of the charge to a subordinate commander.

Representation

(6) Before any summary hearing the accused is entitled to appoint an Accused's Assisting Officer (AAO) to advise and represent him. The AAO may be present during the hearing itself. The AAO has an important role in providing valuable assistance to the accused, particularly those who are young and inexperienced. With the exception of personnel who have been involved with the case and lawyers, padres and medical officers, the accused may select any Serviceman of the minimum rank of sergeant (and equivalents) to act as an AAO. Should the accused have difficulty in finding a suitable individual, he may request the assistance of the CO. In these circumstances, the CO must provide a pool of at least 2 suitable nominees from which the accused may choose if he wishes. In this event, the CO is to allow the accused a minimum of 24 hours to prepare for the hearing. See the MSL Volume 1, Chapter 9, Annex F for further detailed guidance on AAOs.

1056A. Summary Disposal of Theft, Fraud and Drugs Offences.

Sponsor: ACOS Pers Pol (RAF)

(1) A CO may hear summarily a charge or charges of theft under Section 42 of the Armed Forces Act 2006 (AFA 06). Those cases of petty theft by young airmen under 18 years of age and by older airmen where it is considered that a summary punishment will effectively deter the accused from further offences may be disposed of without recourse to higher authority. However, in all cases involving JNCOs and above, or which involve sums in excess of £500, COs are to seek advice from Higher Authority and also obtain legal advice from DLS(RAF) as to their appropriate disposal method.

(2) COs are reminded that all cases that may involve fraud are to be reported to Higher Authority whose permission must be sought for summary disposal. Legal advice from DLS(RAF) will also invariably be necessary in such cases.

(3) While COs may dispose summarily with certain drugs offences under AFA 06, before doing so legal advice is to be sought from DLS(RAF) and Higher Authority are also to be consulted for guidance. JSP 835 (Alcohol and Substance Misuse and Testing), Chapter 4 also contains guidance and should be consulted in all such cases.

1057. Summary Hearing Procedure.

Sponsor: ACOS Pers Pol (RAF)

(1) A summary hearing is a military tribunal; it is not a court of law but it does have a number of statutory aspects, which safeguard its compliance with the European Convention on Human Rights. Unlike a civil court it does not have an adversarial approach. Rather, its nature is inquisitorial; an investigation into the facts of the case by the officer conducting the hearing. Just as importantly, it is the one of the most visible aspects of the Services' disciplinary system, which enables the chain of command to exercise immediate and effective authority in all situations including on operations. It is, therefore, crucial that summary discipline is exercised, and is seen to be exercised, fairly and expeditiously. Thus, for legal and Service reasons, it is important that COs (this Regulation applies equally to subordinate commanders unless specifically stated) adhere to the guidance contained in the Manual of Service Law (MSL) Volume 1, Chapter 9. This regulation is meant to highlight some of the statutory and other key aspects of the summary hearing procedure; the MSL is to be consulted for more detailed guidance.

Oaths

(2) Oral evidence given by witnesses and the accused at a summary hearing is to be given on oath (or one of the alternative methods of swearing). The form of oath is set out in Annex H to Chapter 9 of the MSL Volume 1.

Election for Trial by Court Martial

(3) Before commencing a summary hearing the CO is to satisfy himself that the accused understands the charge(s) and has had a reasonable amount of time to prepare – a minimum period of 24 hours is legally mandated for this purpose. The CO shall then afford the accused the opportunity of electing trial by court martial. In this context, it is important to remember when the accused is charged with more than one offence, that an election on one charge has the effect of an election on all charges. (See the guidance on 'Election for Court Martial Trial' in the MSL Volume 1, Chapter 9, Part 7). If the accused does not elect trial by court martial, the CO is to commence the hearing by reading the charge(s) to the accused and asking him whether he admits or denies the charge(s). He will then continue to conduct the hearing in accordance with the accused's decision. MSL Volume 1, Chapter 9, Annex C provides a comprehensive guide to the procedure to be followed for summary hearings.

Withdrawal of Election of Trial by the Court Martial

(4) The accused may make a representation to the Director of Service Prosecutions (DSP) for permission to withdraw his election for trial by the court martial and refer the charge back to the CO. This will be a matter entirely for the discretion of the DSP. (See the Manual of Service Law Volume 1, Chapter 9, Part 7 for further guidance).

Charges - Dismissal, Discontinuance and Referral to Director of Service Prosecutions

(5) The CO may dismiss the charge at any stage during the summary hearing up until he determines that the charge has been proved. Similarly, the CO may discontinue a charge that has been alleged for

summary hearing at any time up to the start of the summary hearing and during the course of the hearing itself up until the point at which a decision, as to whether or not the charge has been proved, has been made.

(6) Discontinuance is appropriate when it is no longer appropriate to take disciplinary action against the accused; a more appropriate charge has been added or substituted; the case is handed to the civil authorities; a fresh charge is to be brought in order to rectify an error in the conduct of the hearing; or a witness cannot be located for the time being. Discontinuing a charge has the effect that the matter remains unresolved; staff legal advice should invariably be taken when considering this course of action.

(7) A CO has the power to refer a charge to the DSP at any time up to the start of the summary hearing and during the course of the hearing itself up until the decision, as to whether or not the charge has been proved, has been made. This course of action may be necessary if the CO decides that his powers of punishment may not be sufficient should he find the charge proved or that he considers that the case is too complex for him to deal with.

Reasons for Sentence

(8) Section 252 of the Armed Forces Act 2006 provides that the CO explains in ordinary language and in general terms his reasons for deciding on the sentence that he has awarded. COs are to familiarise themselves with the MSL, Chapter 9, Part 5 to ensure that this legal prerequisite is understood and complied with. Further, COs should be aware of how important it may be to the individual that he clearly understands the seriousness of his offence in the context of the punishment awarded and also the effect of the punishment itself. (MSL Chapter 13 (Summary Hearing Punishments) and Chapter 14 (The Summary Hearing Sentencing Guide) constitute key reference material for these aspects of summary hearing procedure).

Right to Choose to Commence a Sentence of Detention

(9) Summary sentences of detention do not start for 14 days unless the offender opts to begin the sentence immediately (Section 290(2), AFA 06; see MSL, Chapter 9, Part 6 Post Hearing Action). The offender may subsequently change his decision, and be released from detention until the end of the 14-day appeal period, which starts on the date that the punishment is awarded. In this event, the remainder of the unserved sentence of detention is held in abeyance until the expiry of the appeal period (if no appeal is made) or (if made) the appeal is determined or abandoned.

The Record of Summary Hearing

(10) It is a legal requirement (under the Armed Forces (Summary Hearing and Activation of Suspended Sentences of Service Detention) Rules 2009) for the CO to complete a Record of Summary Hearing (the Record). Where the charge has been found proved, the CO is to provide the offender with a copy of the Record, usually within 24 hours of the summary hearing. The Record will be required should an appeal be made or an activation hearing become necessary; the latter is especially pertinent when a suspended sentence of Service detention has been awarded. In any event the Record provides an 'audit trail' should one be required and is to be kept for a minimum period of 2 years under local arrangements by the unit who held the summary hearing.

Activation of Suspended Sentences of Service Detention

(11) Under Section 190, AFA 06 a Service court or the CO may award a suspended period of detention for a period of between 3 and 12 months; the 'operational period' of the suspension. The CO (not a subordinate commander) may activate a suspended sentence of detention (awarded by the Summary Appeal Court or at a previous summary hearing but not by the court martial) where an individual commits a subsequent offence within the operational period of the suspended sentence.

(12) The subsequent offence may be another Service offence or a conviction in a civil court. In the former event, the routine summary hearing procedure has been restructured and extended in order for the CO to consider activation. Namely, to begin with the CO holds a routine summary hearing for the subsequent Service offence. Should the CO find the offence proved, he will continue the summary hearing and go on to consider whether to activate the suspended sentence of detention in full, in part or not at all. Where the subsequent offence is a civil conviction the CO will undertake a discrete activation hearing solely to consider whether to activate the suspended sentence in full, in part or not at all. Refer to MSL, Chapter 9, Parts 3 and 8 for further guidance.

1058 - 1060. (Omitted)

1060A. Personnel Attending Civil Courts - Dress.

Sponsor: ACOS Pers Pol (RAF)

Officers and airmen who are required to appear in civil courts are to be dressed in accordance with current dress regulations (AP1358, Chapter 10, Annex C) and instructions within AP3392 Vol 4 Leaflet 1302.

1061. Airman Charged in Civil Court.

Sponsor: ACOS Pers Pol (RAF)

(1) An airman who is charged with an offence before a civil court is to report the matter forthwith to his CO. This clause does not apply when the civil offence charged is a minor offence under the Road Traffic Acts and the airman was not on duty at the time at which it is alleged he committed the offence. However, where a charge may result in a driving disqualification reporting action is to be taken, notwithstanding that the charge preferred is a single charge of a minor offence under the Road Traffic Acts. (See AP 3392, Vol 4, Lft 1302). Charges following positive "breathalyser" tests are not to be regarded as minor offences under the Road Traffic Acts and are therefore always to be reported.

(2) When a CO receives information that an airman under his command is to be charged with an offence before a Crown Court, he is:

(a) If the charge is to be heard near the station where the airman's unit is quartered, to detail an officer not below the rank of Flt Lt (unless the consent of Higher Authority has been obtained) from the unit to attend and watch the proceedings: or

(b) If prosecution is to take place at a distance, to arrange for an officer to be detailed from the airman's unit or from some other unit near the place of trial.

(3) When a CO receives information that an airman under his command is to be charged with an offence before a Court of Summary Jurisdiction, he is, in the following circumstances, to detail an officer not normally below the rank of Flt Lt to attend the court:

(a) If he considers such a course desirable.

(b) If the accused has requested that an officer appear as a witness on his behalf.

(c) If the court has asked for the attendance of an officer.

(4) The officer detailed to attend the court under clause (2) or (3) above may be a male or female officer, at the discretion of the CO, irrespective of the sex of the accused.

(5) The officer detailed to attend and watch proceedings should, whenever possible, have

personal knowledge of the accused.

(6) The CO of the airman's unit is to provide for the officer detailed to attend (see AP 3392, Vol 4, Leaflets 1302 and 1305):

- (a) An informal character assessment if the officer detailed has no personal knowledge of the accused.
- (b) Particulars of the accused's service record, age, education and previous employment together with any available details of his domestic and family circumstances.
- (c) A statement of the airman's current entitlement of pay and allowances and the amount of any compulsory deductions in force.
- (d) A statement whether he intends, in the event of conviction, to recommend the airman's discharge or retention in the Service.

If the officer detailed to attend the proceedings is from a unit other than the airman's unit, the CO of the airman's unit is to forward to the CO of the officer's unit all necessary information and documents (e.g. Conduct records and Form 280 and the information detailed above) for the use of the officer attending the court.

(7) When, under clause (3) above, it is decided that an officer shall not attend the court, the CO is to furnish to the civil police, on request, all available details in regard to the airman's character and service record and pay, as specified in clause (6)(a), (b) and (c) above.

(8) *(Omitted)*

(9) The officer attending the court is, if required by the court, to make known to the court:

- (a) The assessment of conduct recorded on the airman's record of service.
- (b) The full particulars of any conviction of the airman, after trial either by court-martial or summarily, of an offence under Section 70, AFA 55. He is not to give information concerning minor offences of a purely disciplinary character.
- (c) All the information with regard to the airman's general character or background which is within his personal knowledge or which has been provided by the accused's CO in accordance with clause (6). Unless specially ordered by the court to do so, he is not to take with him the airman's conduct records.

(10) To assist the court in determining its sentence, the officer must be prepared, if asked, to tell the court whether or not the airman's CO, having taken into account his service record and potential in the Service, proposes to recommend his discharge from the Service if he is convicted or found guilty. The officer should explain that it is sometimes necessary for the CO to modify his views in the light of the precise circumstances of the offence as brought out at the trial and that, in any event, the final decision whether any offender should be discharged rests with the MOD, who alone can authorise discharge in such circumstances.

(11) The officer attending the court is to be careful not to act as advocate in any way.

(12) When the magistrates impose a fine which the offender is unable to pay immediately from

his own resources, the question of payment is to be dealt with as set out below.

(13) **Voluntary arrangements.** It is the personal responsibility of the offender to ensure that his fine is paid directly to the Court, and he must seek the agreement of the Court to any form of deferred payment and make his own arrangements accordingly. The attending officer is to be prepared to advise the Court of the current pay and allowances to which the offender is entitled, and of any compulsory stoppages and deductions which may be in force, but he is to make it clear that the RAF cannot accept responsibility for the enforcement of any voluntary arrangements which may be made. The attending officer should be prepared to advise the Court of the provisions of clause (14) below, but should point out that these special powers should be invoked only in exceptional cases when the normal direct arrangements between the offender and the Court have proved impracticable. Should the Court express a wish to recover the fine through RAF channels, the attending officer is to take no action except to ask the Court to refer the matter in writing to the CO of the offender.

(14) **Payment through Service Channels.** If the Court formally requests the RAF to assist with the recovery of a fine, the accountant officer is to calculate the maximum recoverable from the pay of the offender each week, having regard to the current regulations. This sum is then to be paid weekly to the Court and recovered immediately from that week's pay until the fine is cleared. If the offender is posted before the fine has been cleared, the accountant officer is to advise the new unit of the details so that recovery may continue, copying his letter to the Court. If the offender is discharged from the Service before the fine is cleared, the accountant officer is to recover as much as is permissible from pay before finally clearing the offender's account, and in forwarding this sum to the Court, is to advise that the RAF cannot be responsible for the recovery of any balance which remains outstanding.

(15) **Payment from Public Funds.** Except as provided in (14) above, a fine is not to be paid, wholly or in part, from public funds unless all the following conditions are fulfilled:-

(a) The CO is satisfied that unless payment is made, the Court will impose some restriction on the liberty or movement of the offender.

(b) Loss or restriction of the offender's services will be seriously detrimental to the interests of the RAF.

(c) The situation cannot be dealt with other than by a payment from public funds.

(d) The proposed payment will not place the offender's pay account in debt beyond an amount which, having regard to all the circumstances and the likely future of the airman, can reasonably be expected to be recovered from pay within 3 months.

(16) Where damages, compensation or costs in respect of an offence are awarded against an airman, and the airman is not in a position to pay at once, arrangements may be made in suitable cases for recovery to be effected by deductions from his pay, but payment of sums to an aggrieved person in this respect is only to be made as and when recovered from the airman's pay. Owing to different systems of jurisdiction, courts outside the UK may, on occasion, award compensation which would have been awarded by a civil court in the UK. The DLS(RAF) (or his deputy abroad) should be consulted before any amount, other than in respect of a fine, is paid to a civil court outside the UK.

(17) If the court decides to place the airman under the care of a probation officer, the officer attending the court is to provide details of any outstanding serious Service offences.

(18) When an airman is placed under the supervision of a probation officer by order of the civil court, and disciplinary action in respect of an outstanding Service offence is contemplated, the CO is invariably to communicate with the Clerk of the Court concerned before taking any action likely to remove the airman from the care of the probation officer.

(19) If an airman is convicted or bound over, or otherwise dealt with by a civil court a certificate of conviction or certified copy of the Order of the Court is always to be obtained by the airman's CO (see JSP 501 as to payment of fee). If the airman is sentenced at the Central Criminal Court or a Crown Court after trial or indictment, application is to be made to the Clerk of the Court of trial for the unqualified certificate of conviction or certified copy of the Order of the Court 60 days after the sentence was imposed or in the case of a joint trial on indictment 60 days after the date on which the joint trial concluded. If the airman was not tried on indictment, application for the certificate of conviction or certified copy of the Order of the Court is to be made at once. (See AP 3392, Vol 2, Leaflet 1425 as to the disposal of the certificates.)

(20) A warrant officer, NCO or airman sentenced by a civil court in the UK to a custodial sentence, notwithstanding any appeal lodged against conviction, including awards for offences under the Road Traffic Act, will not, save in exceptional circumstances, be retained in the Service. For the purposes of this clause, a custodial sentence includes a sentence of imprisonment (including a suspended sentence), detention or youth custody. In all cases a report is to be raised in accordance with AP 3392, Vol 4, Leaflet 1304 by the CO of the unit to which the airman belongs or is attached at the time of the conviction and forwarded without delay to Higher Authority. In the event that a CO should decide not to recommend discharge, the report should state fully the exceptional circumstances of the case and specify the alternative form of disposal proposed. (See Para 528 and 1027 for powers of discharge, reduction and compulsory remustering, and Para 1027 for provisions and limitations governing administrative action). The same action is to be taken when an airman is sentenced abroad by a civil court to a punishment which, in the opinion of the Air or other OC, is the equivalent of a custodial sentence. However, the provisions of Para 1118(2) will also apply.

(21) Whenever a warrant officer, NCO or airman is found guilty by the civil power of any offence, except a minor offence under the Road Traffic Acts, but is not sentenced to a custodial sentence, a report (see AP 3392, Vol 2, Leaflet 1425) is to be made to Higher Authority, by the CO of the unit to which the airman belongs, or is attached, at the time of conviction. The report is to state the COs proposal to take no further action, or to issue a formal warning, or to recommend reduction in rank (warrant officers or NCOs only), remustering, or discharge. If the CO proposes to recommend reduction in rank, remustering or discharge, action is to be taken in accordance with AP 3392 Vol 5 Leaflet 130, in which circumstances the report is to accompany the recommendation. If a Community Service Order is awarded, see AP 3392, Vol 4 Leaflet 1305. (See Para 528 and 1027 for provisions and limitations governing administrative action).

1062. Officer Charged in Civil Court.

Sponsor: ACOS Pers Pol (RAF)

(1) An officer who is charged with an offence before a civil court is to report the matter forthwith to his CO. This clause does not apply when the civil offence charged is a minor offence under the Road Traffic Act, and the officer was not on duty at the time at which it is alleged he committed the offence. Charges following positive "breathalyser" tests are not to be regarded as minor offences under the Road Traffic Acts and are therefore always to be reported. See also **Para 1009** as to an officer's duty when his character is impugned.

(2) When a CO receives information that an officer under his command is charged with an offence before a civil court, he is to report the matter to the AOC or other OC giving such details of the circumstances as may be available. He is to state, at the same time, whether the officer has been suspended from duty under **Para 1009**.

(3) On receiving a report under clause (2), the AOC or other OC, if he considers it desirable, is to detail an officer not below the rank of Sqn Ldr (unless the consent of Higher Authority has been obtained) to attend the trial; such an officer is always to be detailed to attend the trial if it is to be held before the Central Criminal Court or Crown Court or before any court of comparable jurisdiction at home or abroad. The officer detailed to attend the court may be a male or female officer, at the discretion of the CO, irrespective of the sex of the accused officer. An officer detailed to attend a trial

would reflect if there was a verdict or finding of guilty, on the officer's character or conduct as an officer, he is to report the circumstances to RAF PMA through the normal channels at once without awaiting the results of the proceedings. (As to legal aid when an officer is the subject of legal proceedings before a civil court, see Para J980).

(4) If an officer is convicted or bound over, or otherwise dealt with by a civil court, a certificate of conviction or certified copy of the order of the court is always to be obtained under Section 199, AFA 55, by the officer's CO (see JSP 501 as to the payment of fees). If the officer is sentenced at the Central Criminal Court or a Crown Court after trial on indictment, application is to be made to the Clerk of the Court of trial for the unqualified certificate of conviction or certified copy of the Order of the Court 60 days after the sentence was imposed or in the case of a joint trial on indictment, 60 days after the date on which the joint trial concluded. If the officer was not tried on indictment, application for the certificate of conviction or certified copy of the Order of the Court is to be made at once. The CO is to forward the certificate or certified copy of the order to the AOC or other OC.

(5) When an officer is convicted or bound over, or otherwise dealt with by a civil court, the AOC or other OC is to require the officer to submit a written explanation as to the circumstances. This explanation, together with a certificate of conviction or certified copy of an Order of the Court, is to be forwarded to SPC (AC) through normal channels with the AOC's recommendation as to the action (if any) the Defence Council should take in the matter. The procedure set out in AP 3392, Vol 5, Leaflet 130 for the submission of a special report upon an officer is to be followed. Unless the AOC or other OC consider it desirable, action need not be taken under this clause if the offence was a minor offence under the Road Traffic Act and Service MT was not involved.

(6) When an officer is sentenced by a civil court in the UK to a custodial sentence, notwithstanding any appeal lodged against conviction (see Para 2387, clause (2)), including awards for offences under the Road Traffic Act, will not, save in exceptional circumstances, be retained in the Service. For the purposes of this clause, a custodial sentence includes a sentence of imprisonment (including a suspended sentence), detention or youth custody. In all cases a report is to be raised in accordance with AP 3392 Vol 4, Leaflet 1304 by the CO of the unit to which the officer belongs or is attached at the time of the conviction and forwarded without delay to Higher Authority. In the event that a CO should decide not to recommend termination of service, the report should state fully the exceptional circumstances of the case and specify the alternative form of disposal proposed.

(7) Whenever an officer is found guilty by the civil power of any offence, except a minor offence under the Road Traffic act, where Service MT was not involved, but is not sentenced to a custodial sentence, a report (see AP 3392, Vol 2, Leaflet 1425) is to be made to Higher Authority by the CO of the unit to which the officer belongs, or is attached, at the time of conviction. The report is to state the CO's proposal to take no further action, issue a formal warning, or to recommend re-branching, or termination of service. If the CO proposes to recommend re-branching or termination of service action is to be taken in accordance with AP 3392 Vol 5, Leaflet 130, in which circumstances the report is to accompany the recommendation. If a Community Service Order is awarded see AP 3392, Vol 4, Leaflet 1305.

1062A. Civil Police Cautions.

Sponsor: ACOS Pers Pol (RAF)

(1) An officer or airman who receives a formal caution from the civil police of England, Wales or Northern Ireland for a civil offence is to submit a written explanation of the circumstances forthwith to his CO. This clause does not apply when the caution is for a minor offence under the Road Traffic Act and the officer or airman was not on duty at the time of the offence.

(2) Administrative action on receipt of such a report is to be taken in accordance with AP 3392, Vol 4, Leaflet 1304.

1062B. Fixed Penalty Notice, Fixed Penalty (Scotland) and Anti-Social Behaviour Order.*Sponsor: ACOS Pers Pol (RAF)*

(1) An officer or airman who receives a Fixed Penalty Notice, Fixed Penalty (Scotland)¹ or Anti-Social Behaviour Order from the civil police of England, Scotland, Wales or Northern Ireland is to submit a written explanation of the circumstances forthwith to his CO. This clause does not apply when the notice is for a minor offence under the Road Traffic Act and the officer or airman was not on duty at the time of the offence.

(2) Administrative action on receipt of such a report is to be taken in accordance with AP 3392, Vol 4, Leaflet 1304.

1063. Termination of Service following trial by Court Martial or Civil Court. *Sponsor: ACOS Pers Pol (RAF)*

(1) The circumstances leading to the conviction of an officer or airman by court martial or civil court may also throw into doubt his suitability for retention in the Service, even though the sentence of the court did not include dismissal. If the officer or airman is considered to be no longer suitable for retention, administrative action will be taken to terminate his service, and the fact that a court has already awarded a punishment for an offence in connection with the same set of circumstances is in no way to act as a bar to this action.

(2) If, on receiving confirmation of a court martial sentence or the report of a civil conviction or a civil police caution, a CO considers that termination of service should be recommended, he is to make that recommendation to Higher Authority under paras 1061(21), 1061(22), 1062(5) or 1062A(2) as appropriate, and is to inform the officer or airman concerned that he is doing so. However, the absence of any such recommendation will not preclude a Higher Authority, when considering the facts in the light of the officer's or airman's whole Service background, from deciding that termination of service is necessary.

(3) Even though trial by court martial or by civil court has resulted in an acquittal it may still be considered impractical to retain the officer or airman in the Service. In these circumstances the CO should report his views to Higher Authority.

1064. Effect of Quashing of Civil Conviction.*Sponsor: ACOS Pers Pol (RAF)*

Should an officer or airman's service be terminated following action in accordance with Para 1063(2), but the conviction on any charge on which that officer or airman was found guilty is quashed on appeal, he is, so far as possible, to be relieved from the consequences of that conviction.

1065-1066. (Omitted)

¹ The Fixed Penalty (Scotland) will be issued by the Procurator Fiscal.

SECTION 4 - SUMMARY AND MINOR PUNISHMENT

1067. Power of CO to Award Summary Punishments. *Sponsor: ACOS Pers Pol (RAF)*

(1) A CO (see Regulation 56 for the definition of a CO) has the power to award the summary punishments outlined in the Manual of Service Law (MSL) Volume 1, Chapter 13, Annexes A and B. The CO's power to deal summarily with personnel and award particular summary punishments depends on the relative ranks of the CO and the alleged offender. This Regulation provides initial guidance on CO's sentencing powers at summary hearings; COs are to refer to the MSL for more comprehensive guidance. See Regulation 1072 for a brief description of summary punishments.

Officers

(2) Officers up to the rank of Wg Cdr (Cdr and Lt Col) may only be dealt with by COs at the summary level. In order to deal summarily with an officer, the CO must be at least 2 ranks higher. The punishments available to officers at summary hearing are: forfeiture of seniority; fines up to a maximum of 14 days' pay or up to a maximum of 28 days' when the CO has been granted extended powers of punishment (see below); severe reprimand and reprimand; Service Compensation Order up to a maximum of £1000; and admonition.

Warrant Officers

(3) Warrant Officers may be dealt with at the summary level only by COs. The punishments available to them at summary hearing are: reduction in rank by one substantive or acting rank (when the CO has been granted extended powers of punishment (see below); a fine of up to a maximum of 14 days' pay or up to a maximum of 28 days' when the CO has been granted extended powers of punishment; severe reprimand and reprimand; Service Compensation Order up to a maximum of £1000; and admonition.

Senior Non-Commissioned Officers

(4) COs may award SNCOs the same punishments as WOs (see clause 3 above) with the exception that a fine of 28 days' pay will be available to a CO within his ordinary powers and the punishment of Stoppage of Leave is also available (see Regulation 1072).

Junior Non-Commissioned Officers

(5) COs may award JNCOs the same punishments as SNCOs with one exception. The lowest JNCOs rank in the 3 Services may be awarded detention of up to a maximum of 90 days when the CO has been granted extended powers of punishment (see below). It is important to note here that RAF LCpls may be awarded detention as the lowest JNCO rank in the RAF as can the equivalent rank in the RN of leading rate. However, as the lowest JNCO rank in the Army is L Cpl/L Bombardier it is only this JNCO rank in the Army that may be awarded detention. Thus, an Army Cpl may not be awarded detention.

Airmen

(6) With the exceptions of forfeiture of seniority, severe reprimand, reprimand and reduction in rank, COs may award airmen the full range of available punishments. Furthermore, certain punishments are exclusively available to airmen. They are the Service Supervision and Punishment Order and Restrictions of Privileges (see Regulation 1072).

Extended Powers

(7) If the CO is of or above the rank of air vice-marshal he may award any punishment up to the summary maximum. Other COs must apply to their Higher Authority for permission to use extended powers to award punishments beyond a certain limit; see MSL Volume 1, Chapter 9 for the procedure for making applications. Only COs may apply for extended powers. Briefly, extended powers are needed as follows to award: detention between 28 and 90 days to airmen; to award any period of detention to a Cpl up to a limit of 90 days; forfeiture of seniority to an officer; reduction in rank (unless the offender is a Lance Cpl); and fines of between 15 and 28 days' pay to officers and WOs. See MSL Volume 1, Chapter 13, Annexes A and B for further guidance.

1068. *(Omitted)*

1069. Power of Subordinate Commanders to Award Summary Punishments. *Sponsor: ACOS Pers Pol (RAF)*

(1) COs may appoint subordinate commanders at 3 levels: Wg Cdr (and above where CO is of sufficient rank), Sqn Ldr and Flt Lt and equivalents in the other 2 Services but with the proviso that only one subordinate commander in any chain of command may hold the delegated powers at any time. COs may delegate their summary disciplinary powers to subordinate commanders in full or in part; see Regulation 1055 and the Manual of Service Law Volume 1, Chapter 9, Part 1 for more comprehensive guidance. However, the extent of subordinate commanders' powers is dependent on their rank. See the MSL Chapter 13, Annex A for full details; a brief synopsis follows.

(2) Certain summary punishments are not within the purview of subordinate commanders regardless of their rank. They are: detention, reduction in rank, severe reprimand and the Service Supervision and Punishment Order. Further, a subordinate commander may not deal summarily with an officer or WO.

(3) Some powers of punishment of subordinate commanders are gradated in accordance with the 3 levels of subordinate commanders' ranks. They are: Fines, Stoppage of Leave, Restriction of Privileges (RoPs) and the Service Compensation Orders. Subordinate commanders at all 3 levels may award a reprimand. The maximum punishments that the 3 levels of subordinate commander may award, up to the rank of flight sergeant (and equivalents) unless stated otherwise, are as follows:

- (a) Wg Cdr:
 - (i) Fine: 14 days' pay.
 - (ii) Reprimand.
 - (iii) Stoppage of Leave: 14 days.
 - (iv) RoP: 14 days.
 - (v) Service Compensation Order: £1000.
- (b) Sqn Ldr:
 - (i) Fine: 10 days' pay.
 - (ii) Reprimand.

- (iii) Stoppage of Leave: 10 days.
- (iv) RoP: 10 days.
- (v) Service Compensation Order: £750.

(c) Flt Lt:

- (i) Fine: up to the rank of Cpl: 7 days' pay.
- (ii) Reprimand: Cpl and LCpl only.
- (iii) Stoppage of leave: 7 days.
- (iv) RoP: 7 days.
- (v) Service Compensation Order: £500.

1070. Combined Punishments.*Sponsor: ACOS Pers Pol (RAF)*

Punishments may be awarded individually or they may be combined with other punishments. However, care is needed when combining punishments as only certain combinations are legal under Section 138 of the Armed Forces Act 2006. For example the only punishment that may be combined with the sentence of detention is a Service Compensation Order; this is also true for a sentence of admonition. The full list of legally permissible combined sentences is to be found in the Manual of Service Law Volume 1, Chapter 13, Annex A.

1071. (Omitted)**1072. Summary and Minor Punishments.***Sponsor: ACOS Pers Pol (RAF)*

- (1) The aim of this regulation is to outline the punishments that are available at summary hearing and to highlight the key factors in their use, application and execution. The Manual of Service Law (MSL) Volume 1, Chapter 13 contains comprehensive guidance on the full range of summary punishments and Chapter 14 covers sentencing at summary hearing; COs are advised to read these chapters in conjunction with this Regulation.

Detention

- (2) Detention is the only custodial sentence available for offences heard summarily – it is only

available to COs, who may award up to 28 days' detention using their basic powers of punishment or up to 90 days using extended powers (see Regulation 1067(7)). A CO may suspend a sentence of detention (see Regulation 1071). The sentence is available for RAF LCpls (RN leading seamen and, it should be noted, Army lance Cpls and below). An offender will be treated as an airman (or equivalent) for the duration of his sentence. A junior NCO, on release from a summary sentence of detention, is to be restored to his rank in accordance with the protocol outlined in QR 1199A and subject to any administrative action that the CO may consider appropriate under QR 1027.

- (3) The consequences of a sentence of detention are the loss of reckonable service for the duration of the sentence, less any remission, and the forfeiture of pay. Those eligible offenders may receive a Family

Maintenance Grant at the discretion of the CO. Credit may be given where an offender has been kept in any form of custody after charge. The CO is to direct that any time spent in custody will count as time served. (See MSL Volume 1, Chapter 5 for further guidance on calculating time spent in custody).

Suspended Sentence of Detention Awarded by CO

- (4) A CO may award a suspended sentence of detention under the same conditions that he may award a sentence of detention that is not suspended. The circumstances under which a suspended sentence of detention may be appropriate and all other aspects of the sentence are outlined in the Manual of Service Law Volume 1, Chapter 12. Briefly, a suspended sentence may be appropriate where the offender is likely to reform without undergoing a period of corrective training; when the offender has shown genuine remorse; for the offender's welfare when he is under the age of 18. The type and gravity of the offence must also be taken into consideration as well as the offender's previous convictions and disciplinary record. Operational requirements may also be a factor but the convenience of the Service should not be a consideration.
- (5) When a suspended sentence of detention is awarded the sentence does not have effect unless the offender commits a subsequent offence within the 'operational period' and a court martial or the CO activates the suspended sentence; see Regulation 1057(11) for guidance on the methods available to the CO for the consideration of whether to activate a suspended sentence of Service detention. The subsequent offence may be a charge proved at a summary hearing or a civil conviction.
- (6) The operational period is determined by the CO when he awards the suspended sentence; it is a minimum of 3 months and a maximum of 12 months. In determining the length of the operational period, the CO is to consider the factors outlined in clause (1) of this regulation and take into account what he considers would be a reasonable time for the offender to prove that he will not re-offend and will perform his duties to the standard expected, i.e. that the offender will be rehabilitated through the imposition and impact of the punishment awarded and the supervision that he will be subject to.

The Service Supervision and Punishment Order (SSPO)

- (7) The SSPO was designed to punish and reform offenders without the need for them to undergo a formal period of detention. Only a CO may award an SSPO and then only to airmen (and equivalent) ranks. It is a suitable punishment for minor recidivists but may also be awarded for an offence punishable by detention. It is particularly appropriate for offenders under the age of 18 as an alternative to detention; those still undergoing training would inevitably benefit from this alternative as they would be able to continue their training while undergoing the punishment. Units are to develop a framework for the execution of the mandatory and discretionary elements of SSPOs that suit their operational requirements (see Clause 5).
- (8) An SSPO is divided into 2 periods; the initial (the more intense period) and the secondary period. The length of the initial period depends on the length of the SSPO awarded. The punishment has a number of mandatory and discretionary elements. The mandatory elements are the forfeiture of 1/6th gross pay for the period of the SSPO and the removal of the entitlement to any form of leave without the permission of the CO (see MSL Chapter 13 for further detail on this element). The discretionary elements include extra work, drill or training (up to a maximum of 5 ½ hours each day during the initial period and one hour each day during the secondary period) and restrictions on the movement of the offender; e.g. he may be prevented entering bars on the unit or leaving the unit without the permission of the CO.
- (9) The initial periods of SSPOs, which are awarded in blocks of 30, 60 and 90 days, are 14, 18 and 21 days respectively. A regime of reviews is an integral part of an SSPO (see MSL Chapter 13 for details). The reviews are conducted by the CO to determine whether the SSPO should continue in force by considering the offender's behaviour and compliance with the punishment thus far. There may also be compassionate or medical grounds for the CO to discontinue the SSPO or a meritorious act (e.g. gallantry) may persuade the CO to terminate the SSPO.

- (10) COs are to promulgate the regime that they intend to employ for SSPOs on their unit in order that personnel subject to this punishment will be aware of its implications.

Forfeiture of Seniority

- (11) Forfeiture of Seniority is a punishment that may only be awarded by COs when dealing with officers; it is not a punishment that is available to subordinate commanders. As for any summary hearing where the accused is an officer, the CO must be 2 ranks higher than the accused. Extended powers are required by the CO to award this punishment unless he is of the rank of air vice-marshal or other Service equivalents. Forfeiture may be for a specified term or as a whole. The effect of the forfeiture will be to reduce pay to a specified increment level with immediate effect. When applying for extended powers, COs are to take advice from Higher Authority on the full effects of the award of the punishment of forfeiture of seniority before awarding this sentence.

Reduction in Rank

- (12) Reduction in Rank may be awarded summarily to WOs and below and may only be awarded by a CO who has been granted extended powers to do so (see Regulation 1067(7)). Therefore, it is not a punishment that is available to subordinate commanders. The limit to reduction for this punishment is by one acting rank or if no acting rank is held by one substantive rank. This punishment does not affect local rank, which is governed by single-Service instructions.
- (13) Where a Cpl (LCpl in the RAF Regiment) is sentenced by his CO to reduction in rank he will revert to his highest qualified airman rank: i.e. junior technician or senior aircraftman. Note: A RAF Regiment Cpl may not be reduced in rank by his CO until AFA 06 is appropriately amended. For Air Traffic Controllers and Non-commissioned Aircrew the base rank is sergeant and for the trades of Nurse, Physical Training Instructor, RAF Police and Radiographer it is corporal. As explained in Clause (1), COs below the rank of AVM (and other Service equivalents) require the grant of extended powers by Higher Authority to use the power to reduce a WO or NCO at summary hearing. COs are to make Higher Authority aware should they seek such powers in respect to personnel in the trades detailed above, i.e. trades with base working ranks.
- (14) Reduction in Rank has a corresponding affect on pay; therefore, it is particularly important that this punishment is processed to JPA as expeditiously as possible to facilitate the making of the appropriate adjustments. (Refer to MSL Chapter 13 for more detailed guidance on the consequences of reduction in rank on pay and Regulation 1199A for guidance on restoration of rank).

Fines

- (15) The maximum fine that can be awarded to an officer or a WO is 14 days' gross pay (or 28 days' gross pay when the CO has been granted extra powers (see Regulation 1067(7))). All other ranks may be awarded a fine of 28 days' gross pay by the CO using his own powers. Subordinate Commanders' powers to award fines are limited in accordance with their rank (see Regulation 1069(3)). Subordinate commanders' powers to award fines are limited in accordance with his rank.
- (16) COs are to acquaint themselves with the offender's financial circumstances when considering the appropriateness of awarding a fine. The award of a fine is announced as a specified sum of money (usually in whole pounds) and not in terms of days' gross pay. Fines may be paid in full immediately or in instalments in accordance with 'minimum drawing rates' (see MSL, Volume 1 Chapter 13). Where the offender's financial circumstances change, he may apply to the officer who heard the charge to vary the payment. Where the offender ceases to be subject to Service law before recovery of the amount due, a Financial Penalty Enforcement Order may be made; refer to MSL chapter 16 for details on such orders.

- (17) Fines are not to be used to reimburse public funds for a loss; Service Compensation Orders are the appropriate vehicle here (see below).
- (18) Where the CO considers it appropriate, for example where the offender's financial circumstances are not conducive to awarding a fine, he may award a combination of minor punishments in place of a fine (see MSL, Volume I, Chapter 13 for suggested alternative punishments that the CO may wish to consider).

Severe Reprimand and Reprimand

- (19) COs may award a severe reprimand to officers (provided they are 2 ranks above the accused), WOs and NCOs; a subordinate commander may only award a reprimand to NCOs. Reprimands generally are a most applicable punishment for professional negligence where fitness to hold rank is not an issue or in cases where detention or reduction is not considered necessary.

Service Compensation Order (SCO)

- (20) A SCO requires an offender to pay a specified sum in compensation for personal injury (but see Clause 17), loss or damage caused by the offence that he committed. Evidence must be provided as to the value of the loss or cost of the repair. COs must take into consideration the financial circumstances of the offender in order to ascertain his ability to pay. A SCO may only be actioned once the CO is satisfied that, disregarding any power of the court to grant leave to appeal out of time, there is no further possibility of an appeal that could result in the order being varied or ceasing to have effect.
- (21) Only a CO may award a SCO for personal injury; he may not delegate this power. The maximum amount that a CO may award by means of a single SCO or 2 or more SCOs is £1000; subordinate commanders' powers in this respect are graduated according to rank (see Regulation 1069(3)). The offender may pay the SCO in full immediately or in instalments in accordance with 'minimum drawing rates'. However, the compensation is not paid to the victim until the appeal period has elapsed (this does not include any appeal that is made out of time). This is to avoid having to reclaim the sum awarded from the victim should the appeal be successful.
- (22) A SCO may not be awarded to compensate for the loss or damage to Service property caused by Service personnel involved in traffic accidents on Service property while driving their own vehicles. Further, a SCO may not be made in respect of bereavement, funeral expenses or a loss of any kind suffered by the dependants of a person in consequence of his death.
- (23) The offender has the right to appeal to the CO for a review of the SCO. The CO has the power to discharge (cancel) or reduce the amount of the SCO in certain circumstances (see MSL Chaps 9 and 13).
- (24) The methods of calculating the amount of a SCO where personal injury is involved are complex. The MSL Volume I, Chapter 13 provides further guidance and COs are also advised to seek legal advice in such cases.

Minor Punishments

- (25) The regimes for undertaking the minor punishments of Restrictions of Privileges (RoPs) and Stoppage of Leave, which are outlined in this regulation, are to be observed by those personnel who are responsible for their programming and supervision. The introduction or adoption of any system of punishment that is at variance with these regulations is forbidden. However, it is entirely appropriate that each unit adapts the discretionary elements for RoPs outlined in this regulation to suit the needs of their operational commitments and establish their own frameworks for this punishment. The MSL Chapter 13 provides comprehensive guidance on the parameters for imposing and supervising minor punishments. COs should familiarise themselves with these frequently used punishments as a priority.

of which follows.

Restriction of Privileges

(26) The minor punishment of RoPs is targeted exclusively at the airmen ranks (and other Service equivalents) and is aimed at the rehabilitation of the offender through a regime of extra duties. A maximum of 5½ hours' extra duties are to take place on each day of the punishment and the duties may comprise additional professional work, training or any other Service duty. In addition to extra duties, the offender will be required to muster or parade a maximum of 6 times a day. A CO may delegate his functions on deciding which extra duties the offender must undertake to personnel of or above the rank of flight sergeant (and other Service equivalents) and each unit is to determine a regime for the execution of this punishment and to publish it in standing orders or other suitable place.

(27) The maximum duration of RoPs is 14 days and the punishment is to start immediately and run continuously unless there are operational or compelling compassionate reasons to determine otherwise. In such circumstances the start of the punishment may be delayed by up to 28 days and the days on which the punishment is to apply will be specified within a further 28 days. When the punishment has to be delayed, the offender must be told, at the time of the award, the days on which it will take place.

Stoppage of Leave Order

(28) The punishment of stoppage of leave imposes the requirement for the offender to remain on his unit, i.e. he is confined to camp; it has no effect on the offender's individual leave allowance, which he will be able to use in the normal way when he has served the sentence. The CO may also impose further administrative restrictions on the offender, e.g. access to unit bars may be denied. The offender may be required to muster or parade up to 6 times a day, at the discretion of the CO, to ensure that he has not left the unit. The punishment is applicable to those below the rank of warrant officer.

(29) Stoppage of leave may be imposed for a maximum of 14 days and the punishment is to start immediately unless there are operational or compelling compassionate reasons not for it to do so. In these circumstances the CO may delay the commencement of the punishment for 28 days and the days on which the punishment is to apply must then be specified within a further 28 days. The CO may delegate the granting of special permission to leave to the unit to an officer of the minimum rank of flight lieutenant.

Admonition

(30) An admonition may be awarded to officers, warrant officers and other ranks for offences that do not merit a more serious punishment. An admonition may also be appropriate where the evidence presented at a summary hearing tends to lessen significantly the seriousness of the offence or where the offender produces compelling mitigating evidence.

1073 - 1076. (Omitted)

1077. Review of Summary Punishments.

Sponsor: ACOS Pers Pol (RAF)

(1) Detailed guidance on the procedural aspects of the review of summary punishments is to be found in the Manual of Service Law Volume 1, Chapter 15, Part 1. This Regulation is intended to highlight the key aspects of review and to provide an overview of the procedures involved.

(2) ACOS A1 may conduct a review at any time (but see Clause 3) after a summary or activation hearing; see Regulation 1057(11) for guidance on activation hearings. The purpose of the review of summary punishments is to identify whether there may be a reason to refer the summary finding or punishment to the Summary Appeal Court (SAC) for its consideration. For example the Reviewing

Officer (RO) may consider that incorrect procedures were followed during the hearing or that the punishment that was awarded was unreasonable. It is not the RO's function, however, to determine that errors of law have been made. The referral of a case to the SAC by the RO does not affect the offender's right to appeal. (See Regulation 1078 on appeal).

(3) While there is no time limit within which a review is to be conducted, delay should be avoided. It is therefore suggested that a preliminary review is undertaken within 48 hours of the award of a punishment at a summary or activation hearing (see Clause 4). This is particularly the case where the accused has been sentenced to detention and decides to begin his sentence immediately – such cases should be reviewed as expeditiously as is possible. In order to achieve this timeline, units should ensure that they despatch the necessary documentation to Air Personnel Casework at HQ Air normally within 24 hours of the summary hearing. The RO will notify the unit after he has completed his initial review as to whether there are possible grounds for an appeal and request.

(4) The review of summary hearing findings and punishment includes the review of any order that is made at a summary hearing to activate a suspended sentence of Service detention or where the CO has held a separate hearing to consider such activation. This would occur where the accused has been convicted in a civil court while subject to a suspended sentence of Service detention.

(5) When the RO refers a matter to the SAC, it is treated as if it were an appeal brought by the offender. The offender has the right to abandon the appeal at any time prior to the appeal's determination by the SAC.

(6) Although there is no time limit as to when a review might be undertaken (see Clause 3), the powers of the RO vary depending on whether the offender has brought an appeal to the SAC and whether the appeal has been completed. Briefly, the RO may bring matters to the attention of the SAC prior to the

hearing of any appeal, during the appeal itself or even after the SAC has completed the hearing.

(7) There are some cases where the errors are so serious that the law regards the proceedings as not having taken place, i.e. a nullity. An example would be where an officer purports to hear a case that was not in his powers to consider. In such circumstances, the RO is to consult the Office of the Judge Advocate General immediately.

SECTION 5 - SUMMARY APPEALS

1078. Administration and Appointment.

Sponsor: ACOS Pers Pol (RAF)

(1) Section 140, Armed Forces Act 2006 (AFA 06) makes provision for a Summary Appeal Court (SAC) that may sit in any place whether within or outside the United Kingdom.

Court Administration Officer (CAO)

(2) In accordance with Section 142(4), AFA 06 the lay members of the court are to be specified by or on behalf of the CAO. The CAO is to be completely impartial and independent in the random selection of lay court members in order to ensure a fair and impartial lay membership of the court (see Regulation 1082 for guidance on the eligibility of lay court members).

(3) The CAO, or his staff, are not to be subjected to any external influence or pressure prior to, during

Service law to do anything to pervert the course of justice. This includes, among other things, any interference with or attempt to influence any member of, or witness in, the SAC.

(4) The CAO is to be totally impartial and independent in the selection of court members in order to ensure a fair and impartial membership of the court. Selection of members is to be random. Once appointed, members must not be withdrawn from court duty unless there are pressing operational or compassionate reasons. The grounds for any withdrawal must be certified by the member's air officer commanding or other Service equivalent. See Regulation 1082 for further guidance on the selection of court members.

Judge Advocate General

(5) Section 142(3), AFA 06 makes provision for the Judge Advocate General to appoint a judge advocate for an appeal; further it allows a judge advocate to be appointed on the Judge Advocate General's behalf. The CAO is to inform the Judge Advocate General when a judge advocate is required for the SAC.

Summary Appeal Court Members

(6) Officers and warrant officers who are required to perform the duty of a lay member of the SAC are to do so independently and impartially in accordance with the evidence and the law. SAC members are not to be subjected to any external influences or pressure prior to, during or after the hearing. It is an offence under the criminal law and accordingly under Service law to do anything to pervert the course of justice. This includes, among other things, any interference with or attempt to influence any member of, or witness in, the SAC. Any such attempt prior to commencement or after the conclusion of the hearing should be reported to the Service Police and the Director of Service Prosecutions; if this occurs during the hearing, it should be reported to the CAO or the judge advocate presiding. A Court Guide is sent to lay members approximately 2 weeks before the hearing detailing the conduct and procedures of the court. Members are to satisfy themselves that they understand their duties and responsibilities; they will be required to sign a certificate to that effect and submit it to the CAO.

(7) For the duration of the hearing, members are not to engage in any other duties until such time as they are released by the judge advocate. The performance of a court member shall not be considered or evaluated in the preparation of any personal report, appraisal or other document used in whole or in part for the purpose of determining whether a member is qualified to be promoted, or is qualified or suited for particular appointments or training.

Respondent

(8) For the purposes of the SAC, the Director of Service Prosecutions will be the respondent.

1079. Appeals to the Summary Appeal Court.

Sponsor: ACOS Pers Pol (RAF)

(1) Personnel who have been dealt with at a summary or activation hearing (see Regulation 1057(11)) have an automatic right of appeal to the Summary Appeal Court (SAC), which is a compliant court in terms of the European Convention on Human Rights (ECHR). This automatic right of appeal in turn assists in making the overall summary process compliant with the ECHR.

(2) Appeals may be made to the SAC against findings recorded and punishments awarded by a CO or a subordinate commander on dealing summarily with a charge or by a CO on dealing with an activation hearing; see Regulation 1057(11) for further guidance on the activation of suspended sentences of Service detention and the Manual of Service Law Volume 1, Chapter 15, Part 2 for comprehensive guidance on appeals made from summary and activation hearings. An appeal must be brought within 14 days from the date on which the punishment was awarded, subject to clause (4).

Bringing an Appeal

(3) A person is considered to have made an appeal when he serves on his CO a 'Notice of Appeal' (Form T-SL-SAC01). He is to submit the Notice of Appeal within 14 days (the initial period) from the date on which:

- (a) The finding and punishment were awarded.
- (b) The activation order was made, where a suspended sentence of detention has been activated by an order.

Applications to Extend Initial Appeal Period and for Appeals out of Time

(4) A potential appellant, who before the expiry of the 14-day initial appeal period, considers this period is insufficient to decide whether to appeal, may apply to the SAC (through his CO) for an extension to the initial period. Similarly, where the initial 14-day appeal period has expired and a person decides that he wishes to appeal, he may apply to the SAC (through his CO) for permission to do so; see the Manual of Service Law Volume 1, Chapter 15, Part 2 for procedural guidance.

Abandonment of Appeals

(5) An appellant may abandon an appeal, whether wholly or in part, at any time prior to its determination. Appellants are, however, advised not to take the decision to abandon an appeal without the benefit of advice from their legal representative and assisting officer (see Regulation 1080 for guidance on legal representation and the appellant's assisting officer), and in any event not before the Director of Service Prosecutions (DSP) has announced his decision as to whether he intends to contest the case.

(6) An appellant may be deemed to have wholly abandoned an appeal where, after having received notice of a hearing at which the DSP has indicated he will contest the appeal, he fails to attend such hearing and the Judge Advocate considers that there is no reasonable explanation for the failure to appear.

Application for Leave to Refer a Case to the SAC by a Reviewing Officer (RO)

(7) A RO may apply to the SAC to refer a finding or a punishment of a summary hearing or activation hearing to the SAC for it to be considered as an appeal even when the person to whom the review relates has not brought an appeal. This must occur within the 14-day initial appeal period (or any extension to that period that has been authorised). The procedure for such an application are outlined in the Manual of Service Law Volume 1, Chapter 15, Part 2; see also Regulation 1077.

1080. Procedure on the Bringing of an Appeal.

Sponsor: ACOS Pers Pol (RAF)

Notice of Intentions of Respondent

(1) The respondent to the appeal (the Director of Service Prosecutions) will decide whether or not to contest an appeal. He will inform the Court Administration Officer (CAO) of his decision within 28 days. Where the respondent decides to contest an appeal against finding, he is to give notice to the CAO and serve on the CAO and the appellant's CO the 'respondent's papers'; see the Manual of Service Law (MSL) Volume 1, Chapter 15, Part 2 for detailed procedural guidance.

(2) The respondent may at any time prior to the hearing of the appeal give notice that he no longer

intends to contest it. In this circumstance, the respondent will inform the CAO and the appellant's CO to ensure that the appellant is notified and that the record of the appellant's conviction is removed from his record as appropriate.

Uncontested Appeals

(3) Where the respondent gives notice that he does not intend to contest an appeal, the SAC will quash the decision against which the appeal is brought. Where the appeal is uncontested the powers of the SAC are exercised by a judge advocate sitting alone. The CAO is responsible for informing the appellant, the appellant's CO and the DSP of the outcome.

Contested Appeals

(4) A contested appeal against finding or punishment, where the DSP opposes the appeal, takes the form of a rehearing of the charge. The SAC has the power to confirm a finding, quash it or substitute it with a finding that another charge has been proved. Where the SAC quashes a finding, it must also quash any accompanying punishment. After rehearing the evidence in respect of punishment, the SAC may confirm the punishment or quash it and substitute another punishment. The SAC cannot substitute a punishment, however, unless the substituted punishment was capable of being awarded by the hearing officer, who awarded the original punishment at the summary hearing. Further, the substituted punishment must be one that the SAC considers no more severe than the original punishment.

Preliminary Hearings

(5) A judge advocate may direct the CAO to convene a preliminary hearing prior to the commencement of the hearing of an appeal for his own reasons or on the application of the respondent or appellant. Such applications are to be made to the CAO who will be responsible for arranging the hearing and ensuring all parties are informed of the appointed place, date and time of the hearing. The matters capable of being dealt with at a preliminary hearing are wide ranging. They include issues such as: a challenge to the judge advocate; any question as to the admissibility of evidence; and other more technical legal issues. The Armed Forces (Summary Appeal Court) Rules 2009 (SACR 09) is to be consulted. The judge advocate may direct that the following persons may participate in a preliminary hearing through a live link: the appellant and his legal representative, any witness required for the preliminary hearing; an interpreter; and the CAO. Unless the judge advocate directs otherwise, the respondent may give evidence through a live link subject to giving notice to the CAO not less than 48 hours in advance of the hearing.

Representation of the Appellant at the Summary Appeal Court

(6) An appellant has the right to be legally represented at a hearing before the SAC (including a preliminary hearing and an appeal brought following a referral by a Reviewing Officer). The appellant's CO is to ensure that the appellant is afforded reasonable opportunity to prepare his case with the assistance of his legal representative.

(7) The legal representative is required to provide his name and address to the CAO along with the Service number, rank, name and unit address of the person for whom he is acting. The appellant is to notify the details of his legal representative to his CO and the proceedings before the SAC in connection with which has been instructed. (The MSL Volume 1, Chapter 15, Part 2 provides further detail).

Legal Aid

(8) Legal aid may be available for the hearing of an appeal before the SAC. The appellant may apply

for legal aid at the same time as he brings the appeal and he should be encouraged to do so in order to avoid any potential delay. The Appellant's Assisting Officer (AppAO) should play an active role here in advising and helping with any application (see Clause 9).

The Appellant's Assisting Officer

(9) The appellant may nominate an AppAO to assist him with the preparations for the appeal hearing. Assistance with an application for legal aid and advising the appellant in the event that he may be considering abandoning his appeal are just two areas where the AppAO may play an important role. A further responsibility of the AppAO is liaison with the appellant's legal representative to ensure that he understands the Service environment.

(10) The appellant may nominate any Serviceman of the minimum rank of sergeant to be his AppAO but the nominee must agree to be nominated. If the appellant cannot find a suitable person he may ask the assistance of his CO in finding a nominee. In these circumstances, the CO is to provide a list of at least two suitable Servicemen who are available to act. The appellant is free to choose a person from the list or try and find another to assist him.

1081. Procedure of the Summary Appeal Court.

Sponsor: ACOS Pers Pol (RAF)

(1) The Manual of Service Law Volume 2, Chapter 27, Part 4 outlines the procedure for the hearing of an appeal in the SAC. This regulation provides an overview of key points.

Sittings of the Court

(2) Generally the SAC must sit in open court unless the judge advocate directs the court to sit behind closed doors (in camera) where it is necessary or in the interests of justice to do so. The court will sit only on 'business days' (any day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday, Easter Monday or a bank holiday in England or Wales) unless the judge advocate deems otherwise. The Court shall sit at such time and for such periods each day as the judge advocate may direct.

Challenges by the Appellant

(3) The appellant may at any time before the opening of the respondent's case object, on reasonable grounds, to any lay member (including the waiting member) or any interpreter. The judge advocate will decide on the objection making his decision in open court. When an objection is allowed the lay member or interpreter is replaced.

Oaths and Affirmations

(4) An oath or affirmation shall be administered by the judge advocate, or any other member of the court, to any person attending the hearing of the SAC as a member of the court, a witness or an interpreter. The manner of administering oaths and affirmations is to be in accordance with Schedule 1 to the Armed Forces (Summary Appeal Court) Rules 2009 (SACR 09).

Evidence at Appeal through Live Link

(5) Any party to the appeal (appellant or respondent) may apply for leave for evidence to be given through a live link by a witness who is not in the place where the court is sitting. Applications for this purpose are to be made to the CAO not less than 28 days before the hearing or alternatively in person before the Court. The CAO will be responsible for notifying all parties of the decision of the judge advocate on the application.

Witnesses and Summonses

- (6) The CAO is responsible for notifying any person who is required to give evidence in any proceedings before the court. The appellant may request that the CAO notifies a witness on his behalf by providing him with sufficient time and information for him to do so.
- (7) The judge advocate may issue a witness summons where he is satisfied that a person is likely to be able to give evidence (including the production of any document or thing) that is material to the case and it is in the interests of justice to secure his attendance.

Deliberation on Finding

- (8) After the close of the case for the appellant, the court is closed to deliberate on its decision in relation to the finding(s). During its deliberation the court will not usually separate unless the judge advocate decides it is in the interests of justice to do so. The vote of each member of the court is given orally in reverse order of seniority; the judge advocate votes last. The decision is made on the majority of the votes.
- (9) The judge advocate will announce in open court the decision of the court on each finding and the reasons for it. The decision and the reasons for it are recorded in writing, dated and signed by signed by the members of the court.

Powers of the Court

- (10) The court has the power to acquit the appellant of the charge that appears on the charge sheet; however, it also has the power to substitute another charge and convict on that offence. If the court exercises the power to substitute a finding, it will specify the charge that has been proved.

Deliberation on Punishment

- (11) If the appeal is against finding and punishment, the court will consider the finding first and then go on to consider the punishment. If the finding is not guilty the punishment is quashed. The vote of each member of the court is given orally in reverse order of seniority; the judge advocate votes last. The decision is determined on the majority of the votes. The decision of the court is announced in open court along with the reasons for it.

1082. Constitution of the Summary Appeal Court.*Sponsor: ACOS Pers Pol (RAF)*

(1) The constitution of the Summary Appeal Court for the purpose of hearing an appeal under Section 141, AFA 06 is a judge advocate and 2 appropriately qualified (see Clause 3) officers or one officer and one substantive warrant officer as members of the court. Officers must have held a commission for at least 3 years and be of the minimum rank of flying officer or have been a substantive warrant officer immediately before obtaining a commission. Only one warrant officer may sit as a member of a particular SAC hearing, and then only if he is of equivalent rank to the appellant. (See the Manual of Service Law Volume 2, Chapter 27 for further detail).

(2) The judge advocate is appointed by or on behalf of the Judge Advocate General; the members of the court are appointed by or on behalf of the Court Administration Officer (CAO).

Officers and Warrant Officers not Qualified for Membership of the Court

- (3) In accordance with Section 143, Armed Forces Act 2006 an officer or warrant officer is not

qualified for membership of the SAC if:

- (a) He is a member of the Military Court Service.
- (b) He is a member of or on the staff of the Service Prosecuting Authority.
- (c) He is or has served as a Provost officer or Service policeman within the preceding 5 years.
- (d) He is a member of the Royal Army Chaplains' Department or the RAF Chaplains' Branch.
- (e) He has a general legal qualification within the meaning of section 71 of the Courts and Legal Services Act 1990; he is an advocate or solicitor in Scotland; he is a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland; or he has relevant territory rights and duties similar to a barrister or solicitor in England or Wales. (See Section 143(4) for further details).

Officers and Warrant Officers Ineligible to hear Particular Appeals

(4) An officer or warrant officer is ineligible for membership of the SAC for the hearing of a particular appeal if:

- (a) He was the CO of the appellant at any time from the commission of the offence until the start of the appeal hearing.
- (b) He took part in investigating the offence leading to the present appeal or he conducted an inquiry into the subject matter of any finding against the appellant.
- (c) He is a Higher Authority who has been involved with the summary hearing leading to the appeal.
- (d) He serves in the same group or equivalent formation as the appellant or is assigned to the appellant's group (or equivalent formation) before the date of the hearing.
- (e) He serves under the officer who conducted the summary hearing.
- (f) He is a member of the Air Personnel Casework Staff.
- (g) He is or will be, on the date of the hearing, formally seconded on full-time duties outwith the MOD or assigned to a MOD agency.
- (h) He is or will be, on the date of the hearing, serving overseas (to the venue of the hearing).
- (i) He knows well or is related to the appellant.

Additional ACOS Manning Sanctioned Exclusions from Court Membership

(5) In addition to the exclusions listed at sub-paras (3) and (4) above an officer or warrant officer may be excluded from court membership on the authority of HQ Air Command (Air Personnel Casework) if one of the circumstances listed in AP 3392 Vol 4 Leaflet 801 cause him to be unsuitable for the duty.

1083. Powers of Summary Appeal Court.*Sponsor: ACOS Pers Pol (RAF)*

- (1) When considering an appeal against finding, the Summary Appeal Court (the Court):
 - (a) May confirm or quash the finding.
 - (b) In a case where the hearing officer could validly have recorded a finding that another charge has been proved, may substitute for the finding a finding that the other charge has been proved; see also Regulation 1080(4).
- (2) Where the Court quashes a finding:
 - (a) It may quash any punishment that relates to that finding (or to that and one or more other findings that are also quashed).
 - (b) It may vary any punishment that relates both to that and one or more other findings so as to award any punishment that:
 - (i) Would have been within the powers of the officer hearing the charge.
 - (ii) In the opinion of the Court, is no more severe than the punishment originally awarded.
- (3) Where, on appeal against finding, the Court confirms the finding or substitutes for it a finding that another charge has been proved, the Court may vary the punishment awarded by the officer who heard the charge so as to award a punishment that:
 - (a) It would have been within the powers of the officer who heard the charge to award.
 - (b) In the opinion of the Court, is no more severe than that originally awarded.
- (4) On an appeal against punishment the Court may:
 - (a) Confirm the punishment originally awarded.
 - (b) Substitute any other punishment that:
 - (i) It would have been within the powers of the officer hearing the charge to award.
 - (ii) In the opinion of the Court, is no more severe than that originally awarded.

1084. Effect of Appeal on Summary Punishments.*Sponsor: ACOS Pers Pol (RAF)*

- (1) The Manual of Service Law (MSL) Volume 1, Chapter 15, Part 2 provides comprehensive guidance on: the effect of appeal on summary punishments; the offender's choice as to when to start a sentence of detention; and the activation of suspended sentences. A summary of the key points relating to these issues follows.

Detention

(2) Most punishments awarded at summary hearing take effect immediately, the exceptions to this rule are Stoppage of Leave and Restrictions of Privileges, which can be deferred by the hearing officer (see MSL, Volume 1 Chapter 13 for further detail). However, the offender decides whether to start a sentence of detention immediately. If he does not opt to do so, his sentence of detention will start:

- (a) After the initial appeal period of 14 days.
- (b) If the offender appeals within the initial period or any other extended period, on the day the appeal is either abandoned or determined (i.e. not in favour of the offender).
- (c) If the offender is granted leave to appeal out of time having already commenced his sentence of detention, he will be released from detention until such time as the appeal is either abandoned or determined (i.e. not in favour of the offender).

Activation of Suspended Detention and Appeals

(3) Following a subsequent Conviction for a Service Offence. A sentence of detention that is suspended by the CO will not take effect unless and until an order made to activate the suspended sentence is made. Where the CO makes an order to activate a suspended sentence of detention, after finding a subsequent or 'trigger' charge (committed during the operational period of the suspended sentence) proved at a summary hearing, the sentence will not commence immediately unless the offender, chooses this option. However, the offender has several options when the CO makes an order to activate a suspended sentence; he may:

- (a) Bring an appeal against the finding and punishment of the 'trigger' offence; this will be automatically treated by the SAC as appeal against the order.
- (b) Bring an appeal against the order; this will be automatically treated by the SAC as appeal against the 'trigger' offence.

If the CO decided not to make an order (and therefore did not activate the suspended sentence) the offender may still bring an appeal against the finding and or punishment of the 'trigger' offence. It should be noted here that should the SAC confirm the original finding, it will have the power to activate the suspended sentence (subject to the punishment as a whole being no more severe than that originally awarded).

(4) Following a subsequent Civil Conviction. Should an offender be convicted of a civil offence during the operational period of a suspended sentence of detention, the CO will be required to conduct an activation hearing (see MSL Volume 1, Chapter 9). Where the CO makes an activation order at an activation hearing, the offender will be able to bring an appeal. In such cases the activation order will be treated as a punishment awarded for the offence for which the suspended sentence was originally awarded.

Action where Sentence of Detention is Confirmed or Awarded

- (5) Where the SAC confirms or varies an original award of detention (including the activation of a suspended sentence of detention) the sentence will take effect immediately. Units are to be prepared for this contingency and ensure the appellant is also briefed to this effect.

Service Compensation Orders (SCO) and Appeals

(6) Where an appeal, brought within the 14-day initial appeal period, relates to a punishment that includes an SCO, the CO is to await the outcome of the appeal before putting the punishment into effect. Thus, where the SAC confirms or varies the award, the punishment can then be effected. The CO does not have to take into account the possibility of an appeal out of time before effecting the punishment. However, when an appeal out of time is made (and the sentence has already been effected) and the SCO is varied, quashed or substituted, action must be taken to recover the SCO as appropriate.

Post Appeal Action Unit Staff

(7) The outcome of an appeal will be notified to unit staffs by means of a Result Notification. Where the SAC has decided to, in effect, alter the outcome of a summary hearing by upholding an appeal in whole or in part, action must be taken expeditiously by unit staff to reflect such changes on the appellant's records and pay account. A copy of the Result Notification should be retained with the unit copy of the Record of Summary Hearing to which the appeal relates.

1084A. Appeals from Decisions of the Summary Appeal Court.*Sponsor: ACOS Pers Pol (RAF)*

(1) The appellant may question the judgement of the Summary Appeal Court by means of an application to the Court under section 149(2), Armed Forces Act 2006 to have a case stated for the opinion of the High Court. The application is to be made in writing and served on the appellant's CO within 21 days of the decision in respect of which the application was made; see the MSL Volume 2, Chapter 27 for further guidance.

**SECTION 6 - PROCEDURE IN CASES OF ABSENCE, DESERTION AND
OFFENCES AGAINST ENLISTMENT**

1085. Absentees and Missing Persons.*Sponsor: Policy Staffs, HQ RAFP*

(1) At the earliest opportunity after it is determined that an officer, NCO or an airman is absent, the CO is to examine whether the absentee is in fact a missing person. Age, ability and happiness at work, family problems and financial problems are examples of factors that could be considered in determining on a balance whether a Serviceman is a missing person or has absented himself. Where it is believed that the individual is a missing person, RAF SIB via the local RAF Police Flt and Air Personnel Casework should be informed.

(2) The procedures to be followed for absentees are laid out within the Manual of Service Law, Volume 1, Chapter 10 and AP 3392 Vol 4, Leaflet 1907.

1086 - 1096. (Omitted)**1097. Dispensation from Trial for Desertion. *Sponsor: ACOS Pers Pol (RAF)***

Whilst desertion remains a serious offence, there are circumstances in which it would be of no benefit to try someone for this offence. See Chapter 10, Volume 1, MSL.

1098. False Attestation and Improper Enlistment. *Sponsor: ACOS Pers Pol (RAF)*

(1) When a serviceman is found to be improperly enlisted in the RAF before being discharged from an engagement with another of HM Armed Forces, a number of offences may have taken place. For example, the offence of making of a false answer on enlistment in the RAF, contrary to Section 328, Armed Forces Act 2006 (AFA 06) and Regulation 12 of The Armed Forces (Enlistment) Regulations 2009. However, the serviceman may also have committed the more serious offence of desertion from the other Service, who may wish to deal with that offence. Consequently, the CO is advised to seek staff legal advice prior to taking any action and to inform ACOS Pers Cswrk at Air Command.

(2) Subject to clause (3) below, where a serviceman has given a false answer on enlistment in circumstances other than those referred to in clause (1), the CO is to take normal disciplinary action to deal with the offence that may have been committed contrary to Section 328, AFA 06 and Regulation 12 of The Armed Forces (Enlistment) Regulations 2009. He is also to consider whether administrative action in the form of discharge from the Service is justified.

(3) In view of the provisions of the Rehabilitation of Offenders Act 1974, charges contrary to Section 328, AFA 06 and Regulation 12 of The Armed Forces (Enlistment) Regulations 2009, arising from non-disclosure of previous convictions on enlistment in the RAF should not be preferred until staff legal advice has been sought.

1099 - 1101. (Omitted)

SECTION 7 - DISPOSAL OF PERSONS SENTENCED TO IMPRISONMENT OR DETENTION

1102. Rules in Regard to Committals.

Sponsor: ACOS Pers Pol (RAF)

(1) The rules to be observed in regard to the committal of persons sentenced under AFA 06 to imprisonment at civil prisons or service detention at military establishments are contained within Chapters 8 & 10 of JSP 837 - Service Code of Practice for the Management of Personnel in Service Custody and Committal to Service Custody Premises and Civil Prisons.

(2) Form T-SL-CUS05 (see JSP 830 MSL, Vol 1, Chap 9, Annex K) is to be used for committal. Guidance on committals can be found within Chapters 8 and 10 of JSP 837.

(3) The forms to be used for the committal, transfer, removal or release of persons under sentence are specified in the First Schedule to the Imprisonment and Detention Rules as Forms 1 to 15. These forms are reproduced in Appendix 18, Forms 1 to 9, 13 and 14 are available as RAF printed forms; they are referred to in this Section by the RAF Form No. given in Appendix 18. They may be prepared in typescript should the need arise.

(4) Appendix 18 also contains Forms 16 and 17 which may be used for the temporary reception in civil custody, and return to Air Force custody, of persons charged with or to be charged with offences under Part II of AFA (see Para 1035(8)). These forms do not form part of the Imprisonment and Detention Rules.

1103. Committal to Imprisonment.

Sponsor: ACOS Pers Pol (RAF)

Sentences of imprisonment imposed by a Service court will be served in a civil prison in the United Kingdom. Committal to civil prison in the UK is to be via the Military Corrective Training Centre (MCTC) Colchester. Unit COs are responsible for arranging committal to the MCTC, and Comdt MCTC is responsible for arranging onward committal into custody of the civil prison authorities. Any subsequent moves are the responsibility of the Prison Service (see JSP 837, Chapter 10).

1104. Committal to Detention.*Sponsor: ACOS Pers Pol (RAF)*

(1) A sentence of Service detention imposed by a Service court or summary hearing is to be served at the Military Corrective Training Centre (MCTC) or exceptionally in Service Custody Facilities (SCF). Units are to take steps to ensure that those sentenced to detention are transferred to the MCTC as soon as disciplinary proceedings are completed (see JSP 837, Chapter 8).

(2) Form T-SL-CUS 05 (see JSP 830, MSL, Vol 1, Ch 9, Annex K) is to be used for the committal of an airman in the UK to the MCTC after an award by the CO or Court Martial.

(3) The MCTC will accept Detainees Under Sentence (DUS) who have at least 14 days of their sentence still to serve (14 days is the minimum period for any training benefit at MCTC), and may accept those with shorter sentences in extenuating circumstances or who return to complete a sentence after an unsuccessful appeal to the Summary Appeal Court or after an appeal is abandoned (see JSP 837 Chap 8).

(4) A person sentenced to Service detention overseas for up to 60 days may exceptionally serve that in an SCF in that location with the consent of AMP or officer authorised by him (see JSP 837, Chapter 8).

1105. (Omitted)**1106. Notification prior to Committal.***Sponsor: ACOS Pers Pol (RAF)*

A person sentenced to imprisonment or detention is not to be sent to any prison or corrective training centre, as the case may be, until it has been ascertained that he can be received. The approval of the Ministry of Home Affairs, Northern Ireland, is necessary before a person can be received in a civil prison in Northern Ireland.

1107. Medical Examinations Prior to Committal Transfer.*Sponsor: ACOS Pers Pol (RAF)*

Before an airman is committed to a prison or corrective training centre, he is to be examined by a MO who is to furnish a certificate on the committal Form T-SL-CUS 05 (see MSL, Vol 1, Chap 9, Annex K) as to his state of health and report any disability likely to interfere with the carrying out of the punishment awarded. Where it is not possible for the MO to certify the airman as fit to undergo rigorous corrective training, the unit MO concerned is to contact the MO at the MCTC and give the following information:

- (1) Length of sentence and whether the airman is to be discharged from the Service at the end of his sentence.
- (2) Relevant medical history and how this limits the airman's ability to undergo training, and whether he will require specialist consultation or hospital treatment during his sentence. For units in the UK the information should be given by telephone; for units overseas the information and the airman's medical documents should be sent to the MO at MCTC by the fastest possible means. An airman is also to be medically examined on being transferred from one military or Air Force establishment to another.

1108-1109. (Omitted)**1110. Variation of Confinement.***Sponsor: ACOS Pers Pol (RAF)*

- (1) A person serving an air force sentence of imprisonment or detention in a prison or corrective

training centre in the UK may be transferred to another prison or establishment in the UK as necessary. No such order for transfer is necessary when a person serving an air force sentence of imprisonment in a civil prison in the UK is transferred by the civil authorities to another civil prison in the UK.

(2) An airman under sentence of detention is not to be committed or transferred to a prison to serve his sentence but he may, in accordance with The Service Custody and Service of Relevant Sentencing Rules 2009 (SCSRSR), be detained temporarily in a prison or in civil custody for a period not exceeding seven days.

(3) Whenever it is necessary for a person serving an air force sentence of imprisonment or detention in a military or air force establishment to be removed temporarily to a place outside the establishment, the commandant must ensure that an adequate escort is provided and for this purpose he may approach any convenient air force station. The CO of the station is to comply with the request if it is practicable to do so.

(4) A person serving an air force sentence of imprisonment or detention in the UK may not be removed out of the UK except in accordance with SCSRSR 2009.

1111. Sentences Mitigated.

Sponsor: ACOS Pers Pol (RAF)

(1) When a sentence of imprisonment is commuted on review to detention or a part thereof is remitted, or part of a sentence of detention is remitted, the officer signing the committal order is to ensure that such commutation or remission has been entered thereon.

(2) When a part of a sentence of imprisonment or detention is remitted after it has been put into execution, the authority ordering the remission is to ensure that due notification is sent to the Governor, Commandant or other person responsible for the custody and release of the offender, and in the case of an airman also to his CO and HQ AIR.

(3) When a sentence of imprisonment is commuted to detention after the airman has been committed to a prison, the authority ordering the commutation is to ensure that the necessary arrangements are made forthwith for his transfer to a corrective training centre.

1112. Control of Airmen Serving Sentences.

Sponsor: ACOS Pers Pol (RAF)

(1) After a person serving a court martial sentence of imprisonment has been received into a civil prison at home he will be dealt with under the orders of the Secretary of State for the Home Department.

(2) If committed to a civil prison abroad, the prisoner will be dealt with under the orders of the civil authorities of the country or territory concerned.

1113. Time of Admission and Release.

Sponsor: ACOS Pers Pol (RAF)

(1) Detainees should be admitted to the MCTC between 0800-1700 hours Monday to Friday. If units must arrange admission outside these timings they are to inform Receptions MCTC to ensure a convenient time is arranged. Travel should be organised to ensure that detainees do not arrive at the MCTC on a Saturday, Sunday or public holiday (see JSP 837, Chapter 8, Annex A).

(2) If the day of release falls on a Sunday or public holiday, the DUS shall be released on the previous week day to ensure that public transport is available. A detainee should be released early enough to allow him to use public transport to report to his destination that day (see JSP 837, Chapter 8, Annex A).

1114. (Omitted)**1115. Remission of Sentence.***Sponsor: ACOS Pers Pol (RAF)*

Regardless of any reasons for sentence given, a detainee who has been sentenced to 25 or more days of service detention shall be entitled to a period of remission. Rules 8 and 70 of SCSRSR 2009 sets out in detail how automatic remission of sentence is calculated. Additionally, to reward hard working detainees who continually strive for excellence during their sentence, earned remission may be awarded by Comdt MCTC (see JSP 837, Chapter 5).

1116. Release of Airmen from Imprisonment or Detention.*Sponsor: ACOS Pers Pol (RAF)*

- (1) An airman confined in a prison or corrective training centre will be released on completion of sentence without the need for any signed order. On such release he cannot be received into air force custody under the sentence he has been serving. No conducting NCO is to travel with him unless he is to be received into air force custody on some charge other than that in respect of which he has completed his sentence.
- (2) The commandant of a Service detention establishment is to ensure that an airman released on completion of sentence is instructed when, where and to whom to report and is provided with the necessary travel facilities.
- (3) When an airman is about to complete a sentence of imprisonment in a civil prison (whether such sentence was awarded by a civil court or by a court-martial) and has not been discharged from the Service, his CO having first ascertained from the governor the expected date of the airman's release, is to furnish to the governor detailed instructions in writing (in triplicate) as to the airman's journey and to whom he is to report on arrival at his destination, and is to request the governor to hand one copy to the airman and to return one copy endorsed with the airman's signature. The CO is also to forward to the governor a railway warrant to cover the journey.
- (4) When an order for release or removal is made before completion of sentence under SCSRSR 2009 the authority making the order is, whenever practicable, to give the governor or commandant 24 hours notice of the time of such release or removal.

1117. Temporary Release from Detention.*Sponsor: ACOS Pers Pol (RAF)*

- (1) An airman undergoing detention may be released temporarily by the commandant under SCSRSR 2009. A written authority in the following form is to be given to the airman before he leaves by the commandant of an air force establishment, a copy being retained in the establishment:

**TEMPORARY RELEASE FROM AN AIR FORCE ESTABLISHMENT OF AN AIRMAN
UNDER SENTENCE OF DETENTION**

In pursuance of the SCSRSR 2009, I hereby grant temporary release to the airman under sentence named below, for the reason given and for the period stated.

No Rank & Name
 RAF Station Undergoing sentence of
 Awarded on Reason for temporary release
 From hrs on until hrs on
 With permission to proceed to

(The conditions under which temporary release is granted are attached.
 No extension will be granted without reference to the undersigned).

Address of Establishment:
 Telephone No:
 Date:

Commandant
 (Air Force Establishment).

CERTIFICATE TO BE SIGNED BY THE AIRMAN

I understand the conditions under which temporary release has been granted to me and I hereby undertake to return to (insert title and address of the air force establishment) on the expiration of the period stated above. I realise that if I fail to do so I am liable to be treated as an absentee without leave or as a deserter.

Signature of airman
 Signature of witness

A copy of SCSRSR 2009 is to be attached, together with a schedule setting out clearly the conditions laid down by the commandant governing the temporary release of the airman. If the airman fails to comply with any of the conditions subject to which he was released, or to return on the due date, he may be punished in accordance with SCSRSR 2009 or dealt with under the AFA 06 as an absentee or a deserter.

(2) The period during which an airman is granted temporary release and any advance pay issued is to be notified by the commandant to the airman's CO who is to make an appropriate entry in the airman's conduct records. The period will also be notified by the commandant to HQ AIR, who is to retain such notification with airman's original documents. During the time that an airman undergoing sentence of detention is granted temporary release on compassionate grounds, restriction of cash issues may be suspended up to a maximum of 28 days notwithstanding that his account bears a debit balance. Ration allowance is to be issued in full for the period of the leave.

(3) Should the airman fail to return on the expiration of the leave granted to him, the commandant will notify the airman's CO and HQ AIR, and action is to be taken by the CO concerned in accordance with Para 1086. See Para 1275(3), as to the convening of a Service Inquiry.

1118. Administrative Discharge of Personnel Sentenced to Imprisonment. *Sponsor: ACOS Pers Pol (RAF)*

(1) Personnel sentenced by court martial to imprisonment will also be sentenced, or will be deemed to have been sentenced, to dismissal with disgrace or to dismissal.

(2) Discharge will normally be authorised and effected before the expiration of the sentence. However, in the case of an airman sentenced to imprisonment abroad, discharge, if authorised, is not to be effected until the airman arrives in the UK, except when specifically permitted by Discip Pol (RAF) in the case of:

- (a) An airman sentenced to 2 years imprisonment or more by a civil court.

- (b) An airman sentenced to not less than one year and not more than 2 years imprisonment or detention by a court martial, who is directed under the provision of AFA 06 not to serve his sentence in the UK.

1119. Airmen Sentenced to be Dismissed, with or without Disgrace, by a Court-Martial.

Sponsor: ACOS Pers Pol (RAF)

When the Sentence does not also include Imprisonment or Detention.

- (1) When an airman is sentenced to be dismissed by a court-martial in the UK or overseas, without also being sentenced to imprisonment or detention, the CO of the stn at which the trial was held is to advise Air Personnel Casework immediately. RAF PMA will issue discharge instructions
- (2) Discharge action, including administrative action in accordance with Para 624, is to be initiated immediately after promulgation, and every effort is to be made to complete the discharge within the normal working day. An airman who has been discharged abroad in accordance with (1) above, and who is awaiting repatriation, is to be messed and accommodated at public expense under the most economical arrangements possible. Similar arrangements are to be made, if necessary, if his journey to the UK is broken at a staging post or port of transhipment. If he is destitute he may, as a concession and not as a right, be granted an allowance for a period not exceeding two months at the discretion of the CinC/AOC.
- (3) The discharged man may be granted a passage at public expense at the discretion of the CinC in accordance with Para 2494(7); if he is accompanied by his family they may be similarly granted a passage in accordance with Para 2566(2)(b)(iii).

When the Sentence includes Detention.

- (4) When the sentence of dismissal is coupled with a term of detention the procedure set out in (1) to (3) above is to be followed, except that the last day of service is to coincide with the date of release from detention assuming that maximum remission is earned. Administrative action should also be taken in accordance with the relevant provisions of Para 624.

When the Sentence includes a Term of Imprisonment.

- (5) When the sentence of dismissal is coupled with a term of imprisonment the procedure set out in (1) to (3) above is to be followed, except that the last day of service is to be either the fourteenth day after promulgation or the date of the prisoner's arrival in the UK whichever is the later. Administrative action should also be taken in accordance with the relevant provisions of paras 624, 1106 and 1107.
- (6) An airman who is conveyed from abroad to the UK to undergo a sentence of imprisonment is to be conveyed as a Service prisoner.

1120 - 1123. (Omitted)

1124. Disposal of Effects of Airmen sent to Prison or a Corrective Training Centre. *Sponsor: ACOS Pers Pol (RAF)*

- (1) An airman committed to prison or a corrective training centre is to take with him his kit as laid down in JSP 837.

(2) If the airman is liable to forfeit any decoration or medal which he may possess, the CO is to take action as laid down in Appendix 28C, Section 3.

(3) Any trinkets or other superfluous articles in possession of an airman who will return to regular air force service after the completion of his sentence are to be taken from him before he is sent to a corrective training centre, and restored to him on his return to duty. Any money taken from an airman is to be handed to the stn accountant officer, who is to give the airman a receipt for it. The stn accountant officer is to pay the amount into his public cash account and credit it to the airman's account in the pay ledger. The amount taken from an airman and credited to his account under this Para, is payable in full on his release or discharge, without regard to the state of his account.

(4) Before an airman is committed to a civil prison or military or air force establishment, all private and personal property, including civilian clothing in his possession, is to be handed into store for safe custody at the unit from which the airman is to be sent to prison or detention. Such property is to be listed on Form 20, prepared in duplicate. Both copies of the Form 20 are to be given a serial number from the Private Property Register and are to be signed by the supply officer who is to retain one copy and pass the other copy to the airman concerned. When it is known where the sentence is to be carried out, the property which is to be transferred to the prison or establishment concerned (see Para 624(4)), is to be listed on Form 604 prepared in triplicate, of which two copies are to be sent to the prison. One copy of the Form 604 should be receipted by a responsible officer of the prison or establishment and returned to the unit of origin where it is to be linked by the supply officer with the triplicate copy of the Form 604, and the relevant Form 20, and retained.

1129-1132A. (Omitted)

SECTION 8 – APPLICATION OF THE ARMED FORCES ACT 2006 TO CIVILIANS

1133. Civilians Subject to Service Discipline.

Sponsor: ACOS Pers Pol (RAF)

(1) Civilians who are defined as those subject to Service discipline are those who are listed within Schedule 15 to the Armed Forces Act 2006 (AFA 06). This regulation summarises the main categories and provides references to other source material. This is a complex area of law and legal advice should be sought if in any doubt as to a civilian's status in relation to Service discipline.

(2) Where a civilian is subject to Service discipline, a CO must be allocated to him; refer to the Manual of Service Law (MSL), Chapter 2 for further guidance. However, such civilians are only subject to Service discipline for a limited range of offences, i.e. section 42, AFA 06 (Criminal Conduct Offences – see Chapter 8 of the MSL) and those non-criminal (disciplinary) conduct offences outlined in Chapter 7. An example of the non-criminal offences would be 'Contravention of Standing Orders.'

(3) A CO cannot personally decide to charge a civilian nor can civilians have a charge against them heard summarily by the CO. However, a CO can refer a case to the Director of Service Prosecutions (DSP) – see Chapter 6 of the MSL. If the DSP decides to charge, the case will be heard by either the Standing Civilian Court or the Court Martial.

(4) Persons who can be civilians subject to Service discipline fall into the following broad categories:

- (a) Civilians in Her Majesty's ships afloat and aircraft in flight.
- (b) Persons in Service custody.

- (c) Crown servants in designated areas (see clause (5)).
- (d) Members of specified military Organisations (e.g. NATO).
- (e) Members of other specified organisations in a designated area. For example NAAFI, Service Children's Education, SSVC, and SSAFA.
- (f) Persons residing or staying with certain people in a designated area.
- (g) Persons designated by or on behalf of the Defence Council, for example Contractors on deployed operations (CONDO).

(5) A designated area means an area that is outside the British Islands that has been designated as such by an order made by the Secretary of State within which civilians may be subject to Service discipline. The intention is to avoid unnecessarily designating civilians as subject to Service discipline. Generally a designation is made: in the interest of the person; to protect other people (e.g. civilians or members of the UK armed forces; and to maintain good order and discipline. Refer to the MSL Chapter 3 for the designation process itself, which covers CONDO, contractors to non-operational areas; and various categories of visitor to operational and non-operational areas including: Crown servants; members of specified organisations such as NAAFI and SSVC; journalists; and politicians. It is most important that all civilians are informed of the designation and the effective period for which it will operate, preferably in advance of their deployment or visit. When such people arrive in theatre they are to be informed of their appointed CO.

1134 - 1138. *(Omitted)*

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CHAPTER 16

THE COURT MARTIAL

SECTION 1 – THE COURT MARTIAL – CONSTITUTION AND ROLES

1139. Jurisdiction.*Sponsor: ACOS Pers Pol (RAF)*

Section 154, Armed Forces Act 2006 (AFA 06) makes provision for the Court Martial as a standing, permanent court. The Court Martial may sit in any place, whether within or outside the United Kingdom and has the jurisdiction to try any Service offence. The Manual of Service Law (MSL) Volume 2, Chapter 28 provides comprehensive guidance on the constitution and roles of the Court Martial; the following regulations provide an executive summary. The Armed Forces (Court Martial) Rules 2009, in Volume 3 of the MSL, may also be consulted with regard to the secondary legislation applying to the Court Martial.

1140. Constitution of the Court Martial.*Sponsor: ACOS Pers Pol (RAF)***Judge Advocate**

- (1) There must be a judge advocate for all proceedings of the Court Martial. The Judge Advocate is specified by or on behalf of the Judge Advocate General. The judge advocate is responsible for giving rulings and directions on questions of law, procedure or practice. Such rulings are binding on the court.

Number of Lay Members

- (2) There will be a minimum of 3 lay members (also referred to as ‘board members’) and usually a maximum of 5 such members appointed to the court martial board. In the majority of cases the board will consist of 3 members but in the most serious cases (see clause 3) the minimum number of lay members required will be 5. There may be circumstances when an additional 2 members are appointed to a board of 3 or 5 members. Such circumstances may include trials that take place overseas (excluding Germany), which are likely to last more than 5 business days or, for trials held in the UK or Germany, which may last more than 10 court days – see the Manual of Service Law Volume 2, Chapter 28 for further details. The additional lay members serve to provide continuity should one or more of their number have to stand down from membership of the court martial because of sickness or other reason, with the result that the board number falls below the minimum level. The additional members will be appointed by the Court Administration Officer at the direction of the judge advocate before the commencement of the trial.
- (3) The number of lay members is predicated on the seriousness of the alleged offence. For example, a board of 5 members would be required for the trial of defendants charged with offences, listed in Schedule 2 of the Armed Forces Act 2006 (AFA 06), such as dangerous flying or a criminal conduct offence, under Section 42 AFA 06, such as murder or manslaughter.

Service of Lay Members

- (4) A Service defendant will ordinarily be tried by lay members of wholly his own Service. However, where a defendant is tried with a co-defendant from a different Service, the lay membership of the court will be a mixture of Service personnel from different Services. Each defendant will always have at least one lay member of his own Service on the board. See MSL Volume 2 Chapter 28 for the trial of civilian defendants.

1141. Rank of Lay Members of the Court Martial.*Sponsor: ACOS Pers Pol (RAF)*

- (1) The senior Service lay member (including where the lay membership of the board includes both Service and civilians) is to be the president of the board. He shall be of no lower rank than squadron leader (or equivalent rank in the RN/Army) and he is to be superior in rank to the defendant. There are additional restrictions on the rank of lay members depending on the rank of the defendant as follows:
 - (a) Where the defendant is of or above the rank of air commodore (and other Service equivalents), the president must, as a matter of law, be senior in rank or senior in the same rank

to the defendant. The other lay members should be, as a matter of policy, of no lower rank than the defendant.

(b) Where the defendant is of or above the rank of Sqn Ldr (and other Service equivalents), as a matter of law the president must be of superior rank and as a matter of policy no lower rank than Gp Capt. ((and other Service equivalents).

(c) Where the defendant is of or below the rank or rate of warrant officer, one lay member may be a warrant officer on a 3-man board and up to 2 warrant officers may be lay members on a 5-man board.

For further guidance see the Manual of Service Law, Volume 2, Chapter 28.

(2) An officer member is to be of the minimum rank of flying officer (or other Services' equivalents); additionally he must have held a commission for at least 3 years or immediately before being commissioned was a warrant officer. Substantive warrant officers are only to be appointed as members where the defendant is of or below the rank or rate of warrant officer. A warrant officer will not be appointed where an officer is to be tried jointly with a co-defendant who is below the rank or rate of warrant officer.

1142. Court Administration Officer (CAO) – Selection of Lay Court Members and Officials.

Sponsor: ACOS Pers Pol (RAF)

(1) The nomination of lay members of the court martial is a matter entirely for the CAO. Thus, the lay members for any proceedings of the court martial are to be specified by or on behalf of the CAO. The CAO is totally unprejudiced and independent in the selection of court members in order to ensure a fair and impartial lay membership of the court. In support of this principle, the CAO selects members on a random basis. The CAO may delegate any of his functions in relation to the court to a member of the Military Court Service. Chapter 28 of Volume 2 of the Manual of Service Law provides further guidance.

(2) Once selected, lay members must not withdraw from court duty unless there are pressing operational or compassionate reasons. The grounds for any withdrawal, once endorsed by the member's CO, will be subject to the approval of the member's air officer commanding.

(3) The CAO is responsible for appointing the court recorder and any interpreter that may be required for any proceedings before the court martial.

1142A. (Omitted)

1143. Constitution of the Court Martial for Civilian Defendants.

Sponsor: ACOS Pers Pol (RAF)

Where the defendant at the court martial is a civilian who is not an ex-serviceman, the board will consist entirely of civilians unless there are exceptional circumstances that justify a differently constituted board. For the trial of ex-servicemen, however, the board may consist of Service or civilian members. If the board is a mixture of Service and civilian members, the president will be the senior Service member. There will be no president where a board is entirely civilian.

1144. Civilian Personnel - Qualification Criteria for Membership of the Court Martial.

Sponsor: ACOS Pers Pol (RAF)

(1) Civilian personnel may not be lay members of the Court Martial if they are subject to Service discipline at the time of the proceedings. Further, in common with eligibility for civilian jury service the following may not be civilian lay members:

- (a) Those under 18 and over 70.
- (b) Non UK nationals.
- (c) The mentally disordered.
- (d) Those disqualified from jury service.

- (e) Members of the Military Court Service.
- (f) Staff of the Service Prosecuting Authority.
- (g) Those serving on the same unit as the defendant.

(2) Further details on the eligibility of civilians for lay membership of the Court Martial for the various types of proceedings may be found in the Manual of Service Law, Volume 2, Chapter 28.

1144A. Principles for Prosecuting.

Sponsor: ACOS Pers Pol (RAF)

- (1) In considering whether to refer a charge to higher authority with a view to trial by court martial, a commanding officer or other relevant authority should usually be satisfied that:
 - (a) There is a *prima-facie* case, i.e. that there is an unretracted allegation which is not wholly incredible and which if proved would amount to the offence charged.
 - (b) There is no Service reason why the case should not be tried by court martial.
- (2) When higher authority considers whether a case should be referred to the RAF Prosecuting Authority with a view to trial by court martial, higher authority should usually apply the same tests as above.
- (3) 'Service reason' is not defined and each case must be considered on its own merits. The reason must, however, be a factor relating to the particular circumstances of Service life such as military operations. Where there is doubt, further guidance on matters that might amount to Service reasons may be sought from ACOS Pers Pol (RAF) before a case is submitted to the Prosecuting Authority.
- (4) Further guidance is given in AP 3392 Vol 4, Lflt 702.

1145. Roles of Lay Members of the Court Martial.

Sponsor: ACOS Pers Pol (RAF)

- (1) The major roles of Service lay members of the Court Martial are first to determine the innocence or guilt of the defendant (in contested trials and appellate proceedings from the Service Civilian Court) in the same way as a jury would in the Crown Court. Second, in the event of a conviction either following a guilty plea or a guilty finding, the lay members are to determine the sentence to be imposed on the offender. The sentencing role is carried out in conjunction with the judge advocate who will advise in general terms the suitability of the various punishments.
- (2) Civilian lay members of the court martial also determine the guilt or innocence of the defendant. However, they will not play a role in sentencing unless they form a board with Service lay members.

1146. Conduct in Relation to the Court Administration Officer and Court Members and Communication between Court Members and Others.

Sponsor: DLS(RAF)

- (1) The CAO, or his staff, are not to be subjected to any external influence or pressure prior to, during or after their performance of their duties. It is an offence under criminal law and accordingly under Service law to do anything to pervert the course of justice. This includes, among other things, any interference with or attempt to influence any member of, or witness in, proceedings before a court martial.
- (2) It is essential that the president and members of the court martial avoid discussion with others outside the courtroom, both before and during the trial. It is for this reason that, on the infrequent occasions when the Court Martial is to take place on a unit, members of the court and the prosecutor at the trial are, where practicable, to be accommodated separately.

1147. Conduct of, and Towards, Court Martial Members.

Sponsor: ACOS Pers Pol (RAF)

- (1) Officers, warrant officers and civilian crown servants who are appointed to perform the duty of a member of the court martial are to do so independently and impartially in accordance with the evidence

and the law.

(2) Members of the court martial are not to be subjected to any external pressure prior to, during or after the trial. It is an offence under the criminal law and accordingly under Service law to do anything to pervert the course of justice. This includes, among other things, any interference with or attempt to influence any member of, or witness in, the court martial. Any such attempt prior to commencement or after conclusion of the trial is to be reported to the service police and the Service Prosecuting Authority; if this occurs during the trial, it is to be reported to the judge advocate presiding.

(3) Written guidance will be issued to court members at least 2 weeks before the trial. Members are to satisfy themselves that they understand their duties and responsibilities; they will be required by the CAO to sign a certificate to this effect.

(4) For the duration of the trial, members are not to engage in any other duties until such time as they are released by the judge advocate. The performance of a court member is not to be considered or evaluated in the preparation of any personal report, assessment or other document used in whole or in part for the purpose of determining whether a member is qualified to be promoted or suited for particular appointments or training.

1148. *(Omitted)*

1149. Notification of Next of Kin - Under 18s.

Sponsor: ACOS Pers Pol (RAF)

When an airman aged under 18 is to be tried by the Court Martial or is remanded by a civil court on a serious charge, his CO is to arrange for the next of kin to be so informed.

1150. *(Omitted)*

1151. *(Omitted)*

1152. The Defendant's Assisting Officer (DAO) and Legal Aid.

Sponsor: ACOS Pers Pol (RAF)

(1) When it appears to a Commanding Officer that an individual is likely to be a defendant at the Court Martial, he is to offer the defendant the services of a DAO and encourage him to apply for Legal Aid to defray the expense of legal representation. Regulation J980 and JSP 838 (The Armed Forces Legal Aid Scheme) provide comprehensive information on the Legal Aid schemes; this regulation is intended to provide initial guidance on the complementary assistance that the DAO has a duty to provide

(2) Once the defendant has been given the advice and assistance that he may require to obtain appropriate representation by legal counsel (such counsel may be available from Service sources in some circumstances), the main role of the DAO is becomes that of acting as the administrative link between the defendant's legal counsel and the unit. He is also to advise the defendant on the administrative arrangements that will be required in the lead up to trial and what will be expected of him during trial from a military perspective. The DAO is not usually legally qualified (with the exception of some Royal Navy Divisional Officers) and thus does not have any legal duties; these are the exclusive domain of the defendant's legal counsel. The Manual of Service Law Volume 2, Chapter 29 (Annex B) provides further, comprehensive guidance on the DAO.

1153 - 1157. *(Omitted)*

1158. Securing the Attendance of Witnesses and Defendants.

Sponsor: ACOS Pers Pol (RAF)

(1) There are three formal methods of securing the attendance of witnesses: notification, issue of a witness summons and the issue of a warrant for arrest. The Manual of Service Law, Volume 2, Chapter 29 Part 6 outlines these methods in detail.

Witness Expenses

(2) Witnesses notified of the requirement to give evidence or served with a summons are entitled to travel and other expenses associated with the requirement to give evidence. This may take the form of a

travel warrant or voucher entitling them to travel free of charge and an undertaking by the Court Administration Officer (CAO) to pay any other expenses incurred in this respect. The CAO will liaise with civilian witnesses and Service witnesses are to make their own arrangements through their usual travel offices.

1159 - 1163. (Omitted)

1164. Medical Examination of Accused.

Sponsor: SO1 Med Pol

(1) There is no longer a requirement for an individual undergoing trial by Court Martial to have a medical examination prior to the commencement of the trial unless requested by the defence. The defendant is to be informed before the commencement of the trial that he is entitled to be medically examined if he is concerned about his medical fitness at any time throughout the trial. This entitlement continues until the trial has been completed. The defendant is to be required to sign a written acknowledgement that he has been informed of the entitlement.

1165. Custody of Accused during Trial.

Sponsor: ACOS Pers Pol (RAF)

Service defendants at the Court Martial are to be attended, for administrative purposes, by servicemen of equivalent status. If it is necessary for the defendant to be placed in arrest for the trial, he is to be placed in the custody of a formal escort, who is to be of equivalent status to the defendant. The escort is responsible for the safe conduct of the accused but he is to obey the directions of the court while the defendant is in court. A defendant in arrest is not to be handcuffed unless absolutely necessary for the purpose of preventing his escape or restraining possible violent conduct. Whenever possible the defendant is to be attended or escorted by a person of the same sex.

1165A - 1167. (Omitted)

1168. Certification of Copies of Record in Service Books and Documents.

Sponsor: ACOS Pers Pol (RAF)

- (1) A copy of any record in a Service book or other document, in order to be admissible under AFA06, as evidence before either a civil court, or a court martial, must be certified to be a true copy by the person having the custody of such book or other document. It is not sufficient that such certification should be signed 'for' such person.
- (2) When, therefore, application is made to an officer in charge of records for a certified copy of an entry in one of the Service books in his custody for the purpose of production at a court-martial, the purpose for which it is required must always be stated.
- (3) Upon receiving such an application, the certified true copy is to be signed by the person in charge of the record himself, or if he is absent on leave or for any other reason, it is to be signed by the person who is temporarily in charge.

1169. Evidence as to Character.

Sponsor: ACOS Pers Pol (RAF)

- (1) When an accused is to be tried by court-martial, the particulars of his conduct and all convictions by court-martial, summary awards and civil convictions (to include police cautions) recorded on his conduct records are to be obtained and inserted on Form T-SL-SC01 found at Annex R in accordance with the Manual of Service Law (MSL), Volume 2, Chapter 29, Para 121, for the purpose of being given in evidence before the court in accordance with the provisions of CMR 09.
- (2) On notifying an accused that he is to be tried by court-martial for an offence under Section 42, AFA06, or an offence involving fraud, theft or indecency, the CO is to ask the RAF SIB to obtain particulars of any convictions by civil courts for offences of the same general nature committed while the accused was not subject to air force law. The application is to include the following information:

- (a) Number, rank and full name of the accused person.
- (b) Home address.

- (c) Date and place of birth.
- (d) Height.
- (e) Nature of the charge.
- (f) Any known convictions by civil courts.
- (g) Other information which may be of value for identification purposes. Subsequently, the date set for the trial of the accused is to be notified to RAF SIB by signal, immediately it is known.

(3) Particulars of such convictions will be entered on Form T-SL-SC01 and will be brought to the notice of the court-martial in accordance with the proviso to CMR 09.

1169A. Pre-Sentence Reports.

Sponsor: ACOS Pers Pol (RAF)

In accordance with the MSL, Volume 2, Chapter 29, Para 124, a Pre-sentence Report which is an independent report is to be prepared to assist the court during its sentencing deliberations. It will be prepared by the Courts Martial Reporting Service (CMRS) under the Military Court Service (MCS) contract (see MSL, Volume 2, Chapter 29).

1170 - 1176. *(Omitted)*

SECTION 2 - CASE PAPERS AND FORMAL PRELIMINARY EXAMINATIONS

1177 - 1192. *(Omitted)*

SECTION 3 – SENTENCING AND PUNISHMENTS AT THE COURT MARTIAL

1193. Consideration of Sentence by the Court Martial.

Sponsor: ACOS Pers Pol (RAF)

- (1) This Section aims to provide a brief overview of the approach to sentencing at the Court Martial. Section 164 of the Armed Forces Act 2006 (AFA 06) provides the punishments available to the court martial. Refer to Regulation 1194 for the sentences that are exclusively available to the Court Martial.
- (2) Sections 237 to 259 AFA 06 make provision in respect to sentencing principles that must be applied at the Court Martial. These principles largely reflect those to be found in the Criminal Justice Act 2003, which are followed in the civilian courts in England and Wales.
- (3) The lay members of the Court Martial are assisted in terms of the sentencing principles of the Court Martial. About a week before trial, they will be provided with 'JSP 836 'Court Martial and Summary Appeal Court Guidance' by the Court Administration Officer of the Military Court Service. The JSP advises lay members that the Judge Advocate will provide guidance on the range of sentencing options, the applicable sentencing guidelines, the way aggravating and mitigating factors are taken into account and the circumstances of the offender. Additionally, Service lay members may bring a Service perspective to sentencing for an offence committed in a Service context. Further, 'Sentencing in Courts Martial: A Short Guide' can be found in Volume 3 of the Manual of Service Law (MSL). This guide is issued by the Office of the Advocate General.
- (4) After considering the most appropriate sentences available to them, the lay members will each vote (in reverse seniority order) on sentence with the Judge Advocate voting last. If there is an equality of votes on sentence, it is the Judge Advocate who has the casting vote.

1193A. (Omitted)**1194. Sentences Available to the Court Martial.***Sponsor: ACOS Pers Pol (RAF)*

(1) The Court Martial has the power to sentence for the full range of civil and service offences. Thus the sentences of imprisonment (including life imprisonment) and severe fines are at the court's disposal. However, any sentence of imprisonment or fine imposed in respect of criminal conduct must comply with the maximum punishment available under the law of England and Wales for summary and indictable offences.

(2) The sentences of dismissal with disgrace from Her Majesty's service and dismissal from Her Majesty's service may also be imposed by the Court. The effect of such sentences are as follows: where the offender is a commissioned officer, his commission is forfeit with effect from the beginning of the day on which the sentence was passed; where the offender is not a commissioned officer, the competent authority is to discharge him from the regular or reserve force of which he is a member. If the offender is a warrant officer or non-commissioned officer, his rank or rate is reduced to the highest rank he held as an airman from the beginning of the day on which the sentence was passed. (See Section 295, Armed Forces Act 2006). The offender is not to be called upon to perform any further air-force duty and is not to be permitted to wear uniform.

1195. Suspended Sentence of Service Detention.*Sponsor: ACOS Pers Pol (RAF)*

(1) The Court Martial (CM) may award a suspended sentence of detention under similar conditions to those applying to a CO (see Regulation 1071). The suspended sentence will not have effect unless, during the operational period of the suspension, the offender commits another service offence or an offence in the British islands or a court officer so orders under sections 191 or 193 of the Armed Forces Act 2006 (AFA 06). The operational period is between 3 and 12 months.

(2) In general terms, the CM has the power to activate part or all of the suspended sentence should the person be convicted of another Service or civilian offence during the operational period. Refer to section, 191 AFA 06 and Part 17 of The Armed Forces (Court Martial) Rules 2009 for more detailed guidance.

(3) Should the CM activate all or part of a suspended sentence of detention an appeal may be allowed to the Court Martial Appeal Court. Refer to section 192 AFA 06 for more detailed guidance.

1196 - 1199. (Omitted)**1199A. Administrative Action To Restore Rank.***Sponsor: ACOS Pers Pol (RAF)*

(1) Airmen sentenced to reduction in rank by the court martial or at summary hearing are subject to an administrative restoration process. A board of officers, independent of the airman's chain of command, is to be convened by the Air Secretary to consider an airman's suitability for restoration to the next higher and, if appropriate, subsequent ranks. Restoration is discretionary and based on good conduct and satisfactory performance since the sentence was imposed. In its deliberations, the board is to consider the gravity of the offence, whether the individual merits restoration and all other relevant factors. In this respect, the airman's CO is to furnish the board with a report concerning the airman's conduct and performance over the interim period, and his recommendation as to whether restoration is appropriate.

(2) The first consideration by the board is to be six months from the date of reduction or, if appropriate, from the date of release from detention, whichever is the later (but see Para **537(1)** in the case of a non-commissioned aircrew reduced below the rank of sergeant). The board should, at its discretion, review restoration to the first and subsequent ranks at intervals not exceeding one year until either the airman has been restored to his original rank or the board does not consider further restoration appropriate. A current CO's report and recommendation as to whether the individual merits restoration, is to be available for each board.

1199B - 1209. (Omitted)

1210. Disposal of Proceedings of Courts-Martial.*Sponsor: ACOS Pers Pol (RAF)*

- (1) On conclusion of all Courts-Martial the proceedings are to be sent to the Office of the Judge Advocate General (or his deputy abroad). The proceedings are to be accompanied by a letter specifying the nature of the contents and are to be sent by registered post. All papers in reference to a court martial are to be marked 'Staff' and should carry an appropriate security grading.
- (2) The Judge Advocate General (or his deputy abroad) will forward the proceedings with his legal advice to Air Personnel Casework for review.

On completion of the review, the proceedings are to be returned to the Judge Advocate General.

1211. *(Omitted)*

1212. *(Omitted)*

SECTION 4 – COURT MARTIAL APPEAL**1213. Court Martial Appeal.***Sponsor: ACOS Pers Pol (RAF)*

- (1) Legal advice should be sought with regards to any appeal from the Court Martial (CM) before submitting such an appeal. The Manual of Service Law (MSL), Volume 2, Chapter 31 contains comprehensive guidance on the procedures in connection with appeal; this regulation provides some key guidelines.
- (2) Appeals from the CM are to the Court Martial Appeal Court (CMAC). A person convicted by the CM may only appeal to the CMAC with leave from the CMAC. The appeal may be against conviction or sentence. This includes where the conviction or sentence arose as a result of an appeal from the Service Civilian Court. In addition the Criminal Cases Review Commission may refer a case to the CMAC.
- (3) The CMAC must allow an appeal against conviction if it thinks the finding of the CM was unsafe. In all other cases the CMAC must dismiss the appeal. If the CMAC allows an appeal against conviction it will quash the conviction and the appellant will be treated as if he had been acquitted by the CM unless there is a re-trial. Refer to MSL, Volume 2, Chapter 31 for the full range of powers of the CMAC in respect of an appeal against conviction.
- (4) As with appeal against conviction, appeal against sentence of the CM requires the leave of the CMAC. If the appeal is successful, the CMAC may substitute any sentence that it thinks appropriate but it must not be of greater severity than the original sentence. For fuller details on the power of the CMAC in respect of appeals against sentence, and the appeal procedure itself, refer to the MSL, Volume 2, Chapter 31.
- (5) Either the Director of Service Prosecutions or the accused may appeal to the Supreme Court against any decision of the CMAC. Leave for the appeal may be granted by the CMAC or the Supreme Court but shall not be granted unless it is certified by the CMAC that a point of law of general public importance is involved in the decision and it is a point that ought to be considered by the Supreme Court. Part 5 of Chapter 31 of Volume 2 of the MSL provides further detail.

1214 -1234. *(Omitted)*

SECTION 5

1235 - 1248. *(Omitted)*

SECTION 6 - COMPENSATION FOR MISCARRIAGES OF JUSTICE

1249. Compensation for Miscarriages of Justice.

Sponsor: CLC&P

(1) Section 10 of the Armed Forces Act 1991 provides that when a person's conviction by a court martial has been quashed on the ground that a new or newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice the Secretary of State shall pay compensation to the person who has suffered punishment as a result of such conviction.

(2) Claims for compensation for miscarriages of justice under sub-Para (1) above should be submitted to MOD CLC&P

1250-1256. *(Omitted)*

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CHAPTER 17

SERVICE INQUIRIES, UNIT INQUIRIES, BOARDS AND COMMITTEES**SECTION 1 - SERVICE INQUIRIES AND UNIT INQUIRIES****Convening and Constitution of Inquiries****1257. Service Inquiries.***Sponsor: ACOS Pers Pol (RAF)*

(1) Service Inquiry procedures are provided by Section 343, AFA 06, and the Armed Forces (Service Inquiries) Regulations 2008. Service Inquiries should be reserved for serious matters that by their nature call for the safeguards and formalities required by statutory obligations, powers and rights, which have been provided for in the relevant Regulations. These include: the power to require evidence to be given on oath and to compel the attendance of witnesses; the entitlement of persons whose character or professional reputation may be affected by the findings of the inquiry to be present at the proceedings of the inquiry; and restrictions on the admissibility of evidence given to a Service Inquiry at summary hearing or proceedings before civilian criminal or Service Courts. Service Inquiries have therefore been mandated by law for the death of members of the Armed Services and as a matter of policy for other matters such as serious injuries and air occurrences. Full details of the system may be found in JSP 832 – Guide to Service Inquiries.

Key features of Service Inquiries

(2) **Statute and Purpose.** Under AFA 06 a single set of statutory rules applies to all Service Inquiries. Their purpose is to look into the facts of anything that has occurred in connection with any of the Armed Forces and to make recommendations to prevent recurrence. The main benefit of a single set of statutory rules for all the Armed Forces is to allow joint inquiries into matters of interest to more than one of the Services. A single system of inquiry has also facilitated a common policy approach to such matters as non-attribution of blame and disclosure of information.

(3) **Mandated inquiries.** The matters for which an inquiry must be held as a matter of law have been narrowed under the Service Inquiries process. Such inquiries are now only mandated by law for the death of any member of the Armed Forces on or after 1 Oct 08. In such circumstances a convening authority must arrange for a Service Inquiry if there is anything to be learned, which is of consequence to any of the Armed Forces (other than something that is readily apparent). Therefore, if an incident involving the death of a member of the Armed Forces has, for example, been investigated by the civilian or Service police, the convening authority may decide that there is nothing further to be learnt by a Service Inquiry. However, if he considers that there may be wider or differing implications for the Armed Forces than have been addressed by the police investigation, he must arrange a Service Inquiry. As a matter of policy, a convening authority is to consider convening a service inquiry, applying the same test, for: the death of a civilian if the death occurs on or in a MOD unit/ship/establishment and is either work related or the death occurs during Service-organised activity; serious injuries; and aviation occurrences. Other matters may be the subject of a Service Inquiry where the convening authority considers the matter to be of sufficient importance to merit the safeguards and formalities provided by such a statutory regime.

(4) **Protection given to witnesses.** Evidence given by a person to a service inquiry is not admissible in Service disciplinary proceedings or in a civilian criminal court. The only exception is in relation to charges of perjury (for example, where a witness at a Service Inquiry is accused of lying under oath to the inquiry). By contrast evidence given in the past or to a BOI has not generally been admissible in Service disciplinary proceedings (apart from perjury) but has been admissible in proceedings in a civilian court. The protection given to witnesses is therefore greater under the new system to reflect the importance of ensuring complete frankness to the inquiry.

(5) **Non-attribution of blame.** A Service Inquiry has no power to make a binding decision on liability. Rather it is to investigate and report on the facts relating to a matter in accordance with its terms of reference. The terms of reference specify the matters to be investigated and reported on and any matters about which the panel is required to make recommendations or express an opinion. To perform these functions inquiries will sometimes need to make findings that allow an inference of blame and even of liability. Nonetheless, Service Inquiries are subject to a policy requirement that precludes explicitly attributing blame.

(6) **Power to compel witnesses.** There are powers to require certain people to attend to give evidence. The main class of people covered by this power will be all civilians in the UK and civilians outside the UK if they are subject to Service discipline (for example, Service dependants, MOD officials and contractors are sometimes subject to Service discipline when outside the UK). The president of the inquiry must apply to a judge advocate for this power to be exercised.

(7) **Offences.** Offences are closely based on those that apply to civilian inquiries under the Inquiries Act 2005. In particular it will be an offence to fail without reasonable excuse to comply with a requirement to attend to give evidence. It will also be an offence, for example, for someone to suppress, alter or destroy during a Service Inquiry anything that he believes the inquiry would wish to consider.

(8) **Attendance at Inquiries.** Non witnesses may be permitted to be present at the inquiry, but they will require the permission of the president and of the convening authority. The convening authority will also be able to restrict attendance to part of the inquiry or to impose reasonable conditions on the grant of permission. Permission to attend will not be needed by a person who, the president considers, is likely to be affected as to his character or professional reputation by the findings of the inquiry.

1258. Unit Inquiries.

Sponsor: ACOS Pers Pol (RAF)

Matters that are not mandated for a Service Inquiry and therefore considered insufficiently serious to justify such an inquiry may be investigated using a non-statutory inquiry, a unit inquiry. Such unit inquiries are of a more informal nature and are not bound by the requirements of AFA 06, the Armed Forces (Service Inquiries) Regulations 2008 or JSP 832. Therefore unit inquiries cannot for example require evidence to be given on oath, compel civilian witnesses to attend or provide restrictions on the admissibility of evidence given to a unit inquiry at summary hearing or proceedings before a criminal civil or Service Courts. Guidance on unit inquiries is enclosed in the form of Leaflet 1514 of AP3392 Vol 4.

1258A - 1274. (Omitted)

1275. (Omitted)

1276 - 1295. (Omitted)

SECTION 2 - BOARDS AND COMMITTEES

1296. Assembly and Object.

Sponsor: ACOS Pers Pol (RAF)

- (1) Boards for various purposes and committees may be assembled as may be found necessary, or as may be required by regulation, by any OC a body of the RAF.
- (2) Such boards and committees do not have the powers of a service inquiry convened in accordance with JSP 832 and the swearing in and cross examination of witnesses is not within their normal field.

1297. Procedure.

Sponsor: ACOS Pers Pol (RAF)

- (1) Boards and committees are to be assembled and (within limitations indicated in Para 1296(2)) are to conduct their investigations, prepare their proceedings and record their findings under the regulations laid down in Section 1 so far as they may be applicable, but they will not in any way be bound by those regulations.
- (2) The proceedings are to be recorded on AP3392, Vol 4, Lflt 1514 Annex B, unless any other forms is specified in any particular instance, and are to be submitted to higher authority as may be ordered.

1298. Audit of Service Accounts.

Sponsor: DACOS Community Support

- (1) The accounts of all service funds are to be audited every 12 months by an audit board which is to assemble on the first working day of the audit period. The 12 month audit period may end on any date, subject to the approval of command HQ.
- (2) The Board is to consist of a president and not less than 2 members, one of who may be a warrant officer (Q-Sec-A or Q-Sec-NP). Of the commissioned officers appointed to the board at least one is to be an officer of the Administrative Branch (Secretarial Specialisation); the senior officer appointed is to act as president of the audit board. At the discretion of the CO, warrants officers and SNCO (Q-Sec-A or Q-Sec-NP) may be co-opted to assist the audit board. Officers who are responsible for Service funds are not to be appointed to an audit board if other officers are available. A warrant officer involved in the administration of or accounting for Service funds is not to be appointed as a full member of an audit board. A co-opted member is not to be employed in auditing any fund in which he is involved in any capacity.
- (3) The names of the president, members and any co-opted members of the audit board are to be published in routine orders at the commencement of the audit period; any change in the composition of the audit board is to be published at the time of the change. The cash and bank balances of all Service funds are to be checked by a commissioned officer of the board on the first working day of the ensuing audit period before any cash transactions for that period take place. A certificate of this check is to be entered in the cash book by the checking officer.
- (4) The audit board is to satisfy itself that the Balance Sheet represents the true financial state of the accounts at the date specified. In achieving this and having regard to the object of the fund and the policy in regard to the account, it should satisfy itself as to the accuracy of transactions since the previous balance sheet was audited. The detail of a complete audit is laid down in AP 3223

(Administration and Accounting for Messes, Institutes and Service Funds). The board is to bring to notice all discrepancies including any disbursement which, although in itself legitimate, is in their opinion excessive or extravagant.

(5) The proceedings of the board are to be prepared in duplicate; the balance of all non-public funds is to be verified and the board are to certify in the proceedings that the instructions contained in this paragraph have been carried out. The proceedings are then to be submitted to the CO who is to append the certificate required by Para 75(4) and forward one copy of the proceedings to the appropriate command HQ. Command HQ are to make an examination of the proceedings and notify any observations thereon to the unit concerned for action, the appropriate group headquarters being informed of the observations if necessary.

(6) See Para 75 as to the responsibility of the CO; see Chapter 27 - as to band accounts; Para 2356 as to officers of the Administrative Branch (Secretarial Specialisation) employed on accountant duties, and AP 3223 as to conditions under which civilian auditors may be employed.

1299. Committees of the Adjustment.

Sponsor: ACOS Pers Pol (RAF)

(1) The RAF Standing Committee of Adjustment, located at RAF High Wycombe, is established to deal with the private effects, found on Service property, of an officer or airman who dies, is reported missing or is about to be invalided on account of insanity.

(2) A Unit Committee of Adjustment is to be appointed to deal with the public and private effects of an officer or airman in either of the following circumstances:

(a) When he has been reported by a Service Inquiry under Para 1275, to be illegally absent

(b) When he is convicted of an offence by a civil court and awarded a custodial sentence which has not been suspended.

(3) A unit committee is normally to consist of three officers (including the president, who is invariably to be an officer), and is to be appointed as laid down in the regulations under the Regimental Debts Act, 1893. When dealing with the effects of an officer the committee is to be composed entirely of officers, but when the effects of an airman are to be dealt with the CO may appoint a warrant officer or warrant officers to serve on the committee. The committee is to submit a report of its proceedings on Form 2 to the officer by whom it was appointed.

(4) In all cases the committee of adjustment is to comply with the provisions of the Regimental Debts Act, 1938 and the regulations made thereunder. In interpreting that Act and those regulations the committee is to be guided by the provisions of paras 1330 to 1302, as appropriate.

1300. Missing and Deceased Personnel and Personnel of Unsound Mind - Disposal of Effects.

Sponsor: ACOS Pers Pol (RAF)

The detailed procedure for the disposal of effects, including cash, of missing and deceased personnel and personnel of unsound mind is contained in JSP 751.

1301. Absentees - Disposal of Effects.

Sponsor: ACOS Pers Pol (RAF)

(1) When an airman is under Para 1275 reported to be illegally absent, the instructions contained in Para 1299 are to be complied with, in so far as they are applicable, subject to the modifications contained in this paragraph, and to the special provisions relating to such cases contained in the Regimental Debts Act, 1893.

(2) An airman's public and personal clothing, and other equipment is to be disposed of as laid

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down in Para 2231, and his orders, decorations and medals as laid down in Para J261.

- (3) All his private effects are to be sold.

1302. Airman Convicted by the Civil Power - Disposal of Effects.

Sponsor: ACOS Pers Pol (RAF)

When an airman is convicted of an offence by the civil power and is awarded a custodial sentence which has not been suspended, the instructions contained in Para **1299** are to be complied with, in so far as they are applicable, subject to the special provisions contained in the Regimental Debts Act 1893, and to the provisions of Para 2227.

1303 - 1319. (Omitted)

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CHAPTER 18

INSURANCE AND INSURANCE POLICIES**1320. Refund of Life Assurance Premium Loadings for Service Risks.***Sponsor: DDP(P&A)(RAF)*

(1) Service personnel who insure their lives may be required to pay increased premiums if they wish their life assurance policies to cover particular Service risks. A scheme exists for the partial refund of the extra costs of insuring against such risks.

(2) The scheme may be terminated or modified at any time, and will be suspended if, in the event of an emergency being imminent, the extra premiums charged for insurance against the risks detailed at clause (3) below were substantially increased. However, those personnel who had already taken out insurance against those Service risks, and had consequently contracted to continue paying extra premiums at the old rates, would remain eligible for the full benefits of the scheme.

(3) Officers and airmen may obtain a refund of extra premiums necessarily paid by them, in respect of the risks detailed in JSP 752 Chapter 10 Section 7.

1321. Non-Regular Forces*Sponsor: DDP(P&A)(RAF)*

The scheme described in this instruction will apply to officers and airmen of non-regular forces who necessarily incur additional insurance premiums for any of the risks detailed in JSP 752 Chapter 10 Section 7. Members of the non-regular forces engaged in flying duties remain eligible for the benefits of the scheme detailed in Appendix XII to AP 938.

1322. Reductions in Premiums*Sponsor: DDP(P&A)(RAF)*

Expenditure on insurance against the above Service risks will not be refunded unless it has been necessarily incurred. In the event of any change in circumstances or if there is a general reduction in the rate of premiums charged by companies, it is the claimant's responsibility to check whether extra premiums should be reduced. Failure to take this action may result in the payment of a claim being delayed or disallowed.

1323. Policies held by Other Persons.*Sponsor: DDP(P&A)(RAF)*

Refunds will be admissible on policies held by the spouses of eligible personnel but not on policies held by other persons.

1324. Eligible and Ineligible Policies.*Sponsor: DDP(P&A)(RAF)*

The types of policy that qualify for a partial refund and those which do not normally qualify, are detailed in JSP 752 Chapter 10 Section 7.

1325. Limits.*Sponsor: DDP(P&A)(RAF)*

Entitlement under this scheme is generally limited to providing a partial refund of the extra premiums paid on policies having a total sum assured not exceeding the amounts shown in JSP 752 Chapter 10

Section 7.

1326. Claims.

Sponsor: DDP(P&A)(RAF)

Claims should be submitted on JPA Form F010 and be actioned in accordance with JSP 752 Chapter 10 Section 7. A belated claim may be admitted, on verification, by a unit up to six years in arrears.

1327. Compensation for Higher Motor Insurance Premiums in Northern Ireland.

Sponsor: DDP(P&A)(RAF)

Personnel posted for a normal tour of duty in Northern Ireland may be refunded the cost of any excess loading on motor insurance premiums which is directly attributable to the individual's service in the province. Details of the scheme are given in JSP 752 Chapter 10 Section 6.

1328-1408. *(Omitted)*

CHAPTER 19

MEDICAL AND DENTAL**SECTION 1 – GENERAL****1409. Immunisation.***Sponsor: COS Health/DGMS(RAF)*

- (1) It is the responsibility of the CO of the unit to ensure that all personnel are aware of the importance of protection by immunisation against diseases in accordance with Surgeon General's policy and that all personnel are offered vaccination at appropriate intervals.
- (2) Particulars of immunisation, with dates, are to be entered in the individual's Health Record and the Operational Medical Record (OMR) when issued.
- (3) When consent for immunisation is refused, a dated entry giving particulars is to be made in the individual's Health Record. Service personnel who refuse may, however, be subject to such quarantine measures as may be considered appropriate by the health authorities of the countries to or through which they proceed.
- (4) Service personnel whose duties involve travel abroad at short notice should ensure that their immunisation state is always maintained in accordance with the medical instruction issued by their tasking authority.
- (5) The MO is to provide appropriate immunisation services and assist the CO of the unit in their duty to ensure that the immunisation state of personnel on the station is satisfactory.

1410. (Omitted)**1411. Communicable Diseases.***Sponsor: COS Health/DGMS(RAF)*

- (1) When a case of communicable disease occurs the MO is to:
 - (a) Arrange for the admission of the patient to hospital, if necessary, to ensure proper treatment and to prevent the spread of infection.
 - (b) Notify the CO of the unit if the case is one of special significance to public health or an outbreak is likely / has ensued
 - (c) Comply with AP1269 Leaflet 8-01 Communicable Disease Surveillance, Prevention and Control
- (2) The CO of the unit or station is to comply with the medical advice regarding communicable disease prevention and outbreak measures.. Personnel in contact with communicable disease are not to be transferred to another station until any prescribed period of medical supervision has elapsed.

1412. Inquest and Post-mortem Fees.*Sponsor: COS Health/DGMS(RAF)*

(1) A MO (including a civilian medical practitioner who ordinarily performs the duties of a UMO) giving evidence in a coroner's or other court about the treatment, conditions or cause of death of a Service patient will be regarded as attending court as part of his official duty, but he is to make application for the reimbursement of his expenses or for the payment of any fee due in connection with his attendance. Subject to clause (2), such monies and fees are, however, to be surrendered to the station accountant officer for credit to air force funds.

(2) Where a MO is requested under the Coroner's Act to conduct a post-mortem or special examination, he is in all cases to be permitted to retain the fee rendered for either service; but where he receives a joint fee for making a post-mortem or special examination of the body and attending to give evidence at the inquest he is to be required to surrender, for credit to air force funds, the balance in excess of the normal fee for the examination.

1413. Private Medical Certificates.*Sponsor: COS Health/DGMS(RAF)*

(1) Officers of the medical branch and civilian medical practitioners employed on air force duties are prohibited from giving:

(a) Private certificates or statements to individual officers, airmen or civilian employees upon questions connected with their health which may have to be adjudicated on by medical boards or other official authorities (except as provided for in clause (2)).

(b) Advice or assistance to public companies or private individuals on subjects connected with their official duties.

(c) Certificates or testimonials to the patentees or vendors of any proprietary articles or inventions.

(2) At the request of an officer, airman or civilian employee who is insured against accident or disease, and in order to enable him to claim insurance benefits, the MO or civilian practitioner may provide him with a certificate giving the nature and duration of the disability for which he is or may have been under treatment.

(3) Requests for certificates on questions connected with health required by an adjudicating body are to be provided only when approved by a competent air force authority.

(4) Regulations concerning fees for cremation certificates are contained in AP 1269 (RAF Manual of Medical Management and Administration).

1414. Accidents to Air Force Personnel - Third Party Claims.*Sponsor: COS**Health/DGMS(RAF)*

(1) Requests for reports by MOs on air force personnel who have sustained injuries in an accident, or for facilities for civilian doctors to carry out examinations of such personnel in connection with third party and other claims arising out of an accident are to be dealt with in accordance with clauses (2) to (6) as appropriate.

(2) Medical reports may be given, on the authority of the air or other OC to the officer or airman

concerned or to the solicitor acting on his behalf, or, with his consent, to any other party. Facilities for the medical examination by civilian doctors of injured officers and airmen may be granted on similar authority.

(3) The written consent of the officer or airman must be obtained before examination by a MO and provision of a medical report at the request of another party, or before examination by a civilian doctor. If consent is refused the requesting party should be so informed at once. If the patient's condition makes it impossible to obtain consent, the request should be referred to Med Legal (RAF) at HQ Air Command.

(4) Reports made by MOs are not to refer to or include any quotation from Service medical records; neither is the name of any civilian or Service doctor who has seen the patient to be mentioned therein, nor is any reference to be made to the opinions these doctors may have expressed.

(5) A report made by a MO is to be confined strictly to medical details to the exclusion of opinion as to the cause of injuries and is to be limited to statements made to the MO by the officer or airman concerned, to his own knowledge of the case and to his findings at the examination. The report is invariably to contain a statement that it represents the personal view of the reporting officer only, and is not in anyway binding on the Secretary of State for Defence. If the report contains an opinion about the degree of disablement it must also contain a statement that, should the officer or airman concerned ultimately be invalidated, the degree of disablement will be determined by the Department of Work and Pensions (DWP) and that the assessment given in the report is the personal opinion of the reporting officer and is not in any way binding on the Secretary of State for Defence or the DWP.

1415-1418. (Omitted)

SECTION 2 - MEDICAL BOARDS AND EXAMINATIONS

1419. Applicability of Regulations.

Sponsor: COS Health/DGMS(RAF)

The regulations in this Section concerning the medical examination and boarding of officers also apply, with the necessary modifications, to officers of PMRAFNS and to airmen and non-commissioned aircrew.

1420. Medical Boards - Composition.

Sponsor: COS Health/DGMS(RAF)

The composition of a medical board is detailed in AP 1269A (RAF Manual – Assessment of Medical Fitness).

1421. Medical Standards of Fitness for Aircrew Officers of the General Duties Branch.

Sponsor: COS Health/DGMS(RAF)

- (1) (a) All aircrew officers of the General Duties Branch (except Gp Cpts and above who have passed their 45th birthday) must be fit for full flying duties and for all general service duties.
- (b) All aircrew officers of the General Duties Branch of the rank of Gp Capt and above who have passed their 45th birthday must be fit for limited flying duties and for all general service duties.

(2) When an aircrew officer of the General Duties Branch is examined by an RAF Medical Board and found to be below the appropriate medical standards described in clause (1), or is unlikely to reach that standard within reasonable time, the Air Force Board or appropriate delegated authority will decide whether it is possible to retain the officer in the Service on duties within his medical classification, or whether he shall be invalided. When it is decided to retain an officer for employment within his medical category, a decision will also be taken by the Air Force Board or appropriate delegated authority, about which the officer will be informed, on the period for which he is likely to be retained. When an officer is still below the prescribed standards at the end of the period of retention, he will be invalided if he cannot be offered further employment or if he does not wish to remain on the active list. Cases of particular difficulty or importance should be referred by the appropriate delegated authority to the Air Force Board.

(3) Aircrew officers of the General Duties Branch who are withdrawn from flying duties on account of permanent medical unfitness may elect to be invalided. Those who elect to be invalided are to be referred to the DAP for consideration of the award of invaliding benefits. The award of invaliding benefits is discretionary. Those who are retained on the active list will be dealt with as provided in AP 3393, Chap 4, Annex B.

(4) Aircrew officers of the General Duties Branch are to be medically classified on examination up to the full extent of their fitness irrespective of age. When, however, the Air Force Board or appropriate delegated authority decides to retain an officer who has been withdrawn from flying or other combatant duties, he is only to be medically classified up to the standard required for non-combatant, passenger, and ground duties at home and abroad.

1422. Medical Standards of Fitness for all Officers of the Ground Branches (including General Duties (Ground) Branch).

Sponsor: COS Health/DGMS(RAF)

(1) All officers of the ground branches (including the General Duties (Ground) Branch) must be fit for the full ground duties of their branch, including all general service duties.

(2) Officers other than aircrew officers of the General Duties Branch who are selected for training in, or for employment on, flying duties must pass the same standard of physical fitness as those referred to in Para 1421. Failure to maintain standards of fitness for flying duties would not affect their position in their own branches in any way. Their advancement in their own branches will then be judged in relation to the fitness standard described in clause (1).

(3) Officers who are found to be permanently below the medical standard described in clause (1), or who are unlikely to reach that standard within a reasonable time, are to be dealt with under the procedure described in Para 1421, clause (2). Those who are retained on the active list will be subject to the provisions of AP 3393, Chapter 4, Annex B.

1423. Occasions on which Medical Boards are Convened.

Sponsor: COS

Health/DGMS(RAF)

Medical boards are to be convened on the following occasions:

- (1) When the validity of the existing medical employment standard is in doubt.
- (2) For assessment of fitness for a branch/trade other than that in which the individual is currently employed.
- (3) When an airman is being considered for a commission or for aircrew duties.

(4) After 4 weeks continuous non-effectiveness, reckoned from the date of cessation of duty, the MO in charge of the patient is to decide whether a non-effective medical board should be held in accordance with the regulations contained in AP1269A (RAF Manual – Assessment of Medical Fitness).

(5) When otherwise deemed necessary by DGMS(RAF).

1424. (Omitted)

1425. RAF Medical Board - Composition and Functions.

Sponsor: COS Health/DGMS(RAF)

(1) The RAF Medical Board (RAF MB), RAF CAM is a standing medical board normally consisting of a president and one member drawn from the staff of the RAF MB or appointed by COS Health/DGMS (RAF). For a permanent re-assessment of the medical employment standard of an aircrew member a GD specialist adviser is additionally nominated, in order to advise the president on matters pertinent to the role of the individual being boarded.

(2) The RAF MB is to examine officers, aircrew and others referred for permanent or temporary assessment of their medical fitness as detailed in AP1269A (RAF Manual – Assessment of Medical Fitness).

1426. Officers and Aircrew Selection Centre Medical Board.

Sponsor: COS Health/DGMS(RAF)

(1) The Officers and Aircrew Selection Centre Medical Board (OASC MB) is a standing medical board comprising a president and one member drawn from the staff of OASC or appointed by COS Health/DGMS(RAF).

(2) The OASC MB is to examine applicants for: commissions in the RAF, PMRAFNS, the R Aux AF; aircrew training; cadetships; University Air Squadron flying; RAF and flying scholarships and others referred in accordance with AP1269A (RAF Manual – Assessment of Medical Fitness).

1427. Findings of Boards.

Sponsor: COS Health/DGMS(RAF)

(1) Employment standards may be permanent or temporary; they also indicate whether the individual is effective or non-effective. Employment standards are defined in AP 1269A and outlined as follows:

(a) ***Permanent Employment Standard.*** A permanent employment standard is one which, in the opinion of the medical board, is unlikely to require review within a minimum period of 18 months.

(b) ***Temporary Employment Standard.*** A temporary employment standard is one which, in the opinion of the medical board, will require review within 18 months. An individual may not normally hold a temporary employment standard for longer than 6 months without a review, and under no circumstances may an individual hold a temporary employment standard for an aggregate period exceeding 18 months. A temporary effective employment standard is invariably signified by the period (in months) before the next review.

(c) ***Effective Employment Standard.*** An effective employment standard indicates that the individual is fit for duty though this may be limited either temporarily or permanently.

(d) ***Non-Effective Employment Standard.*** A non-effective employment standard indicates that the individual is unfit for duty. A permanent non-effective employment standard indicates that invaliding is recommended; a temporary non-effective employment standard indicates the

likelihood of a return to duty within the maximum period during which retention in the Service is permissible under paras 620 (2) (for airmen) or AP 1269A (RAF Manual – Assessment of Medical Fitness) for officers.

(2) Employment standard codes are as follows:

(a) **Factor ‘A’ Air.**

A1 Fit for flying duties without restriction P2 Only for aircrew
 A2 Fit for flying duties but has sub-optimal hearing or eyesight P2 Only for aircrew
 A3 Fit for limited flying duties P2, P3, P7. Only for aircrew
 A4 Fit to be flown in a passenger aircraft P2, P3, P4, P7, P0, P8
 A5 Unfit to be taken into the air P3, P4, P7, P0, P8
 A6 Air assessment not currently required P0 Not normally used

(b) **Factor ‘L’ Land.**

L1 Fit for unrestricted duties P2
 L2 Fit for unrestricted duties but with a medical risk marker (see Note for examples) P2, P3
 e.g. early noise induced hearing loss, stable chronic condition requiring medical monitoring
 L3 Fit for limited duties but with some restriction subject to medical risk assessment P3, P4, P7
 L4 Fit for specific limited duties within branch/trade P7
 L5 Unfit for service in the Land environment P0, P8
 L6 Land assessment not currently required. Not normally used

(c) **Factor ‘M’ Maritime.**

M1 Fit for unrestricted duties P2
 M2 Fit for restricted duties with caveats to be stated P3
 M3 Fit for limited duties in harbour or ashore with caveats to be stated P7
 M4 Fit for limited duties ashore only, may not be in own trade or skill, with caveats to be stated P7
 M5 Unfit for service in the maritime environment P0, P8
 M6 Maritime assessment not currently required. Not normally used

(d) **Factor ‘E’ Environment & Medical Support.**

E1 Fit for worldwide service in all environments P2
 E2 Restricted employment outside UK P3, P4, P7 For example unfit hot or cold environments
 E3 Employment in UK only P4, P7
 E4 Employment subject to single Service manning restriction P2, P3, P7
 E5 Medically unfit for duty and under medical care (holding category) P0, P8
 E6 Pregnant – Employer formally advised of pregnancy (e.g. using form Mat B1) and written consent given for MES to be displayed as E6 or a contemporaneous record made in clinical notes confirming permission granted P4

(e) ‘T’ following a full employment standard indicates that the individual is temporarily unfit to carry out elements of their service duties but is likely to become fit within the maximum period during which retention in the Service is permissible in AP 1269A, (RAF Manual – Assessment of Medical Fitness) . A temporary non-effective MES is designated by A4 L5T and dispenses with the E factor.

1428. Informal Medical Boards.

Sponsor: COS Health/DGMS(RAF)

The medical employment standard of an officer or airman may be temporarily reassessed without a formal medical board and this may be undertaken by a MO on the unit. These temporary reassessments are classed as informal medical boards. The procedures for the conduct, documentation and approval of informal boards are detailed in AP 1269A (RAF Manual – Assessment of Medical Fitness). Temporary

reassessments of employment standards may also be undertaken by formal boards.

1429. Formal Medical Boards Undertaken at Medical Centres. *Sponsor: COS Health/DGMS(RAF)*

Under certain circumstances, detailed in AP 1269A, COS Health/DGMS (RAF) may authorise that certain formal medical boards may be undertaken by MOs at medical centres.

1430. Disposal of Officers Following a Medical Board. *Sponsor: COS Health/DGMS(RAF)*

(1) Following a medical board an officer is to be disposed of as follows:

(a) To duty - and ordered to report to the CO of the unit if he is found fit for duty.

(b) To sick leave - when the recommendations and procedures are to be strictly in accordance with the instructions contained in AP 3392, Vol 2 (RAF Manual of Personnel Administration – Pay and Personal Documentation) and AP 1269 (RAF Manual of Medical Management and Administration).

(c) To hospital - when admission is to be effected in accordance with the instructions laid down in AP 1269 (RAF Manual of Medical Management and Administration).

(2) If an officer is sent on leave pending instructions from or approval of the MOD, he is to be directed to apply to the MOD in writing in the event of his not receiving instructions within 10 days. Where, however, an officer, prior to being sent home to await MOD instructions has received a letter from the MOD regarding the date of commencement of terminal leave on cessation of hospital treatment or while undergoing treatment, the instructions contained in that letter will remain operative.

(3) An officer receiving in-patient treatment in a Defence Secondary Care Agency (DSCA) hospital or Medical Rehabilitation Centre (MRC) who is unfit to travel on commencement of terminal leave or on the last day of service may continue to receive treatment even though he may thereby be retained in hospital or medical rehabilitation unit beyond his last day of service. If, after he is fit to travel, he requires further medical treatment (including, in amputation cases, experience in the use of an artificial limb) he may be retained for such treatment for a further period at the discretion of the CO of the support unit of the DSCA hospital or MRC.

(4) The retention of personnel under clause (3) will not affect the date of cessation of pay (Para **2656** refers).

1431. Procedures for Subsequent Boards. *Sponsor: COS Health/DGMS(RAF)*

(1) An officer on whom a medical board has been convened under Para **1423** is to be reboarded subsequently, in accordance with the regulations detailed in AP1269A (RAF Manual – Assessment of Medical Fitness).

(2) The re-boarding of an officer, who has, on two occasions been medically boarded on account of the same disability, is invariably to be conducted by the RAF Medical Board.

1432-1433. (Omitted)

1434. Medical Examinations, Screenings and Inspections. *Sponsor: COS Health/DGMS(RAF)*

(1) Officers, cadets and airmen are to undergo full medical examinations and medical screenings on the

occasions laid down in AP 1269A (RAF Manual – Assessment of Medical Fitness).

(2) Medical Examinations, Screenings and Inspections for officers, cadets and airmen of all Ground Branches and Trades are to be carried out on the occasions specified in AP 1269A (RAF Manual – Assessment of Medical Fitness) and on other occasions as directed by COS Health/DGMS(RAF).

(3) The name of any officer, cadet, airman (aircrew) or ground trade airman who fails to attend for his medical examination or screening at the times specified is to be reported to his CO.

(4) To avoid unnecessary examinations, a periodical medical examination may be waived under the conditions given in AP 1269A (RAF Manual – Assessment of Medical Fitness).

1435. *(Omitted)*

1436. *(Omitted)*

1437. Officers and Airmen - Unfit for Full Duties.

Sponsor: COS Health/DGMS(RAF)

Whenever a medical officer has a reason to believe, as a result of an examination, that an individual's medical employment standard is incorrect he is to make arrangements for the individual to appear before an appropriate (informal or formal) medical board.

1438-1439. *(Omitted)*

1440. Medical Boards on RAF Personnel in Defence Secondary Care Agency Establishments.

Sponsor: COS Health/DGMS(RAF)

Officers.

(1) When an air force officer (in a DSCA establishment) is brought before a medical board, the proceedings are to be submitted to the appropriate competent medical authority for approval and disposal.

(2) Where invaliding from the Service is contemplated, only those officers unable to travel should be boarded in hospital, by arrangement with COS Health/DGMS(RAF). In all such cases the opinion of the appropriate RAF consultant or specialist registrar must be obtained.

Airmen.

(3) When, for the purpose of invaliding, it is proposed to hold a medical board on an airman who is a patient in a DSCA establishment, the following procedure is to be adopted:

(a) The OC Support Unit is to notify Manning Medical Casework HQ Air Command who is to make the necessary arrangements for the board to be undertaken.

(b) The RAF Medical Board is to approve such boards.

1441. *(Omitted)*

1442 Confidentiality of Board Proceedings.

Sponsor: COS Health/DGMS(RAF)

All medical documentation related to the Medical Board process is considered to be part of the medical record and subject to the normal strictures of medical confidentiality. No information is to be disclosed to third parties without the consent of the patient, other than the non-medical report to the executive released as the Patient Advice Notice.

1443-1449. *(Omitted)*

SECTION 3 - DUTIES OF MEDICAL AUTHORITIES

CHIEF OF STAFF HEALTH/DIRECTOR GENERAL MEDICAL SERVICES (RAF) (COS HEALTH/DGMS(RAF))

1450. Adviser to AMP.

Sponsor: COS Health/DGMS(RAF)

COS Health/DGMS(RAF) is the responsible adviser to AMP on all medical questions and on all matters affecting the health of the RAF. He has the right of direct access to CAS in his capacity as medical adviser.

1451. Adviser to AOCs in C.

Sponsor: COS Health/DGMS(RAF)

Within the Lead Command Concept, COS Health/DGMS(RAF) is medical adviser to AOCs in C on all medical questions and matters affecting the health of the commands. He has the right of direct access to each AOCinC.

1452. Exercise of Responsibilities.

Sponsor: COS Health/DGMS(RAF)

COS Health/DGMS(RAF) exercises his responsibilities through Director Medical Policy(RAF), Director Health Services(RAF), Director Nursing Services and Deputy Director Corporate Services(RAF). COS Health/DGMS(RAF) is responsible for the implementation and supervision of all areas of Clinical Governance in accordance with the Surgeon General's policy.

DIRECTOR MEDICAL POLICY

1453. D MED POL(RAF) Responsibility to COS Health/DGMS(RAF).

Sponsor: COS Health/DGMS(RAF)

The Director of Medical Policy (D Med Pol(RAF)) is responsible for the development and promulgation of medical policy, including that relating to medical operations, medical personnel and clinical nursing.

1454. *(Omitted)*

ASSISTANT CHIEF OF STAFF MEDICAL (RAF)**1455. ACOS Med (RAF) Responsibility to COS Health/DGMS(RAF).** *Sponsor: COS Health/DGMS(RAF)*

The Assistant Chief of Staff Medical (RAF) (ACOS MED (RAF)) is responsible for oversight and direction of RAF health services to ensure that policy standards set by COS Health/DGMS(RAF) are met. This includes general practice, occupational medicine, aviation medicine, public health medicine and environmental health, throughout the RAF in peacetime and crisis. They are to exercise professional oversight and functional command of the RAF Centre for Aviation Medicine (RAF CAM), professional oversight of HQ Air Command medical staffs' and professional oversight and functional control of HQ Tactical Medical Wing (HQ TMW).

1456. DACOS Med Prog.*Sponsor: COS Health/DGMS(RAF)*

DACOS Med Prog is responsible to COS Health/DGMS (RAF) through ACOS Medical for the strategic direction for Med Prog staff, while delivering the RAFMS vision coherent with Air Cmd and SDR intent Shape the direction and delivery of the medical operational capability for both regulars and reserves. In conjunction with Med Ops, progress ongoing operational lessons identified that require further staffing. Engagement within the varied environments of MoD, sS and tri-Service HQs of staffs in order to provide the strategic programme interface for optimal medical output. Deliver RAFMS future projects and develop RAF continuous improvement initiatives. Deliver RAF Public Health services and support to the Health Executive Committee in its delivery of the wider RAF health agenda

1457. DACOS Med Ops*Sponsor: COS Health/DGMS(RAF)*

DACOS Med Ops is responsible to COS Health/DGMS(RAF) through ACOS Health. They are to monitor and maintain the delivery of deployable medical capability to AIR elements on operations and exercises. Deliver Aeromedical evacuation to Operations from near the point of wounding to Role 4 care in the UK. Coordinate and provide Aeromedical evacuation and medical repatriation to entitled personnel from non-operational areas. Represent COS(H) within the CAG process. Deliver operational medical capability through PJHQ J4 Med to joint ops. Progress an ongoing operational lessons identified process that contributes to the policy and doctrine development through sS and Defence wide processes.

1458. Inspections.*Sponsor: COS Health/DGMS(RAF)*

They are to ensure that thorough inspections are made of all health services for which they have responsibility for oversight of standards. They are to pay particular attention to aircrew health and conditions of duty.

1459. Responsibility for Occupational Health.*Sponsor: COS Health/DGMS(RAF)*

ACOS Med (RAF) is to ensure that medical boards and medical examinations and screenings are conducted in accordance with the regulations.

1460. Responsibility for Public Health and Environmental Health. *Sponsor: COS Health/DGMS(RAF)*

The ACOS Med (RAF) is to:

- (1) Exercise general supervision over the hygiene conditions of RAF units and is to make such recommendations as circumstances may demand to prevent ill health.
- (2) Ensure that cases of infectious disease are notified and outbreaks are appropriately managed and investigated. They are to report to the relevant AOCinC the occurrence of significant infectious disease, whether among the air forces or, where relevant, the civilian population.
- (3) Satisfy themselves that appropriate measures are being taken to protect and promote the health of personnel on RAF Units.

DIRECTOR OF NURSING SERVICES

1461.

Sponsor: COS Health/DGMS(RAF)

The Director of Nursing Services (DNS(RAF)) acts as the nursing advisor to COS Health/DGMS(RAF) and is responsible for nursing policy issues for the Princess Mary's RAF Nursing Service (PMRAFNS) branch.

DEPUTY ASSISTANT CHIEF OF STAFF BRIEFING AND CO-ORDINATION (MEDICAL)

1462.

Sponsor: COS Health/DGMS(RAF)

The Deputy Assistant Chief of Staff and Co-ord (Medical) (DACOS B and C (Med)) is responsible for providing support and corporate services to COS Health/DGMS(RAF) to ensure all outputs are timely and effectively delivered.

1463-1465. *(Omitted)*

COMMAND FLIGHT MEDICAL OFFICER (CFMO)

1466. Adviser to ACOS Med (RAF).

Sponsor: COS Health/DGMS(RAF)

The CFMO (RAF) is the adviser to ACOS Med (RAF) on aviation medicine and all matters affecting the health and safety of aircrew.

1467. Liaison.*Sponsor: COS Health/DGMS(RAF)*

The CFMO(RAF) is to maintain close liaison with:

- (1) The air, administrative, and engineering staffs, so that they may anticipate physiological and psychological problems arising from changes in aircraft operations, design and equipment. They are responsible for explaining to the staff the implications of advances in aviation medicine. To perform their duties effectively, they are to acquaint themselves with the operational functions of the various types of aircraft and especially of the aircraft used in the commands.
- (2) The command flight safety officers, so as to afford them advice, in particular in the investigation of flying accidents.
- (3) The RAF Centre of Aviation Medicine, the Defence Science and Technology Laboratories and industry, so that he is fully informed about the latest aviation medicine developments and research.

1468. Supervision and Instruction of Aircrew.*Sponsor: COS Health/DGMS(RAF)*

The CFMO(RAF) is:

- (1) To supervise the physical and mental health of aircrew, including attention to their accommodation, recreation, food and rest.
- (2) To bring to notice any deficiency in the provision, serviceability and proper use of safety and survival equipment.
- (3) To advise the training staff on the instruction which should be given to aircrew in the physiological and other aviation medical aspects of flight, particularly as they may affect flight safety. He is to arrange for MOs to give the instruction when required.
- (4) To keep themselves in flying practice, pay frequent visits to units and gain operational flight experience.
- (5) To make such recommendations as they consider will improve the health and efficiency of aircrew.

1469. Instruction of Medical Officers.*Sponsor: COS Health/DGMS(RAF)*

The CFMO(RAF) is to ensure that MOs possess the requisite knowledge of aviation medicine to enable them to discharge their duties to aircrew and is to arrange for MOs to be instructed in aviation medicine as necessary.

1470. Investigations.*Sponsor: COS Health/DGMS(RAF)*

The CFMO (RAF) is to carry out such investigations or tests within his province as may be required and is to bring to notice any matters which he considers demand wider investigation.

1471-1473. (Omitted)

THE MEDICAL OFFICER OF A STATION

1474. Adviser to CO.*Sponsor: COS Health/DGMS(RAF)*

The MO of a station is to be in medical charge of the unit or units located at the station and is the responsible adviser to the CO of the station on the physical and mental health of officers and airmen, the prevention of sickness, the maintenance of health and the comfort and well-being of all personnel. He is to bring to the notice of the CO any officer or airman engaged on flying duties whose physical or mental efficiency is deteriorating through fatigue or other causes.

1475. Availability for other Duties.*Sponsor: COS Health/DGMS(RAF)*

In addition to their normal duties at their station they are to be available for any other duty which they may be required by COS Health/DGMS(RAF) to perform.

1476. Attendance on Dependants and Other Civilians.*Sponsor: COS Health/DGMS(RAF)*

They are to attend all dependants and other civilians who have registered for treatment at the station or who are otherwise entitled.

1477. Daily Clinics.*Sponsor: COS Health/DGMS(RAF)*

(1) They are to make daily arrangements to see sick personnel from their own unit and those from other units unable to travel to their own unit. They are to show on F Med 566 the disposal of each patient in accordance with AP 1269 (RAF Manual of Medical Management and Administration). Details of the consultation and disposal of the patient are to be recorded on the Health Record of each patient seen.

1478. Medical Examinations and Inspections.*Sponsor: COS Health/DGMS(RAF)*

They are to carry out medical examinations, screening and inspections of officers and airmen as laid down in AP 1269A (RAF Manual – Assessment of Medical Fitness).

1479. Death.*Sponsor: COS Health/DGMS(RAF)*

They are to report at once to the COS Health/DGMS(RAF) and the CO of the unit concerned, all deaths which may occur, or whenever the condition of an officer or airman, whether arising from serious illness or accident, gives cause for concern.

1480. Air Experience.*Sponsor: COS Health/DGMS(RAF)*

They are to take every opportunity of gaining air experience and of studying the medical aspects of flying, however, if single handed, they are not to be in the air or absent from the station when flying is in progress without the sanction of the CO of the station. They are not to be regarded as absent from the station when visiting patients, including the families of married personnel. They are however to inform the duty air traffic control officer of the station of their whereabouts.

1481. Responsibility for Ambulances.*Sponsor: COS Health/DGMS(RAF)*

(1) They are responsible for all movements (except those in connection with servicing and as provided in JSP 318 (Military Flying Regulations)) of motor ambulances. Except in emergency, their authority will be required for the use of motor ambulances; such authority is only to be given for the conveyance of patients or for other medical purposes. The MT request form requires no authorizing signature other than that of the MO.

1482. Sanitary and Hygiene Conditions.

Sponsor: COS Health/DGMS(RAF)

(1) They are to advise the CO of the station on all occupational health, hygiene and environmental health matters.

(2) They are to ensure that they are conversant with the occupational activities and processes conducted on the station and any satellite units for which they are responsible. They are to conduct periodic visits to all areas of the station excluding married quarters. Periodicity of the visits may vary, but every section is to be visited at least once every 18 months. They are to ensure that they are familiar with the hazards associated with the activities and processes conducted, to enable them to assess the potential to cause ill health. This assessment may be used to define the frequency of visits to individual sections. At units with an Occupational Health Nurse and/or an Environmental Health Technician (EH Tech), these personnel should accompany the SMO to provide specialist advice as required. When circumstances dictate, the SMO may delegate responsibility for some of the visits to either a JMO or qualified Occupational Health Nurse. All visits are to be documented, together with a record of any advice given to Stn Cdr. These documents are to be made available for inspection by visiting medical staff officers. Additional specialist advice and guidance may be sought from the Regional Occupational Medicine Consultant or CMO(OH)(RAF), HQ Air Command.

(3) Where an EHT is established the SMO is to ensure that routine occupational hygiene/ environmental health inspections are conducted along with specialist monitoring and assessments as required. On those units with an EHT, specialist guidance and advice may be sought from SO2 EH (RAF), HQ Air Command.

1483. Catering.

Sponsor: COS Health/DGMS(RAF)

(1) They are to ensure that all food premises on the station conduct their operations in a safe and hygienic manner. This function should be delegated to an EHT where established.

(2) They are to ensure that all food handlers are suitably screened for employment and that food handlers with specific infectious diseases are withdrawn from employment in food premises until such time as they no longer pose a risk of infection and/or contamination.

1484. Water Supplies.

Sponsor: COS Health/DGMS(RAF)

They are to:

(1) Satisfy themselves that the drinking water supply is potable and that measures taken to prevent its contamination at all stages of delivery and storage are satisfactory.

(2) Ensure that routine examination of station water supplies and sewage effluent are undertaken and is to arrange for further analysis whenever indicated.

1485. Notifiable Diseases.

Sponsor: COS Health/DGMS(RAF)

They are responsible for ensuring that proper precautions and actions are taken when a case of notifiable

disease occurs on the unit. When dealing with these cases they are to comply with Para **1411**.

1486. Primary Health Care Responsibilities.

Sponsor: COS Health/DGMS(RAF)

(1) Their practice of medicine is to adhere to the policy and standards directives as issued by Surgeon General and COS Health/DGMS(RAF).

(2) Clinical practice is to comply at all times with any extant guidelines issued by the Chief Medical Officer and Department of Health; such guidelines may be adapted by the Surgeon General to satisfy military requirements.

1487. Presentations.

Sponsor: COS Health/DGMS(RAF)

(1) On appropriate occasions they are to deliver presentations to officers and airmen on aviation medicine, general and personal health and first aid.

(2) They are to be prepared to deliver appropriate teaching to medical airmen as part of their continuation training.

1488. Command.

Sponsor: COS Health/DGMS(RAF)

They are to exercise command only as laid down in Para **111**.

1489. Stores and Stores Accounts.

Sponsor: COS Health/DGMS(RAF)

They are to maintain the medical stores and the accounts thereof as laid down in AP 1269 (RAF Manual of Medical Management and Administration). Where more than one MO is borne as part of the medical establishment for station duties, this responsibility rests with the senior officer.

1490. Health Record.

Sponsor: COS Health/DGMS(RAF)

They are to maintain the Health Records of officers and airmen in accordance with paras **1492** and **2126** and AP 1269 (RAF Manual of Medical Management and Administration). They are to make such entries and insertions in them as are required by the regulations.

1491. Recommendations to the CO.

Sponsor: COS Health/DGMS(RAF)

They are to make their recommendations to the CO orally or in writing at their own discretion. When they are made in writing, they are to send a copy of the recommendations to ACOS Health (RAF).

1492. Medical Records.

Sponsor: COS Health/DGMS(RAF)

(1) They are to exercise every care to ensure that medical centre records are accurately prepared and correctly filed in accordance with COS Health/DGMS(RAF) policy.

(2) Where hand writing is used, it is to be clear and legible and the name of the MO or medical staff member making the entry is to be clearly identifiable.

(3) Whenever a station is closed, station medical centre staff are to liaise with the ACOS Health (RAF) to determine the appropriate disposal route for medical centre records.

1493. (Omitted)**1494. Unusual Occurrences.***Sponsor: COS Health/DGMS(RAF)*

They are to report promptly to the ACOS Health (RAF) any occurrence of particular medical interest.

1495. General Medical Administration.*Sponsor: COS Health/DGMS(RAF)*

They are to ensure that the medical administrative procedures he conducts within their practice are in accordance with AP 1269 (RAF Manual of Medical Management and Administration) and AP 1269A (RAF Manual – Assessment of Medical Fitness).

1496. Defence Medical Information Capability Programme (DMICP) and Primary Health Care Information System.*Sponsor: COS Health/DGMS(RAF)*

MOs are to ensure that the DMICP/PHCIS is used in accordance with AP1269 (RAF Manual of Medical Management and Administration) and procedures and protocols issued by HQ SG, COS Health/DGMS(RAF) and AFPAA.

1497. Medical Arrangements at RAF Stations at Home with only one Medical Officer.*Sponsor: COS Health/DGMS(RAF)*

The MO, unless sick or on leave, is to be on duty during normal working hours. They are eligible for leave under the same conditions as other officers. During their off duty periods they are to ensure that medical cover is provided by practitioners who are vocationally trained, or exempt from other training by the appropriate regulatory body. General Practitioners in training may provide cover provided that they work under the supervision of a principal in General Practice.

1498. Emergencies, Major Incidents , Disasters and Operations. *Sponsor: COS Health/DGMS(RAF)*

They are to ensure that medical centre staff are fully trained, understand their role and are equipped to react appropriately in the following circumstances:

- (1) If called upon to respond to local emergencies, major incidents or national disasters.
- (2) If called upon to provide a source of military aid to the civil authorities.
- (3) At war or operations.

1499-1502. (Omitted)**SECTION 4 - MEDICAL ATTENDANCE****1503. Medical Attendance.***Sponsor: COS Health/DGMS(RAF)*

- (1) **Definition.** Throughout this Section, the term "medical attendance" denotes the professional

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advice and treatment during sickness or injury afforded by a MO or by a civilian medical practitioner engaged for attendance on air force personnel. Those entitled to "medical attendance" or allowed it as a privilege may be treated under certain conditions:

- (a) In quarters or at their own residences, or
- (b) As out-patients at Service medical establishments.

This term includes immunisation, and the supply of medicine and surgical materials prescribed and ordered from the public stocks by the MO or civilian medical practitioner in charge of the case. It does not include in-patient hospital treatment.

(2) Dependants of RAF personnel in official quarters or residing within a reasonable distance of the station boundary may be eligible to receive medical attendance at public expense from certain RAF medical centres. The CO, in consultation with the ACOS Health (RAF), is to decide whether or not medical facilities can be made available and is to notify the dependants accordingly. The CO may, at his discretion and after giving seven days notice, remove the name of any dependants from the station MO's list of patients, and is to notify the dependant of any such action. The "reasonable distance" for each particular station is to be defined by the CO in accordance with local circumstances but must not in any case exceed five miles from the station boundary.

1504. Medical Attendance at Home.

Sponsor: COS Health/DGMS(RAF)

- (1) All Service personnel at home and abroad are **entitled** at public expense to medical attendance, in-patient treatment in medical centres and military secondary care units, and to the supply of surgical appliances and spectacles subject to any current restrictions which may be promulgated in Defence Council Instructions (DCIs). Marshals of the Royal Air Force and Chiefs of the Air Staff remain on the Active List and are thus entitled to medical attendance.
- (2) Dependants of serving personnel are defined for the purpose of this Para as spouse, and children or step-children or adopted children under the age of 18 years who are normally resident in the household. Children, step-children or adopted children who are permanently physically or mentally incapacitated are included irrespective of age. Any course of medical or hospital treatment for a child which was started but not completed before the age of 18 years was reached may be completed at public expense.
- (3)
 - (a) Dependants registered with the RAF may be treated in quarters or at their place of residence, and are eligible to receive treatment (medical attendance, in-patient treatment, maternity services, ophthalmic treatment, excluding the supply of spectacles, and all necessary surgical appliances), where available to a standard equivalent to that provided under the NHS, under arrangements made by the RAF authorities, subject to current regulations.
 - (b) Dependants who have elected, and have been accepted for, medical attendance from RAF sources and for whom a specialist opinion is required by the RAF MO attending the case will be referred to the out-patient department of a NHS hospital. If, for medical reasons, the patient is unfit to travel, and a domiciliary visit is required, the services of a visiting consultant under the NHS can be obtained on application to the nearest area health authority. Such application is to be made by the MO who is attending the case. The specialist will be remunerated by the NHS, and no payment is to be made to him either by the patient or by the MOD.
 - (c) Dependants not registered with the RAF for medical attendance may receive treatment in an emergency (accident or sudden illness) until the case can be taken over by the civilian emergency services or the patient's own civilian doctor.

- (4) (a) Civilians employed at MOD units and establishments, their spouse and children or step-children or adopted children under the age of 18 years who are normally resident in the household, who reside within the precincts of a RAF station may apply to be registered for medical attendance with the RAF MO or full time civilian medical practitioner posted for duty at the station. If such medical attendance is desired, application is to be made to the CO who is to decide whether or not facilities can be made available and is to notify the individual accordingly; if accepted for treatment he is liable to the other conditions of clause (2) above. Where a part-time civilian medical practitioner is employed for attendance on Service personnel at a particular station, such individuals may apply to register with him but only as patients under NHS arrangements. A civilian employed at a MOD unit or establishment, or a member of his family, who is not registered to receive medical treatment from RAF sources, may, in an emergency (accident or sudden illness), be attended by an RAF MO or civilian medical practitioner employed for attendance on RAF personnel, until the case can be taken over by the patient's own civilian doctor or local emergency services.

(b) In no other circumstances is medical attendance to be provided for such civilians by an RAF MO or civilian medical practitioner employed for attendance on Service personnel.

- (5) Personnel of the Commonwealth permanent forces attached to the RAF for duty in the UK and their dependants may be given medical attendance at public expense under the same conditions as for RAF personnel and their dependants. Where hospital treatment is afforded the cost of maintenance in hospital will, where appropriate, be recovered from the government concerned by the MOD. Arrangements for hospital treatment of dependants cannot normally be undertaken by the RAF.

1505. Medical Attendance Abroad.

Sponsor: COS Health/DGMS(RAF)

- (1) Serving personnel are entitled to the benefits detailed in Para **1504**, clause (1).
- (2) Dependants are defined for the purposes of clauses (3) and (4) as spouse and children, step-children or adopted children under the age of 18 years normally resident in the house-hold. The other provisions of Para **1504** clause (2) will also apply.
- (3) Dependants of personnel posted abroad, and whose presence at a station is approved, may be treated in quarters or at their place of residence and are eligible to receive treatment (medical attendance, in-patient treatment, maternity services, ophthalmic treatment, including the supply of spectacles (subject to any current restrictions promulgated in DCIs) and all necessary surgical appliances), to a standard as far as practicable equivalent to that provided in the UK under the NHS, from RAF or other Service sources subject to current regulations. Where no RAF or other Crown medical service is available, Cs in C, COs or Senior Officers are empowered to make local arrangements on the most reasonable terms available to provide the services. These arrangements are to be promulgated in local orders. In the absence of a Service authority advice should be obtained from the senior British representative or colonial government representative, as appropriate. It would be a condition of the provision of free treatment that it is obtained under official arrangements.
- (4) UK-based civilians employed by the MOD who are posted abroad, and their dependants, where their presence at the station is approved, are entitled to the benefits detailed in clauses (2) and (3) above.
- (5) Domestic servants and children's nurses or governesses are also entitled to the benefits detailed in clause (3), provided that they are of British nationality and that they were recruited in the UK and were granted passage at public expense.
- (6) Where doubt exists concerning entitlement to medical treatment under clauses (3), (4) and (5), the case is to be referred to MOD (Med (F&S)), through ACOS Med (RAF) HQ Air Command, for

clarification.

- (7) (a) Dependants of locally enlisted members of the RAF, and locally engaged civilians and their dependants, have no entitlement to medical attendance or hospital treatment. As a privilege, however, they may be given medical attendance in quarters or at their residences provided that they are residing:
- (i) On the RAF station, or
 - (ii) Within a reasonable distance of the station as defined in Para **1503** clause (2), and no additional cost to public funds is involved. Out-patient treatment will be allowed to those living outside this radius provided that they attend at a Service medical establishment at which treatment can be afforded. Travelling expenses or use of Service transport will not be admissible in connection with such treatment (see also Para **1511**).
- (b) For the purposes of this clause, a child over 15 years of age for a locally enlisted airman, or if over 14 years of age for a locally engaged civilian will not be regarded as part of a "family" and no expense to the public will be allowed in respect of such a child.

1506. Admissions to Hospital of Service Personnel.

Sponsor: COS Health/DGMS(RAF)

- (1) All serving personnel, including personnel on terminal leave (other than those who are being invalided or discharged under Para **607**, clause (16)(b), or who have already received their full entitlement to retention on full pay under the provisions of Para **620**), are entitled to treatment at public expense in DSCA establishments ..
- (2) Whenever possible, they will be admitted to a DSCA establishment irrespective of whether they consulted a Service medical officer or a civilian medical practitioner. They may also be admitted to:
- (a) A NHS hospital, under arrangements made locally by the RAF medical authorities.
 - (b) Other civil hospitals, under arrangements approved by COS Health/DGMS(RAF).
 - (c) Any civil hospital, in an emergency.
- (3) Personnel admitted to civil hospitals under clause (2) who:
- (a) Are treated at their own request in special accommodation.
 - (b) Desire treatment as private patients in such hospitals, will be personally responsible for meeting the cost of, and paying to the hospital authorities, any special charges for the accommodation provided as in (a), or the whole cost of the accommodation and services provided as in (b), including the costs of the services of any practitioner or specialist called in for treatment direct under private arrangements.

1506A. (Omitted)

1507. Admission to Hospital of Service Dependants at Home.

Sponsor: COS Health/DGMS(RAF)

- (1) Dependants of serving personnel who are registered with the RAF for medical treatment requiring in-patient hospital treatment will be admitted to the nearest NHS hospital or DSCA hospital if they

reside in the catchment area of the latter. Admission to an NHS hospital is to be arranged through the appropriate authorities. No liability can be accepted by the MOD for any expenses arising out of admission to a civil hospital.

(2) Dependants not registered with the RAF may receive in-patient treatment in DSCA hospitals under local NHS arrangements.

1508. (Omitted)

1509. Admission to Hospital of Service Dependants Abroad.

Sponsor: COS Health/DGMS(RAF)

(1) Dependants (see Para **1505**, clause (2)) of UK based Service personnel posted abroad, and whose presence at the station is approved, are entitled to in-patient treatment in Service hospitals at public expense. Where this would be impossible or obviously uneconomical, arrangements are to be made by the RAF authorities either from Crown facilities (e.g. Colonial Medical Service) or, where these are not available, by arrangement with local practitioners and hospitals. It is a condition of the provision of free treatment, etc, that it is obtained under the arrangements promulgated by RAF authorities.

(2) Dependants of locally enlisted members of the RAF have no entitlement to hospital treatment. As a privilege, however, they may be admitted to Service hospitals. No liability can be accepted by MOD for any expenses arising out of admission to a civil hospital except where the patient is suffering from an infectious disease and admission to hospital is considered necessary for the safety of the air force. For the purpose of this clause (except in regard to admission to hospital in cases of the infectious disease) a child of 15 years of age or over will not be regarded as part of the "family" and no expense to the public will be allowed in respect of such a child.

1510. Admission to Hospital of United Kingdom-based Civilians Abroad.

Sponsor: COS Health/DGMS(RAF)

UK-based civilians employed by the Service who are posted abroad, and their dependants as defined in Para **1505**, clause (2), subject to their presence at the station being approved are entitled to the benefits detailed in Para **1509**. Domestic servants and children's nurses or governesses, outlined in Para **1505** clause (5), are also entitled to these benefits.

1511. Admission to Hospital of Locally-engaged Civilians Abroad. *Sponsor: COS Health/DGMS(RAF)*

(1) A civilian employee, or one of his dependants, who is suffering from an infectious disease, may be admitted to a DSCA establishment, or if such accommodation is not available, to a civil hospital, at public expense, where such a course is considered necessary for the safety of the air force.

(2) A civilian employee incapacitated by accident arising out of and in the course of his employment, or by disease specifically attributable to the nature of his work, may be admitted to a DSCA establishment if necessary and if accommodation is available, provided that his incapacity is not due to his own serious and wilful misconduct.

(3) A civilian employee may be admitted to a DSCA establishment on urgent medical grounds which are not covered by clauses (1) and (2), but admission to civil hospital at public expense is not permissible.

(4) For the purpose of clause (1) a child of 14 years of age or over will be regarded as part of the "family".

1512. Medical Attendance for Personnel Living Out.

Sponsor: COS Health/DGMS(RAF)

Serving personnel not provided with accommodation at public expense and living out under their own arrangements must, if requiring medical attendance while at home, obtain such attendance from the nearest Service unit at which a Service MO is appointed for duty or a civilian medical practitioner is engaged for attendance on Service personnel. If the patient does not reside within a reasonable distance of the station, as defined by the CO under Para **1503**, clause (2) the nearest civilian doctor may be visited or called in as appropriate for treatment under NHS arrangements.

1513. Medical Attendance while on Leave.

Sponsor: COS Health/DGMS(RAF)

(1) In the United Kingdom.

(a) Serving personnel requiring medical attendance while on leave in the UK, whether from a station in the UK or abroad, if residing within 5 miles of a Service medical establishment or a unit at which a Service MO is posted for duty, are to report their sickness to that Service medical establishment or unit which will make the necessary arrangements for treatment. Personnel residing outside the five mile limit may visit or call in the nearest civilian doctor for treatment under NHS arrangements.

(b) Dependants registered with the RAF for medical attendance who require attendance whilst away from their normal place of residence may obtain such attendance under normal NHS arrangements from a civilian doctor engaged in the NHS. No liability can be accepted by the MOD for any expenses arising out of treatment by a civilian doctor.

(2) Service personnel stationed in the UK who proceed on leave abroad, are responsible for ensuring that they and their family have adequate medical insurance. The MOD is not responsible for providing medical treatment or for any costs which may be incurred from such treatment sought by Service personnel in such circumstances. However, where Service medical facilities are permanently available in the vicinity of the area where the Service personnel are on leave, the facility may be able to provide treatment. The treatment would only be given on the basis that spare capacity was available and that the treatment could be provided within the available resources. Any extra costs incurred by the facility, except food and dressings, would be charged to the patient; as would any treatment necessarily completed outside the facility, e.g. referral to a local civilian consultant or a civilian hospital. The patient would also be responsible for all charges if it were decided to evacuate him/her to the UK or elsewhere. This means that personnel would still require personal medical insurance to cover any such charges.

(3) The above paragraph equally applies to Service personnel who are posted or on detachment/temporary duty outside the UK and take leave or travel off duty in a third country. Similarly it would apply if they were to take leave before or after a period of detachment/temporary duty, even if the leave were taken in the country of detachment. Such personnel are therefore strongly advised to obtain insurance for medical expenses.

(4) Service personnel utilising overseas leave schemes are also responsible for ensuring they have adequate medical insurance appropriate to the country they are visiting. They will no longer be provided with treatment except under the provisions of Para **2**.

(5) Personnel travelling on leave in EEC and certain other countries may obtain civilian medical treatment either free or at a reduced charge. Full details are given in DSS leaflet "Health Advice For Travellers" which is available from medical centres, DSS offices or travel agents. Personnel stationed in the UK, travelling abroad to take leave in another EEC country and those stationed in or near EEC countries should be encouraged to complete an application Form CM1, which is contained in the DSS leaflet, in order to obtain a Form E111 - Certificate of Entitlement to Medical Benefits in kind during a

stay in a Member State. Personnel already stationed in another EEC Country (e.g. Germany etc) who wish to make use of the Form E111 cover should apply to DSS Overseas Branch, OGBI, Newcastle-upon-Tyne NE98 1YX for a copy of the DSS leaflet. Applicants are advised to read the leaflet carefully since the possession of E111 cover does not remove all charges. Countries outside the EEC which have arrangements for UK visitors to get some kinds of medical treatment free or at reduced cost are also listed in the leaflet.

(6) All reference to Service personnel should also be taken to include Service dependants, UK based civilians employed by the MOD and their dependants.

(7) Finally it is again emphasised that all Service personnel are strongly advised to take out personal insurance for medical and hospital expenses when travelling overseas, as any charges arising from treatment received in such circumstances, cannot normally be met by the MOD.

1514. Services from Civilian Sources.

Sponsor: COS Health/DGMS(RAF)

(1) The services to be obtained from civilian sources under paras **1512** and **1513** will be normally those provided by a general practitioner. Except in emergency, any specialist attendance or hospital treatment necessary is normally to be obtained from Service resources, but the use of other secondary medical care facilities is not precluded (further details are in Para **1506**).

(2) Where treatment is obtained by serving personnel from a civilian doctor in the UK, no payment should be made by the patient to the doctor, who claims his fees under NHS arrangements. Where the doctor is not in the NHS he should claim his fee (including a charge for any medicine provided) at the approved rates on Form 1667. Officers and airmen are to show the doctor their identity cards (Form 1250).

(3) In addition, any officer or airman who receives any medical treatment or prescription, other than through his own unit, is to report the fact to his station medical officer before commencing his duties, even though his duties may not have been interrupted.

1515. Medical Attendance During Passage.

Sponsor: COS Health/DGMS(RAF)

Serving personnel and all civilians entitled to medical attendance under Para **1505** will also be entitled to treatment during passage under official arrangements to or from their station abroad. The cost of treatment will be refunded on production of a receipted account, but the cost of treatment obtained during privately arranged passages will be the responsibility of the individual.

1516. Treatment of Personnel Presenting with Gross Psychiatric Disorders.

Sponsor: COS Health/DGMS(RAF)

(1) In cases of emergency, serving personnel should be referred immediately to the local Department of Community Mental Health. Out side of normal working hours, the National on Call Duty Mental Health Officer can be contacted on 07990 551693 for advice. Should their clinical presentation be of significant concern, the referring MO should contact the local NHS Mental Health Service.

(2) Admissions to civil hospitals are to be made under NHS arrangements.

1517. (*Omitted*)

1518-1530. (*Omitted*)

SECTION 5 - CIVILIAN MEDICAL PRACTITIONERS

1531. When Civilian General Practitioners may be Employed. *Sponsor: COS Health/DGMS(RAF)*

- (1) When a detachment, unit or formation is not within reach of a Service MO, a civilian general practitioner may be engaged to attend personnel and others entitled to medical attendance under Section 4 of this Chapter, and to examine civilians prior to entry.
- (2) A civilian general medical practitioner may be consulted by an officer or airman sick on leave under the conditions laid down in AP 3392, Vol 2, (RAF Manual of Pay and Personnel), Lflt 1716 .
- (3) The engagement of non established civilian medical practitioners at RAF stations during the absence of the MO on leave, or for an emergency, is subject to the terms of AP 1269 (RAF Manual of Medical Management and Administration).
- (4) In extreme emergency, when a Service MO or civilian medical practitioner engaged under contract under Para **1532**, is not available, a CO may call in a civilian general practitioner to attend an officer, airman or civilian. Fees for such attendances will be paid from air force funds only in respect of personnel entitled to medical attendance under Section 4 of this Chapter.
- (5) Where neither an RAF MO nor a full time civilian medical practitioner is available, applicants for civilian employment as required by MOD Personnel Manual Vol 2 (Recruitment) will be asked to agree to their own local practitioner being approached regarding their medical fitness.
- (6) Claims arising out of such engagements should be referred to the MOD for settlement.

1532. Procedures for employing Civilian Medical Practitioners. *Sponsor: COS Health/DGMS(RAF)*

- (1) Civilian Medical Practitioners are to be engaged under legally binding contracts arranged by PPPA.
- (2) The terms and conditions of service will be based on the type of contract. As a matter of law, personnel are to be engaged in one of the ways indicated below:
 - a. *Under a Contract of Service.* Under a Contract of Service, an employer/employee relationship exists. The following types of contract can be used:
 - (1) Established/Permanent.
 - (2) Fixed Term Appointment.
 - (3) Casual Appointment.
 - b. *Under a Contract for Services.* Under a Contract for Services there is no employer/employee relationship and payment is made on completion of specific deliverables which are measurable. The following types of contract are to be used:
 - (1) *Fixed Quantity.* A fixed quantity contract is used where a firm requirement for

work exists and the 'deliverables' are specified.

(2) *Enabling Contract.* An enabling contract is used when there is no guarantee of work, however an estimation of the work required should be agreed in advance and the deliverables are to be specified.

Full procedural details for employing both established civilian medical practitioners and non-established civilian medical practitioners are contained in AP1269 (RAF Manual of Medical Management and Administration).

1533. Rates of Pay for Established Civilian Medical Practitioners. *Sponsor: COS Health/DGMS(RAF)*

The rates of pay for established civilian medical practitioners employed under contract by MOD Bath are laid down in Pay Instructions issued by CPM 2 (Medical) 2.

1534. Established Civilian Medical Practitioners Employed Jointly with Army or Navy.

Sponsor: COS Health/DGMS(RAF)

(1) If a civilian medical practitioner's duties are to include attendance on personnel of the RN or the Army as well as the RAF, full particulars showing numbers of personnel of each Service separately are to be forwarded to HQ Air Command (COS Health/DGMS(RAF)), when instructions will be issued. If it is decided that remuneration shall be paid from air force funds, the agreement is to be concluded by the competent medical authority and claims dealt with under Para **1536**.

(2) If the civilian medical practitioner's duties are to include the attendance on personnel of the Army as well as the RAF, COS Health/DGMS(RAF) is to communicate with the medical staff of the Army command concerned and make arrangements as follows:

(a) If the number of Army personnel to be attended exceeds the number of air force personnel, the rate of remuneration is to be fixed by the military authorities, who are to give instructions on the rendering of claims.

(b) If the number of air force personnel to be attended exceeds the number of Army personnel, the rate of remuneration is to be in accordance with current DCIs(RAF). Claims in respect of both military and air force personnel are to be made as directed in Para **1536**.

1535. *(Omitted).*

1536. Payment of Civilian Medical Practitioners.

Sponsor: COS Health/DGMS(RAF)

(1) Payments under Para **1533** are to be made monthly or quarterly in arrears.

(2) Civilian medical practitioners are to render their claims to the Stn Cdr. After completion of the necessary certificate the CO is to pass the form to the station accountant officer for payment. Claims from civilian medical practitioners are to be rendered in manuscript and disposed of as above. Any claims involving charges not covered by the preceding paragraphs are to be forwarded, through ACOS Health (RAF), to COS Health (RAF) for approval.

(3) Claims for the payment of fees for immunisation of officers and airmen must be supported by a nominal role of those immunised, signed by the civilian medical practitioner, and countersigned by the CO.

(4) In order to obviate frequent changes in the channel of payment, the department by which the

contract under Para **1534** is made, is to continue to issue pay for a period of six months from the date of commencement of the contract, notwithstanding any variation in relative strength naval, military and air force personnel who are entitled to medical attendance under the contract. The responsibility for payment is then to be reviewed and determined as laid down in Para **1534**.

(5) See Para **1412** for the payment of fees for attendance at inquests and making post-mortem examinations.

1537. Employment of Civilian Specialists.

Sponsor: COS Health/DGMS(RAF)

(1) **In-Patient Treatment.** When a Service specialist is not available and it is considered necessary to employ a civilian specialist for consultation or operation, the specialist may be engaged at public expense after approval of ACOS Health (RAF).

(2) **Out-Patient Treatment.** When a Service specialist is not available, a civilian specialist may be engaged in consultation on a Service patient at public expense when considered necessary by the competent medical authority under instructions from ACOS Health (RAF).

1538-1540. *(Omitted)*

SECTION 6 - DENTAL SERVICES AND TREATMENT

1541. Administration of Primary Dental Care.

Sponsor: DDS JMC Lichfield

Primary dental care to the Royal Air Force is administered by the Defence Dental Services (DDS). The Commander of the DDS is responsible to the Surgeon General for all primary dental care matters and is located at the DDS HQ, JMC Lichfield. DDS(RAF) is responsible to Comd DDS for RAF primary dental care and to AMP for all dental advice to the RAF.

1542. Establishment of Dental Personnel.

Sponsor: DDS JMC Lichfield

General duties dental officers and TG16 personnel are borne on the Defence Dental Services establishment controlled by the Comd DDS. Unit establishments do not include dental personnel and the CO of the station is to regard the JPA Assignment Order posting dental personnel as advisory and the equivalent to a local manning addition to the unit establishment.

1543. Principal Dental Officers.

Sponsor: DDS JMC Lichfield

(1) The Principal Dental Officer (PDO) is the advisor to DDS(RAF) on all dental treatment and clinical audit matters which may affect the dental health of personnel or the level of service on stations which lie within his area of responsibility. The PDO is an addition to the unit establishment of the station to which he is posted.

(2) The PDO is to carry out a Clinical Quality Audit of all dental officers within his region and carry out a Healthcare Governance Assurance Assessment of all dental centres within his region in accordance with extant DDS Policy to ensure that:

- (a) Dental officers and support staff are fully acquainted with all regulations and orders relating to dental treatment.
- (b) The level and quality of service and dental treatment standards are applied to entitled personnel effectively and efficiently in accordance with these regulations and DDS Policy and Standards Document (P&SD).
- (3) The PDO is to arrange through HQ DDS the appointment of civilian dental practitioners in his region where a Service dental officer is not available.
- (4) Where the PDO is located at a unit supporting a Command HQ he will be available for the provision of advice on dental matters to the AOCinC when it is inappropriate for this advice to be provided Comd DDS..
- (5) Additional duties of PDOs are detailed in DDS P&SD.

1544. Station Dental Officers.*Sponsor: DDS JMC Lichfield*

- (1) The station dental officer is to comply with the regulations and orders relating to dental treatment as laid down in DDS P&SD. His professional duties are to take precedence over all his other duties.
- (2) Periodically, as stipulated in the DDS P&SD, he is to inspect and, where necessary treat, all personnel assigned to his care, priority of treatment is to be afforded to those priority groups detailed in DDS P&SD.
- (3) In addition to his clinical duties, the station dental officer is responsible for the administration of the clinic, the supervision and training of all dental personnel under his command.
- (4) The dental officer is to be fully conversant with the station disaster or war plan.
- (5) Additional duties are detailed in the DDS P&SD.

1545. Dental Treatment at Home.*Sponsor: DDS JMC Lichfield*

- (1) All regular uniformed serving personnel (except as defined in clause (2)) are entitled, at public expense, to dental treatment in DDS dental centres, and to the provision of crowns and dental prosthetic appliances where these are clinically necessary.
- (2) **Reservists.** RAF Reservists of the Full-Time Full Commitment category are entitled to the full spectrum of dental treatment and are to be treated as RAF Regular personnel. Personnel of the Full-Time Limited Commitment and Home Commitment and all other Reservists, including the Royal Auxiliary Air Force, should be registered with a civilian dental practitioner for the provision of primary care. However, when undergoing training or other uniformed duties, they are entitled to emergency dental treatment from Service sources. In addition "Samaritan" care is to be made available to all such personnel if necessary.
- (3) **RAF Part-Time Reservists Aircrew & Aviation Officers.** In order to permit aircrew reservists to be provided with the same level of dental service as that of all Regulars, they must be declared as entitled by HQ Air Command (AP3392 Vol 7 Leaflet 901 refers). Similar arrangements have been made for Civil Service Aviation Officers and Senior Professional and Technical Officers in Pilot/Navigator posts.

(4) Civilian personnel, including Civil Servants and Retired Officers, are not entitled to dental treatment from DDS resources.

(5) Dependants of serving personnel are not entitled to receive dental treatment at public expense except that urgent treatment for the relief of pain may be provided when such treatment is otherwise unavailable.

1546. Dental Treatment Abroad.

Sponsor: DDS, JMC Lichfield

(1) Service personnel are entitled to the benefits detailed in Para **1545**, clause (1).

(2) Those individuals confirmed by the local admin unit as dependants of personnel posted abroad, and whose presence at a station is approved, are entitled to receive dental treatment from DDS sources to a standard and at costs, as far as practical, equivalent to that provided in the UK under the NHS. Charges for the provision of dental treatment will be raised in accordance with current instructions.

(3) Where DDS dental facilities are not available, dental treatment should be sourced in accordance with **2010DIN01-074**, as detailed below:

(a) Entitlement of members of the Armed Forces, MOD staff and their dependants to dental treatment is set out in Queen's Regulations, and amplified by Defence Instructions and Notices (DINs) and other Ministry of Defence or Service instructions.

(b) All Service and MOD personnel and their dependants should ensure they are dentally fit before proceeding abroad. Whilst overseas, Defence Dental Service (DDS) clinics should be used, where available. In many overseas locations this is not feasible and personnel are authorised to seek dental treatment from civilian dental practitioners.

(c) In these circumstances, the MOD will fund primary dental care for entitled patients in overseas locations. Funding is provided to ensure personnel can access the same level of dental care overseas as would be available under the general dental services of the National Health Service (NHS) in the UK. Personnel who are not exempt under current NHS regulations are required to pay a patient contribution to MOD that is equivalent to the current charge payable under NHS regulations.

(d) Emergency and routine treatment procedures can be authorised locally without seeking advice from the DDS. All non-routine dental treatment proposals are to be reviewed and authorised by the DDS before treatment is initiated. The treatment procedures that fall into these categories are detailed below:

i. Emergency Dental Treatment

This is urgent treatment, which is required for the relief of acute pain, haemorrhage or infection and may be carried out without prior notice being given to the Embassy/Administration Staff.

ii. Routine Treatment

Includes examination, radiographs, scale and polish, non-surgical periodontal treatment, fissure sealants for children, non-surgical extractions, direct restorations, root canal fillings, up to two crowns per tour of duty, repairs to dentures and sedation. These routine treatment procedures do not require prior approval. Adult patients should not normally require more than one dental examination and course of routine treatment every year. Child patients should not normally require more than one dental examination and course of routine treatment every six months. Routine treatment should not normally be carried out in the first or last three months of a tour.

iii. Non-Routine Treatment

Includes orthodontic treatment, surgical periodontal treatment, elective surgical

extraction of third molars, other elective surgical procedures such as fraenectomies, veneers, indirect inlays and onlays, bridges, more than two crowns, implants, dentures, mouth guards, tooth whitening and fissure sealants for adults. These elective procedures are not to be undertaken without professional advice and prior approval from the DDS.

(e) Dental implants, adult orthodontic treatment and tooth whitening are not available routinely under the General Dental Services of the NHS in the UK and will not normally be approved.

(f) If non-routine treatment is initiated before approval is granted, treatment costs will not normally be refunded by MOD.

(g) Professional advice on and approval for the provision of non-routine dental treatment must be obtained from the DDS as detailed below.

(h) All units except those detailed in Paragraph 9 are to direct requests for approval and advice to Clinical Delivery, HQ DDS, DMS Whittington, Lichfield, Staffordshire, WS14 9PY, UK. A Dental Estimate Form that can be found at Annex A to 2010DIN01-074 is to be completed by both patient and dentist and forwarded with a detailed treatment plan complete with an estimate of the total cost and supportive clinical evidence including case notes, study casts, radiographs and photographs to Embassy Staff / Unit Administration Staff for onward transmission to HQ DDS. HQ DDS will return the case with recommendations and, where appropriate, will advise the level of patient charges to be recovered. Dental costs should be attributed to RAC NHA002 against the parent UIN and patient contributions should be attributed to RAC RLB013.

(i) The Units detailed below are to submit requests for approval and advice on non-routine dental treatment to DPDS, HQ DDS (Germany), British Forces Health Complex, Wegberg, BFPO 40. A Dental Estimate Form that can be found at Annex A to 2010DIN01-074 is to be completed by both patient and dentist and forwarded with a detailed treatment plan complete with an estimate of the total cost and supportive clinical evidence including case notes, study casts, radiographs and photographs. Failure to submit complete documentation and all supporting evidence, will lead to unnecessary delays. In addition, form Annex C to Standing Instructions for the British Forces (Germany) (SI BF(G)) 3303 must be completed and submitted. HQ DDS(G) is the point of contact for the following Isolated Detachments (ISODETs) in Europe:

UKJSU NATO Joint Warfare Centre Stavanger (Norway) including: <ul style="list-style-type: none"> • CAOC 3 Reitan (Norway) • UKNSE JHQ NE Viborg (Denmark) <ul style="list-style-type: none"> o RDAF Skrydstrup (Denmark)
UKJSU CC AIR HQ Izmir (Turkey) including: <ul style="list-style-type: none"> • UKNSE NRDC-T Istanbul (Turkey) • COE DAT Ankara (Turkey)
UKJSU JC Lisbon (Portugal) including: <ul style="list-style-type: none"> • UKNSE NRDC-SP Albacete (Spain) <ul style="list-style-type: none"> o Staff College Madrid (Spain) o RF SP Rota (Spain)
UKJSU JFC HQ Naples (Italy) including: <ul style="list-style-type: none"> • UKNSE NRDC-IT Milan (I) • NCISS Latina (I) • NATO Defence College Rome (I) • ITIAFFT Air Italia GVC Turin (I) • IPO Novara (I) • CAOC5 Poggio Renatico (I) • NATO Undersea Research Centre (NURC), La Spezia (I) • UK Military Personnel at the Italian Army General Staff, Rome(I)

<p>UKJSU JFC HQ Brunssum (NL) – only for the following ISODETs as part of the Brunssum Parenting Statement:</p> <ul style="list-style-type: none"> • UK Military RAF, RN and RM (exchange) staff serving in the Netherlands (NL) • MOD EO BMdV Berlin (D) • RAF Exchange Officer GAF Brockzetal (D) • RAF Exchange Officer GAF Jever (D) • RAF Exchange Officer GAF Diepholz (D) • RAF Exchange Officer GAF Furstenfeldbruck (D) • RAF Exchange Officer NAB Gielenkerchen (D) • RAF Exchange Officer GAFSC Hamburg (D) • RAF Exchange Officer GAF Memmingen (D) • RAF Exchange Officer GAF Norvenich (D) • RAF Exchange Officer GAF Wittmund (D) • RAF Exchange Officer GAF Wunstorf (D) • RAF Exchange Officer Hohn Alt Duvenstedt (D) • RAFLO US EUCOM Stuttgart (D)
<p>UKJSU Ramstein (D) – only for the following ISODETs as part of the Ramstein Parenting Statement:</p> <ul style="list-style-type: none"> • The NATO School Oberammergau (D) • MOD (RAF) München (D) MBBEFA/AFPT/CSDE/NAMMA • RAF EO GAF IPO Erding (D) • RAF EO GAF Landsberg (D) – not permanently occupied • RAF EO GAF Leipheim (D) – not permanently occupied • RAF EO GAF Lechfeld (D) • RAF EO GAF Buchel (D) – not permanently occupied • GEIAFFT Team München (D) <ul style="list-style-type: none"> • International Weapons Systems Support Centre (IWSSC) Eurofighter, Hallbergmoos (D) • RAF Rep EADS Manching, Ingolstadt (D) • Naval Outdoor Centre Germany (NOC(G))
<p>RN Exchange Officer Marineschule Mürwik, Flensburg (D)</p> <p>RN Exchange Officer German Naval Operations School Bremerhaven (D)</p> <p>RN Exchange Officer MFG 5, Kiel (D)</p> <p>(All parented by RN Unit Personnel Office (Overseas) HMS Nelson – via CPO Defence Section, British Embassy Berlin)</p>
<p>British Army Liaison Organisation (via Defence Section, British Embassy Berlin):</p> <ul style="list-style-type: none"> • Military Attaché, Defence Section British Embassy Berlin (D) • BLO GARFCOM, Koblenz (D) • BLO GAFSC Hamburg (D) • BLO GE DIG Feldafing (D) • BLO GE CD Köln (D)
<p>UK Military Personnel at Military Engineering Centre of Excellence (MIL ENG COE) Ingolstadt (D)</p> <p>(formerly ENTEC München)</p>
<p>BFLO(G) Berlin (D)</p>
<p>UKLO Federal Armed Forces Operations Centre (FAFOC) Berlin (D)</p> <p>(RSU/PJHQ)</p>
<p>Defence Section, British Embassy Berlin (D)</p>
<p>Alpine Training Centre (ATC) Oberstdorf (formerly Sonthofen) (D)</p>
<p>Kiel Training Centre, Kiel (D)</p>
<p>SBLO (FR) Paris (F)</p>

(4) UK based civilians employed by MOD who are posted abroad, and their dependants as defined at clause (2), where their presence at the station is approved, are entitled to the benefits detailed in clause (3) above.

clause (3), provided that they were recruited in the UK, would otherwise have been entitled to NHS treatment and were granted passage at public expense.

(6) Dependants of locally enlisted personnel of the RAF and locally engaged civilians and their dependants not entitled under clauses (3), (4), (5) and (6) above, have no entitlement to dental treatment.

1547. Dental Treatment while on Leave.

Sponsor: DDS, JMC Lichfield

(1) **In the United Kingdom.** Serving personnel requiring urgent emergency dental treatment whilst on leave in the UK (not the Channel Islands), whether from a unit in the UK or abroad, are to report to the nearest Defence Dental Services, (DDS), clinic where the necessary arrangements will be made for treatment. Where this is impractical due to distance or other difficulty, personnel are to seek emergency treatment from a civilian dental practice, normally under National Health Service (NHS) arrangements. Where no NHS facilities are available, emergency treatment only may be obtained from private practitioners. A refund of fees paid may be claimed by the patient, on return to his unit and on production of a receipt authenticated by his unit DDS Dental Officer. Charges, other than for emergency treatment, are the responsibility of the Serviceman. Similarly, the charges incurred for the urgent repair of a removable denture will be re-imbursed on production of an authenticated receipt.

(2) Outside the United Kingdom.

(a) Serving personnel who are not normally domiciled in the UK, if granted permission to take leave in their country of normal domicile, either from the UK or from posts abroad, and requiring urgent dental treatment, may obtain such treatment from DDS Clinics if they exist in the country and are within reasonable distance of the patient's leave address. If there are no DDS Clinics within reasonable distance of the patient's leave address, emergency treatment may be obtained, on repayment from public funds, from a civilian dental surgeon.

(b) Personnel serving outside the UK and requiring urgent dental treatment while on leave within the area of the command in which they are serving may obtain such treatment from DDS clinics if such exist within 20 miles of the leave address. If there are no DDS Clinics within this area emergency treatment may be obtained, on repayment from public funds, from a civilian dental surgeon.

(c) Service dependants and UK based civilians employed by the MOD and their dependants, if entitled to dental treatment under Para 1546, may, if requiring urgent dental treatment while on leave within the areas of command in which the head of family is serving, obtain such treatment as provided in sub-clause (b), to a standard and at costs equivalent to that provided in the UK under the NHS.

(d) Personnel on leave outside the UK or the area of the command abroad in which they are serving, otherwise than as provided in this clause, are not entitled to treatment at public expense. Similarly, their dependants and civilians employed by the MOD and their dependants are not entitled to treatment in like circumstances. Where, however, there are DDS resources within a reasonable distance of the patient's leave address, urgent dental treatment may be obtained from those resources and appropriate charges raised.

1548. Dental Treatment by Civilian Dental Surgeons.

Sponsor: DDS, JMC Lichfield

(1) When the services of a DDS dental officer, or a civilian dental surgeon employed on a contract basis, are not available and it is necessary to arrange for routine or urgent treatment, the CO or MO of

the station is to refer entitled personnel to a local civilian dental surgeon who will be engaged on a fee basis, this will normally be the NHS fee scale. The PDO is to advise as to the dental surgeon to be employed and the procedure for referral of patients.

(2) In cases of extreme urgency where no DDS resources are available and no arrangements for referring personnel to a civilian dental surgeon have been authorised, the CO or MO of the station may send personnel requiring urgent treatment to a civilian dental surgeon. Fees within the scale currently authorised (see Para 1548 (1)) will be paid from public funds.

1549. Dental Examination of Officers and Airmen Proceeding Abroad. *Sponsor: DDS, JMC Lichfield*

(1) When notification is received that an officer or airman is to be posted abroad, and he has not been certified as dentally fit in the previous 12 months, he is to be dentally examined and treated if necessary before proceeding overseas. Personnel posted to countries or areas where no DDS facilities are available are to be dentally examined and made dentally fit before proceeding overseas.

(2) No officer or airman who refuses dental treatment is to be considered unfit for service abroad if he is otherwise fit to proceed. However, depending on the severity of the dental disease the Dental Officer may request that the officer or airman undergoes medical boarding.

1550. Dental Examination of Dependants prior to proceeding Abroad. *Sponsor: DDS, JMC Lichfield*

Dependants of officers and airmen, as defined at Para 1546 clauses (2) and (5), are to be dentally examined by their civilian dental surgeon prior to joining their head of family in accordance with AP 3392, Volume 2, Leaflet 1526, Appendix 6 to Annex B.

1551. Dental Screening of Recruits.

Sponsor: DDS, JMC Lichfield

Recruits are to be dentally screened and to have a dental chart completed in accordance with the DDS P&SD.

1552-1553. *(Omitted)*

1554. Dental Prosthetic Appliances Lost or Damaged.

Sponsor: DDS, JMC Lichfield

When an appliance, provided at public expense to entitled personnel, can be shown to have been lost or damaged through neglect or misconduct, the officer or airman is to be liable for the cost of repair or replacement.

1555-1563. *(Omitted)*

SECTION 7 - MEDICAL CENTRES, HOSPITALS AND MINISTRY OF DEFENCE HOSPITAL UNITS (MDHUS)

1564. Medical Centres - Functions.

Sponsor: DGMS(RAF)

(1) Medical centre staff are established to provide first aid cover for flying, industrial and domestic

of Medical Management and Administration), emergency treatment to contractors and civilians working on the unit, medical administration, and nursing care for in-patients.

(2) Beds are provided at Regional Medical Centres and certain other medical centres as defined in AP1269 (RAF Manual of Medical Management and Administration).

1565. (Omitted)

1566. MDHUs.

Sponsor: DGMS(RAF)

Ministry of Defence Hospital Units (MDHUs) are established to provide training for uniformed medical personnel and trained secondary health care Service personnel to support operations. They may accept members of the Armed Forces for treatment. They may also treat dependants and other NHS patients who fall within the catchment area of the hospital which houses the MDHU.

1567. Command and Administration of Hospitals and MDHUs.

Sponsor: DGMS(RAF)

(1) Every RAF hospital and the MDHU located at Peterborough District Hospital is under the command of a CO and for the purpose of discipline and interior economy is subject to the control of the air or other OC of the command in which the hospital is situated.

(2) Except where any regulation contained in this Section provides a different or modified procedure or instruction, the regulations governing the rest of the Service will apply generally to all air force hospitals and officers and airmen serving or under treatment therein, whenever the circumstances are such that they (or any of them) are capable of application.

(3) Communications on official and Service matters must not be addressed direct to officers or airmen patients in air force hospitals, but are to be referred in the first instance to the CO of the hospital, who is then to take any necessary action if and when he considers that the state of health of the patient so permits.

1568. (Omitted)

1569. RAF Equipment in Hospitals.

Sponsor: DGMS(RAF)

The general responsibility of the CO for RAF equipment issued to the hospital is governed by Para 77.

1570. (Omitted)

1571. Medical and Dental Materiel.

Sponsor: DGMS(RAF)

The CO is responsible for all medical and dental materiel issued to the hospital. He is to satisfy himself that the materiel is demanded, issued, expended and accounted for in accordance with JSP 340 (Joint Service Regulations for the Management of Medical, Dental and Veterinary Materiel and Equipment) and AP1269 (RAF Manual of Medical Management and Administration).

1572. Hospital Food Stocks.

Sponsor: DGMS(RAF)

Food stocks are to be obtained, diets issued and accounting procedure carried out in accordance with the instructions laid down in AP 3344 (Manual of Catering).

1573-1578. (Omitted)

1579. Handing-Over Certificate on Change of Command.

Sponsor: DGMS(RAF)

(1) When the CO of an RAF hospital is relieved by another officer, handing-over certificates are to be prepared in the following form:

(a) I hereby certify that I have this day taken over the command of

(b) I certify that the balance of public money in the station accountant officer's charge, both in hand and at the bank, have been counted and verified in the manner prescribed (see Para 76, clause (1)(e) and (f)) and I am satisfied that the cash account relating thereto is correct and in order.

(c) I am also satisfied that as far as I am able to ascertain, the stocks of RAF materiel and supplies and the accounts relating thereto are in order (see AP 830, Vol 1, Leaflet A10/1 and AP 3344 and JSP 340)* with the exception of those detailed in the annexed list.*

(d) I am satisfied that the balances of cash in hand and at the bank have been checked, and all investments verified, of all funds of my command as detailed below:

(i) Officers' Mess.

(ii) Nursing Officers' Mess.

(iii) Sergeants' Mess.

(iv) Station Institute.

(v) Patient's Comfort Fund.

(vi)

I am satisfied that, as far as I am able to ascertain, the accounts are satisfactory and are not in arrears.

**The words between are to be struck out if everything is to the satisfaction of the officer taking command.

(e) I am satisfied that the hospital reference library has been checked and found correct and that the records in connection therewith are up to date and in order.

.....Signature as taking

over command of

Certified that I have this day handed over the command of

and have brought to the notice of the CO all outstanding correspondence and other matters concerning the command of which he should be informed.

.....Signature of having

handed over the command of

.....

.....

Station

Date

(2) The certificate is to be completed in quadruplicate, two copies being forwarded, through the usual channels, to the air or other OC, and one copy being retained by each of the two officers concerned.

(3) See also paras 76(1)(e), 77 (9) and 1968.

1580-1583. *(Omitted)*

1584. *(Omitted)*

1585. *(Omitted)*

1586. Offences in Hospital.

Sponsor: DGMS(RAF)

Offences committed by patients in hospital are to be dealt with as directed in Para 1059.

1587. Orders for Patients.

Sponsor: DGMS(RAF)

All patients are to be acquainted with the Orders for Patients either on admission or at the earliest opportunity that their condition permits.

1588-1591. *(Omitted)*

1592. Local Recovery of Hospital Charges.

Sponsor: DGMS(RAF)

The CO of a self accounting hospital is responsible for the collection of hospital charges were applicable. Hospitals for which an RAF station has parenting responsibility for accounts are to notify all admissions of non-entitled patients to the station accountant officer who is to initiate local recovery action when applicable. The vote number to which hospital charges are to be credited is to be obtained from DGMS(RAF).

1593-1599. *(Omitted)*

1600. Medical Reference Libraries.

Sponsor: DGMS(RAF)

(1) Small standard libraries consisting of books of reference and certain periodicals dealing with professional subjects are established in medical centres and hospitals and certain other selected units at home and abroad.

(2) The Defence Medical Library Service (DMLS) comprises several libraries serving the information needs of personnel at units in the surrounding area. Full details are contained in AP1269 (RAF Manual of Medical Management and Administration).

1601-1604. *(Omitted)*

SECTION 8 - MEDICAL AND DENTAL MATERIEL

1605. Demanding and Accounting for Materiel.

Sponsor: DGMS(RAF)

Instructions on demanding and accounting for medical and dental materiel are contained in JSP 340 (Joint Service Regulations for the management of Medical, Dental and Veterinary Materiel and Equipment) and AP1269 (RAF Manual of Medical Management and Administration).

1606-1613. *(Omitted)*

SECTION 9 - REGULATIONS FOR THE SUPPLY OF ARTIFICIAL LIMBS, EYES AND SURGICAL APPLIANCES

1614. Regulations.

Sponsor: COS Health/DGMS(RAF)

Regulations for the supply of artificial limbs, eyes and surgical appliances are contained in JSP 886 Vol 6 Part 6 (The Defence Logistics Support Chain Manual, Commodity Supply Management, Supply of Medical, Dental and Veterinary Equipment in the Joint Supply Chain).

1615-1623. *(Omitted)*

SECTION 10 - COMPLAINTS ALLEGING FAILURE OF MEDICAL CARE

1624. Policy in Cases of Complaint Alleging Failure of Clinical Care.

Sponsor: COS Health/DGMS(RAF)

The provision of secondary medical care to Service Personnel is the responsibility of the Defence Secondary Care Agency, the Health Alliance and, in some cases, the National Health Service.

Force. However, the provision of primary health care is a single Service responsibility for which RAF medical personnel are answerable directly to COS Health/DGMS(RAF). Where there is an allegation of failure in the provision of primary health care it is the responsibility of the Royal Air Force to investigate the alleged failure. In handling such allegations, it is imperative that issues which should be disposed of under existing RAF administrative or disciplinary procedures, are separated from those which involve alleged failure of medical personnel to meet their professional responsibilities in the provision of good clinical care. In the first instance a complaint should be investigated informally; if it cannot be resolved then a formal investigation should take place. The procedures to be followed are set out in Para **1625**.

1625. Procedure in Cases of Alleged Failure in the Provision of Clinical Care.

Sponsor: COS Health/DGMS(RAF)

This QR is only to be invoked after the conditions of QR **1624** have been met.

(1) The procedures to be followed in the informal investigation of a complaint are set out in AP 1269 (RAF Manual of Medical Management and Administration).

(2) Where an allegation of failure in the provision of clinical care arises, the complaint is to be made under this sub-paragraph. In the first instance it should be directed to the CO of the unit, who is to ensure that the following requirements are observed:

(a) The allegation relates to the professional responsibilities of medical personnel. If the CO is in doubt as to this, he may seek advice of ACOS Health, HQ Air Command, RAF High Wycombe. They are to ensure that all complaints are handled sympathetically, objectively and expeditiously.

(b) The allegation is made in writing by the patient or by someone acting on the patient's behalf. In the latter case, if the patient is an adult capable of giving such authority, the allegation is to be made with the patient's written authority.

(c) The allegation must name or otherwise clearly identify the individuals involved. Service authorities are to give patients every assistance in naming or identifying the individual concerned.

(d) The allegation must give the patient's reasons for believing that a failure has occurred.

(e) The CO is to notify the medical personnel involved in the complaint of its existence and content. The CO may invite them to comment unless to do so might prejudice any formal investigation.

(f) The patient is at liberty to withdraw the allegation at any time; however, this does not preclude further investigation by Service authorities.

(3) Where a CO receives a complaint under clause (2) alleging failure of clinical care, he should discuss the circumstances with ACOS Health, HQ Air Command, RAF High Wycombe. The CO may take the following action as appropriate:

(a) Having considered the allegation in conjunction with the comments of the medical personnel involved and ACOS Health, HQ Air Command, they may dismiss the complaint. If the CO dismisses the complaint, he is to notify the patient and the medical personnel involved of the reasons for his decision in writing.

(b) If the CO has cause to believe that there is evidence of failure of medical care, or that they

Health/DGMS(RAF) and inform the air or other OC.

(4) Where COS Health/DGMS(RAF) receives a complaint as a result of clause (3)b, they are to fully investigate the circumstances of the complaint and is also to consider the medical personnel's fitness to remain in post pending completion of the investigation.

(5) If COS Health/DGMS(RAF) finds the complaint to be unfounded, they are to notify his findings to the air or other OC, and the CO, who is to notify the persons involved.

(6) If COS Health/DGMS(RAF) concludes that there has been a failure of clinical care they are to initiate appropriate action.

1626. Definitions.

Sponsor: COS Health/DGMS(RAF)

Throughout this section the word "patient" means a person registered for, or who has received care within the responsibility of Royal Air Force primary care.

1627-1629. (Omitted)

SECTION 11 - PRINCESS MARY'S ROYAL AIR FORCE NURSING SERVICE

1630. Administration of the Nursing Service.

Sponsor: COS Health/DGMS(RAF)

The nursing service is administered by DNS(RAF), who is responsible to COS Health/DGMS(RAF).

1631. Duties of the Personnel Management Agency 21(RAF)(PMA21 (RAF)). *Sponsor: COS Pers*

(1) PMA 21 (RAF) is responsible to DDPMA1 for all matters affecting the personnel of the PMRAFNS.

(2) PMA 21(RAF) is to advise DDPMA1 on the suitability of Nursing Officers for extensions of Service, Permanent Commissions and Service to age 55 years.

(3) PMA 21(RAF) is to visit on an annual basis all units with PMRAFNS officers on strength.

(4) PMA 21(RAF) is to act as Desk Officer for all Nursing Officers of the PMRAFNS below the rank of Wing Commander.

1632. Duties of OC Nursing Wings or Senior Nursing Officer.

Sponsor: COS Health/DGMS(RAF)

The OC Nursing Wing or the Senior Nursing Officer is responsible to the commanding officer for all matters relating to the nursing services of the hospital or unit.

1633. Princess Mary's Royal Air Force Nursing Services Trust. *Sponsor: COS Health/DGMS(RAF)*

DNS(RAF) is the Chairman of the PMRAFNS Trust and PMA 21(RAF) is a Trustee and Treasurer.

1634. *(Omitted)*

1635. *(Omitted)*

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CHAPTER 20

MESSES**SECTION 1 - OFFICERS' MESSES****1636. Organization.***Sponsor: RAF D(Cat)*

Officers' messes at home and abroad are normally to be organized and conducted as station messes. At permanent air force stations exceptions to this rule are only to be made with the approval of the MOD. At places where air forces are stationed temporarily, AOCs are to make such arrangements as they think fit regarding the organization and administration of the officers' messes.

1637. Mess Administration and Accounting.*Sponsor: RAF D(Cat)*

Every RAF officer serving, or on temporary duty, at a station is to be a member of the station mess. The mess and its funds are to be administered and accounted for as laid down in AP 3223 (Administration and Accounting for Service Funds). Chapter 4 of AP 3223 contains information specifically on Officers' Messes.

1638. (Omitted)**1639. Responsibility of Station Commander.***Sponsor: RAF D(Cat)*

A stn Cdr may delegate such responsibilities and duties in connection with the discipline and management of the mess as he wishes, but remains ultimately responsible for its general discipline, tone and management and for ensuring that all the regulations relating to officers' messes are observed.

1640. (Omitted)**1641. Discipline.***Sponsor: RAF D(Cat)*

(1) The president of the mess committee is responsible to the station commander for the maintenance of mess discipline generally. It is, however, the duty of all officers to observe the regulations and rules for officers' messes and it is incumbent upon the senior officer present on any particular occasion to maintain discipline and, if necessary, to report any breach of the regulations and rules.

(2) Members are responsible for any guests introduced by them into the mess.

1642-1645. (Omitted)

SECTION 2 - SERGEANTS' MESSES

1646. Organization.*Sponsor: RAF D(Cat)*

A sergeants' mess is to be formed whenever practicable and is normally to be managed as a station mess.

1647. Mess Administration and Accounting.*Sponsor: RAF D(Cat)*

Every WO and SNCO serving, or on temporary duty, at a station is to be a member of the mess. The mess and its funds are to be administered and accounted for as laid down in AP 3223. Chapter 5 of AP 3223 contains information specifically on Sergeants' Messes.

1648-1649. (Omitted)**1650. Responsibility of Station Commander.***Sponsor: RAF D(Cat)*

The stn Cdr is to appoint an officer in charge of the sergeants' mess who is to be responsible for the immediate supervision, conduct and management of the mess. However this requirement may be waived at the discretion of the stn Cdr provided the Chairman of the Mess Committee is not below Warrant Officer rank and a Services Funds Accounting Section is in operation. In these circumstances, the Chairman of the Mess Committee is to assume the duties of the Officer in Charge. The stn Cdr is to remain responsible for the due observance of the regulations contained in AP 3223.

1651. Discipline.*Sponsor: RAF D(Cat)*

The senior warrant officer or SNCO present in the mess is responsible for the maintenance of good order and discipline and for the observance by members of the regulations and rules for the mess.

1652-1655. (Omitted)

SECTION 3 - JUNIOR RANKS' MESS

1656. Responsibility for Catering.*Sponsor: RAF D(Cat)*

The stn Cdr is to be ultimately responsible for the maintenance of an efficient standard of catering on the station. The detailed regulations on supervision and control are contained in AP 3344 (RAF Manual of Catering) and JSP 456 (Joint Service Catering Accounting Regulations).

1657. Dietary.*Sponsor: RAF D(Cat)*

(1) The stn Cdr is to pay particular attention to the catering arrangements in the Junior Ranks' Mess and is to impress upon his subordinates the important bearing which good catering has upon the efficiency and morale of the airmen. The food provided is to be well prepared, cooked and presented, and of

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adequate variety. Due attention must be paid to healthy eating.

(2) The stn Cdr is to visit the Junior Ranks' Mess frequently and satisfy himself as to the standard of catering.

1658. Junior Ranks' Messing Committee.

Sponsor: RAF D(Cat)

A representative committee is to be formed under the presidency of a senior officer appointed by the stn Cdr to ascertain whether a satisfactory standard of messing is maintained. It is to meet not less frequently than once per quarter as directed in AP 3344. The committee is to consist of the president (PJPMC), the OC Cat Sqn/Flt/Contract Catering Supervising Officer (CCSO)/Contract Manager, the Warrant Officer or SNCO chef IC mess or in the case of a contractorized mess the senior chef and representatives from other sections of the station as decided by the stn Cdr.

1659. Messing Suggestions Book.

Sponsor: RAF D(Cat)

When the stn Cdr has agreed that meetings be held less frequently than once a month, a messing suggestions book is to be maintained in each Junior Ranks' Mess. It is to be used to record not only the airmen's suggestions but also the action taken or proposed by the OC Cat Sqn/Flt/Contract Catering Supervising Officer (CCSO)/Contract Manager. All entries are to be actioned promptly. Airmen are to have access to this book at all times.

1660-1719. (Omitted)

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CHAPTER 21

ALLOTMENT AND OCCUPATION OF SERVICE ACCOMMODATION

1720. Provision of Accommodation for Officers. Charges

Sponsor: SP Pol Pay &

(1) The following table indicates the type of accommodation provided and the ranks of the officers to which these quarters will normally be allocated. All accommodation is classified to the most appropriate type according to the overall floor area of each accommodation and the accommodation amenities provided. No change will be made in the classification of any accommodation without prior approval by the MOD.

(a) **Family Accommodation.**

<u>Rank</u>	<u>Type of family quarter</u>
Air Marshal Air Vice-Marshal in command	I
Air Vice-Marshal not in command Air Commodore in command Group Captain in command	II
Air Commodore not in command Group Captain not in command Wing Commander Squadron Leader in command	III
Squadron Leader not in command	IV
Flight Lieutenant Flying Officer Pilot Officer	V

Note: Flight lieutenants and below with 3 or more children are eligible to be allotted a Type IV family quarter.

(b) **Single Accommodation.**

Rank	Type
Squadron Leader and above	Senior officer's single quarters
Flight Lieutenant and below	Junior Officer's single quarters

(2) Family accommodation provided for air marshals and air vice-marshals in command is generally classified as "official residences", and family accommodation provided for the holders of certain Command appointments approved by the MOD may also be regarded as "official residences". Officers for whom official residences are provided are encouraged to occupy them.

(3) Stn Cdrs are normally provided with a family quarter, but an unmarried stn Cdr may live either in a mess or in the family quarter if one is provided.

1721. Provision of Accommodation for Airmen.

Sponsor: SP Pol Pay & Charges

(1) The following table indicates the type of accommodation provided and the ranks and/or family size of airmen to which these quarters will normally be allocated. It should be noted that the construction or acquisition of special-to-type warrant officers' family quarters is discontinued and such existing family quarters are therefore obsolescent; however, they may continue in use as warrant officers' family quarters and be allocated accordingly (see sub-Para (a) below). All other accommodation is to be classified to the most appropriate type according to the overall floor area of each accommodation and the accommodation amenities provided. No change will be made in the classification of any accommodation without prior approval by the MOD.

(a) Family Accommodation.

<u>Rank</u>	<u>Type of family quarter</u>
Air Marshal Air Vice-Marshal in command	I
Air Vice-Marshal not in command Air Commodore in command Group Captain in command	II
Air Commodore not in command Group Captain not in command Wing Commander Squadron Leader in command	III
Squadron Leader not in command	IV
Flight Lieutenant Flying Officer Pilot Officer	V

Note: Flight lieutenants and below with 3 or more children are eligible to be allotted a Type IV family quarter.

((b) Single Accommodation.

Rank	Type
Squadron Leader and above	Senior officer's single quarters
Flight Lieutenant and below	Junior Officer's single quarters

(2) Family accommodation provided for air marshals and air vice-marshals in command is generally classified as "official residences", and family accommodation provided for the holders of certain Command appointments approved by the MOD may also be regarded as "official residences". Officers for whom official residences are provided are encouraged to occupy them.

(3) Stn Cdrs are normally provided with a family quarter, but an unmarried stn Cdr may live either in a mess or in the family quarter if one is provided.

1721A. Regrading of Accommodation.

Sponsor: SP Pol Pay & Charges

- (1) The standard of all single and family accommodation is assessed and, depending on such factors as its quality and environment, each unit of accommodation i.e. single quarter or family quarter, is awarded one of 4 grades from grade 1 (the highest standard) to grade 4 (the lowest standard).
- (2) Each unit of accommodation, including accommodation which is purpose built, adapted or modernised which is subsequently taken into use, is to be assessed by a Board of Officers and findings recorded on Form 2. Boards of officers for this purpose are to consist of the Defence Housing Executive (DHE) Area Manager (Chairman) the Senior Estates Management Officer and the Estate Management Officer for the station. The DHE Area Property Manager should also be in attendance to offer advice. Service representation on the Board should be appointed by OC Admin Wg and should normally be at Sqn Ldr level.
- (3) The DHE Area Manager, in conjunction with the CO, is to ensure that a Board of Officers is convened to reassess the grading of units of accommodation on completion of any modernisation or refurbishment of that unit or when there are substantial changes in environmental factors.
- (4) The DHE has authority, under JSP 464, to reduce the quartering element of FQ charges down to a minimum of Grade 4 if disruption continues for more than 7 days, backdated to day one. To waive the quartering element of FQ charges completely, authority must be sought from SP Pol on a case by case basis.
- (5) Personnel are to be informed of the grading of their accommodation on taking up occupation and of any subsequent regrading.

1722. Substitute Service Families Accommodation (SSFA).*Sponsor: SP Pol Pay & Charges*

SSFA may be rented, to supplement normal provision of families accommodation, through Hambro Countrywide Management Services (HCMS) who are contracted by the MOD to provide accommodation for all Service personnel in Great Britain where no military accommodation is available. Applications for SSFA are staffed by DHE in accordance with JSP 464.

1723. Allocation of Family Accommodation.*Sponsor: SP Pol Pay & Charges*

- (1) Married officers holding regular commissions, and married airmen serving on voluntary regular engagements, and who are in Marital Category 1, 1(S), 1(C), 2, 5(S), 5(C) are eligible to occupy family accommodation; however, serving married couples will not normally be permitted to occupy public family accommodation where one is an officer, or a civilian of officer status, and the other is of non-commissioned status.
- (2) Family accommodation is to be allocated in accordance with current instructions in JSP 464. Family size and other factors as well as rank, will be taken into account in the allocation of quarters (see paras **1720** and **1721**). In this connection the following, irrespective of age, are deemed children for as long as they are normally resident in the household:
 - (a) Unmarried children of the marriage.
 - (b) Unmarried stepchildren or adopted children.
 - (c) Unmarried children by a former marriage for whom the applicant or his/her spouse has care and control.

The term "normally resident" means that the child lives permanently in the family quarter or would do so if not undergoing full time education at boarding school, college or university, or an apprenticeship

where accommodation is provided certain times in the year he/she is required to vacate that accommodation for certain periods.

(3) In allocating family accommodation to eligible personnel, the CO of the station is to make the most economical arrangements possible in accordance with the provisions of this Para and the current instructions in JSP 464. An officer or airman is not obliged to occupy family accommodation unless there is an operational or functional requirement for the individual to occupy the ex-officio quarter specific to the appointment. An officer or airman is not to vacate an accommodation which he has been allocated, without the prior knowledge of the DHE.

(4) An eligible officer or airman who has been allocated a family accommodation will not be displaced by another officer or airman who may subsequently join the station, except that when he occupied a family quarter of a type inappropriate to his rank or size of family, and a quarter of the appropriate type and adequate to his needs becomes available, he will be required to transfer to such quarter when the quarter he occupies is required for an officer or airman of the appropriate rank and circumstances.

(5) If an ineligible officer or airman desires to occupy a family accommodation, details are to be forwarded to RAF PMA(Accom). The occupant will be required to pay the appropriate accommodation charge as specified in AP 3392, Vol 2, Leaflet 2306, Annex B.

1724. Allotment of Officers' Single Quarters.

Sponsor: SP Pol Pay & Charges

(1) Officers required to live in a mess will normally be given their choice of single quarters appropriate to rank and seniority. When an officer has been allotted a single quarter appropriate to his rank, he will not be displaced by another officer of any rank.

(2) A single quarter will be available for reallocation immediately the occupant quits the station except during the officer's absence on duty or leave not exceeding 61 days. The officer may retain his quarter during longer absence on the authority of the CO of the station if another officer is not inconvenienced.

(3) A single quarter may be allotted to a married officer at a temporary duty station or at his permanent duty station when separated from his or her family.

1725. Allotment of Single Accommodation to Warrant Officers and SNCOs.

Sponsor: SP Pol Pay & Charges

(1) Warrant officers and senior NCOs required to live in mess will be allocated single bedrooms where possible.

(2) A warrant officer or SNCO may retain his or her single accommodation during absence on leave or duty not exceeding 61 days or for a longer period on the authority of the CO if another warrant officer or SNCO is not inconvenienced.

1726. Conditions of Occupation of Official Residences and Family Quarters.

Sponsor: SP Pol Pay &

Charges

(1) An officer or airman occupying an official residence or family accommodation will be required to pay the appropriate accommodation charge specified in AP 3392, Vol 2, Leaflet 2306, Annex B. Fuel, electric current and gas supplied from public sources will be paid for at the quantities and rates

laid down in DCIs (RAF) from time to time.

- (2) Official residences and family quarters (excluding substitute Service Families Accommodation (SSFA)) will be furnished in accordance with approved scales, but an officer or airman may supplement official furnitures by their own property. In addition an officer or airman will normally be allowed to return to store items of furniture that are not required.
- (3) Replacement and repair of official furniture will be borne by public funds (or, in the case of SSFA) when due to fair wear and tear. Loss of furniture and other equipment and any damage thereto other than that due to fair wear and tear are to be dealt with under the procedure laid down in Para 2197. (As regards breakages of crockery and glassware, see AP 830, Vol 1 (RAF Supply Regulations)).
- (4) Items of barrack equipment are to be accounted for in accordance with the regulations contained in AP 830, Vol 1.
- (5) Damage to official residences and family accommodation and loss of, or damage to fixtures and fittings therein are to be dealt with in accordance with GAI 5035.
- (6) An occupant is at all times to allow access to his residence or accommodation to such officers, airmen and others as may be required to enter it in the performance of their duties.
- (7) An occupant is to report at once to the MO any case of a notifiable disease which occurs in his household.
- (8) An occupant of an official residence or family accommodation is responsible for maintaining it in a clean and hygienic condition, for keeping the garden tidy, for safeguarding public or the landlord's property, and for taking all reasonable precautions to prevent pipes from bursting or damage to water installations during cold weather. The occupant is further responsible, where such burst or damage has occurred, for taking all reasonable steps to minimise any resultant damage. The occupant is to report any defect or damage promptly. The occupant is not permitted to make alteration to the building or to any fixture thereto without authority. The occupant will be held responsible for any damage to the building or fixtures, public furniture and furnishings occasioned by the wrongful act or negligence of the occupant, any member of his family and any guest of the occupant. An occupant is to consider the advisability of effecting a household insurance policy with third party cover for damage caused by the occupant, his family or visitors. The occupant will not be responsible for damage which is attributable to fair wear and tear or for damage occasioned by an act of God or unavoidable accident. When, however, a standard householders' comprehensive insurance policy is in force in respect of any SSFA, the occupant of such accommodation will be held responsible for the cost of any damage which the insurance company refuses to pay by reason of the occupant's delay in reporting the damage. The occupant is responsible for arranging for chimneys to be swept at least twice a year; the occupant may be refunded the cost of brush sweeping twice a year from public funds.
- (9) When an occupant is held responsible for any damage to the building or fixtures, public furniture or furnishings in accordance with clause 8 above, and it is intended to allow the occupant to make a voluntary payment in accordance with paras 1286(1) or 2392 or 2420A, the CO is to decide on the amount of restitution to be paid, bearing in mind the cost of repairing the damage, the circumstances of the case, the degree of responsibility of the occupant and his ability to pay. The amount of restitution is not to exceed the actual value of the loss or damage; any element of betterment is to be excluded from the calculation of cost of repairing the damage.
- (10) Public accommodation is not to be used for the purpose of any trade, or for the formation of any club or association, which has not been authorised by the CO of the station.

- (11) An occupant is not to sub-let in part or whole any public quarter or accommodation.
- (12) An officer or airman occupying Service Families Accommodation will be required to sign an appropriate certificate in accordance with JSP 464.

1727. Accommodation Charges - Personnel Occupying Official Residences or Families Accommodation.

Sponsor: SP Pol Pay & Charges

- (1) Accommodation charges are to be paid by married officers or airmen in Marital Categories 1, 1(S), 1(C), 2, 5(S) or 5(C) who occupy family accommodation. The charges are for furnished accommodation and no financial compensation or reduction in rental will be made in the event of the voluntary return of any scaled items of furniture, unless the quarter has been unfurnished in accordance with current policy.
- (2) Accommodation charges are payable from the date of occupation of the accommodation provided that date is not more than 14 days after the date on which the accommodation is available for occupation. Where the delay exceeds 14 days but does not exceed 21 days, the CO is to decide whether a waiver of the accommodation charge can be permitted, and his decision is to be endorsed on the copy of the form notifying occupation. Any periods in excess of 21 days are to be notified to RAF PMA(PAC1), or overseas the Command Secretary/Financial Adviser where one is appointed, for decision.
- (3) The accommodation charge payable by an officer or airman for the occupation of a family accommodation during periods of special leave without pay will be decided by RAF PMA(PAC1). The accommodation charge, which will normally be the damage for trespass rate, is to be recovered monthly in advance.
- (4) **Officers.**
 - (a) The rates of charges for accommodation are set out in AP 3392, Vol 2, Leaflet 2306, Annex B. They are to be recovered according to the grading of the quarter or SSFA occupied subject to sub-clauses (b) to (e) below and to clause (2).
 - (b) When for service reasons, an officer below the rank of Air Marshal is allocated a quarter of a type higher than that for which the officer is normally eligible, e.g. "in command" appointment or when no appropriate quarter is available, the officer will pay the accommodation charge for the quarter which would normally be allocated by virtue of the rank when not in command under Para 1720(1)(a).
 - (c) An unmarried officer or a married officer in marital category 3, 4 or 5 (see Para 2728) who occupies family accommodation by virtue of his appointment, will pay Grade 1 single accommodation charges appropriate to his rank, and for all fuel, electricity and gas consumed in excess of the approved scale for the quarter.
 - (d) Officers in marital category 1, 1(S), 1(C), 2, 5(S) or 5(C) who are encouraged by their AOC in C to occupy a family quarter or official residence by virtue of their appointment and who are not joined by their family will normally be exempted from accommodation charges but will pay for all fuel, electricity and gas consumed in excess of the approved scale.
 - (e) Officers occupying family quarters or official residences under the terms of sub-clauses (c) and (d) above will be permitted occasional visits by members of their family

without prejudice to the provisions of those clauses. A visit or aggregate of visits not exceeding 30 days in any period of 6 months may be regarded as occasional. Where this duration is exceeded full family quarter charges are then normally to be levied for the 6 months in question. Exceptionally, with the personal authorisation of the AOC in C, this period may be extended to 60 days in any 6 months period. No remission of charges will be given for a period of less than 6 months unaccompanied service. Cases of doubt are to be referred to RAF PMA(PAC1) for consideration.

(f) Where, exceptionally, an officer occupies an airman's family quarter or SSFA the accommodation charge appropriate to the quarter occupied is to be levied.

(g) Accommodation charges will be recovered, monthly in arrears, from pay and allowances.

(5) **Airmen.**

(a) When a family accommodation or equivalent SSFA is allocated to an airman, the charge appropriate to the quarter or accommodation will be recovered through the pay account (except where otherwise indicated). The charges are set out in AP 3392, Vol 2, Leaflet 2306, Annex B. Where an airman is allotted extra bedroom(s) in a second quarter/SSFA he is to pay the charge for a quarter containing the total number of bedrooms occupied. Where the total number of bedrooms allotted exceeds 4 an additional charge appropriate to the extra bedroom(s) as set out in AP 3392, Vol 2, Leaflet 2306, Annex B will be raised for each bedroom in excess of 4.

(b) When an appropriate quarter as shown in Para 1721 is not available and an airman is allocated a quarter of another type he is to pay the charge appropriate to the type and grade of quarter occupied. However, if the charge for the quarter which would normally be allocated is less than that for the quarter which is occupied then the lower charge is to be charged. He is to notify the CO of any variation in the number of eligible children and when applicable pay the full charge appropriate to the quarter.

(6) **Widows/Widowers.** The following action is to be taken to recover charges for the use of the accommodation, issue of fuel, light, etc:

(a) Accommodation charges up to and including the date of death will be recovered from the officer's or airman's account.

(b) Other charges arising from occupation of accommodation up to and including the date of death viz issues of fuel, light, etc, are to be reported to the Committee of Adjustment for inclusion in the Service estate.

(c) For the period subsequent to the death of the officer or airman:

(i) A widow/widower is to be invited to make payment of the accommodation charge at the rate which was applicable at the date the officer or airman died, for "use and occupation of the family quarter". The receipts issued for and such payments are to incorporate this wording, and care is to be taken to ensure that any invitation to pay cannot be regarded as a formal demand for rent, in view of the possibility of creating a legal tenancy of the accommodation.

(ii) Charges are to be raised monthly against the widow/widower at RAF repayment rates applicable to authorised occupants of family accommodation for electricity or other fuels supplied from Service sources. If the widow/widower does

not meet these charges on the grounds of hardship, or other reasons, the case is to be reported immediately to RAF PMA(PAC1), for instructions.

(7) **Personnel Compulsorily Medically Discharged** *Personnel Compulsorily Medically Discharged.* Personnel leaving the Service on compulsory medical discharge are to be permitted 93 days continued use and occupation of the quarter from the date of discharge.

(8) Caravans and mobile homes used as family accommodation are to be regarded as Grade 4 for the purpose of recovery of accommodation charges.

(9) **Unfurnished Accommodation.** The charges payable for unfurnished accommodation are set out in AP 3392, Vol 2, Leaflet 2306, Annex B.

1728. Retention of Family Accommodation.

Sponsor: SP Pol Pay & Charges

Upon ceasing to be entitled to the family accommodation occupied, an officer or airman is to be given due notice to give vacant possession of the accommodation within the period prescribed in JSP 464.

1729. Procedure to obtain Possession.

Sponsor: SP Pol Pay & Charges

(1) The procedure to obtain possession of family accommodation occupied by serving personnel, ex-servicemen, divorced or legally separated husbands or wives of serving personnel, and other non-entitled civilians is prescribed in current DCIs(RAF) and DCIs(Gen) and JSP 464.

(2) When a person has assumed responsibility of Service Families Accommodation without authority, recovery action is to be taken in accordance with JSP 464.

1730. Accommodation for Civilian Staff and Employees.

Sponsor: SP Pol Pay & Charges

(1) The DHE is responsible for the allocation of Families Accommodation, and the CO for single accommodation provided for civilian staff and employees, in accordance with instructions issued by the MOD.

(2) Applications from civilians to occupy service family accommodation and official residences are to be processed in accordance with current instructions in JSP 464.

(3) Occupation of accommodation under clauses (1) and (2) will be under the conditions laid down in Chapter 12 of MOD Manual 11 (MOD Non-Industrial Staff Regulations), MOD Manual 9 (Regulations for Civilian Industrial Employees), JSP 464 and DCIs (RAF), and recovery of the appropriate charge is to be made by deduction from the salary or wages of the occupant, with the exception that members of MOD Police will occupy quarters rent and rates free. Deductions are to be made for the whole period of occupation. Where rentals do not specifically include heating and lighting, all fuel, electric current and gas supplied from public sources will be paid at the quantities and rates laid down. The occupant will be required to complete an agreement in the form prescribed.

(4) The DHE Allocations Officer responsible for allotting accommodation is to ensure that the paying officer is notified of the type and grade of quarter allotted and the weekly or monthly rate of recovery to be made in respect thereof, except that when a civilian occupies an accommodation at one station but is employed at another station, the officer allotting accommodation is to notify the latter. The employing station is to forward the details to the paying officer and is to pass to the administering station any information received from the paying officer regarding recoveries made.

1731. (Omitted)

1732. Garaging of Private Motor Vehicles.*Sponsor: SP Pol Pay & Charges*

- (1) (a) The charges to be made when a garage or car-port provided at public expense is allocated to an officer or airman whether or not it is used for storing a vehicle are set out in AP 3392, Vol 2, Leaflet 2308, Annex A.

A garage or car-port which measures less than 4.2m (14ft 0ins) in length and/or 2.29m (7ft 6ins) in width (internal measurements) or a garage which is determined by a Board of Officers to be of such insubstantial construction as not to provide adequate security qualifies for sub-standard rent. Where the garage/car-port forms part of a family accommodation and the occupant does not wish to make use of it, no charge is to be made to the occupant of the accommodation, but the garage/ car-port will be available, under arrangements made by the CO for allocation to any other officer or airman who wishes to use it. The occupant of the family accommodation has, however, an over-riding claim to repossession of the garage/car-port. A charge will not be made for a garage/car-port which forms part of a Service Families Accommodation (SFA) if the garage/car-port is not included in the hiring agreement.

(b) No charge is to be made for the use by civilian staff and employees of a garage/car-port provided at public expense when the garage/car-port is within the curtilage of any family accommodation in the UK occupied under the conditions of MOD Manual 11, Chapter 12, or when the civilian abroad is occupying official single or family accommodation under the conditions of AP 3229, Chapter 21, paras 2118 and 2119. In other circumstances the charges are set out in AP 3392, Vol 2, Leaflet 2308, Annex A.

(c) Except where the garage forms part of a hired family accommodation, the user is to pay for any water or electricity consumed, and not otherwise paid for by him, at the rates laid down in DCIs(RAF). No electricity charges are to be levied when lighting is supplied in garages which are built in blocks.

(d) Garages attached to messes and provided at public expense are now administered by Station Accountant Officers and are chargeable against individuals to whom they are allocated at the rates laid down in AP3392, Vol 2, Leaflet 2308, Annex A.

(e) An officer or airman user driver who has been authorized to keep a Service vehicle in the garage or car-port allocated to him with a family accommodation or Service Families Accommodation (SFA) is not to be charged for one garage or car-port, provided he certifies that the Service vehicle and not his personal vehicle, is occupying the garage permanently.

- (2) When accommodation is required beyond the capacity of garages provided for private use an air or other OC may, subject to Service requirements, grant permission for the use of other Service buildings for garaging of privately-owned motor vehicles. No building containing RAF material is to be used for this purpose. Charges are to be made in respect of each calendar month during which a vehicle is stored for seven or more nights. Applicable rates are set in AP3222 Leaflet 704.

When lighting has been specially provided for the purpose of garaging cars, or where adapted buildings or buildings erected on encroachment terms are maintained as garages at private expense, charges for electric light are to be recovered at the prescribed rates.

- (3) The use of garages/car-ports under clause (1) and other space under clause (2) is subject to the following conditions:

- (a) Vehicles are stored at the sole risk of their owners.
- (b) Buildings are kept clean and any damage occasioned thereto by the wrongful act or negligence of the occupier is to be made good at his expense.
- (c) Accommodation is to be vacated at any time it is required for Service purposes.
- (d) The instructions on Poster 62 regarding motor vehicles are to be strictly complied with and copies of Poster 62 are to be posted in a conspicuous position in any building in which private vehicles are stored.

(4) The privilege of storing motor vehicles in air force premises as prescribed in this paragraph, is liable to be withdrawn at any time and is, at the discretion of the CO, to be withdrawn either permanently or for a specific period if the owner of a motor vehicle is convicted of an offence in respect of the vehicle, or has, in the opinion of the CO driven the vehicle dangerously or improperly. The withdrawal of this privilege will be without prejudice to disciplinary action in respect of an offence.

1733. Private Garages and Car-ports.

Sponsor: SP Pol Pay & Charges

Where garages or car-ports for vehicles belonging to RAF personnel are provided as encroachments at non-public expense, the cost of maintenance, electricity and water is to be borne by the owners. Appropriate charges, as published in current DCIs, are to be recovered, quarterly in arrears, from the owner as a contribution in lieu of rates. Where a garage or car-port is capable of accommodating more than one motor vehicle, the charge is to be increased to that appropriate to the notional car capacity of the structure. A contribution in lieu of rates is not to be recovered for those complete periods of six months (January to June and July to December) when a garage or car-port has been reported to the Defence Land Agent as unoccupied and has not been used for any other period. No payment from Service funds is required therefore, for those periods.

1734. Accommodation Charges - RAF Personnel Occupying Single Accommodation.

Sponsor: SP Pol Pay & Charges

- (1) Single accommodation charges may be deducted from the pay of personnel occupying single accommodation in accordance with their marital status category as set out in AP 3392 Volume 2 Leaflet 2302, where detailed instructions specifying liability, exemptions, means of recovery, administrative procedures and rates are set out.
- (2) Accommodation charges will not be payable in the following circumstances:
 - (a) When personnel are authorized to live out of camp and are so doing.
 - (b) During periods of absence without leave, detention, imprisonment, or other occasions when pay is forfeited.
 - (c) During periods when reported missing or prisoner of war.
 - (d) During periods of disembarkation leave and other forms of leave taken in conjunction with disembarkation leave provided single accommodation is not occupied.
 - (e) During periods spent in field conditions (as defined at Para **1736**) or on board ship lasting for two consecutive nights or more.

- (f) During periods when lodging allowance is in issue.
 - (g) During periods when on sick leave away from the unit.
 - (h) During periods of terminal leave and other forms of leave taken in conjunction with terminal leave, providing that single accommodation is vacated.
 - (j) During periods of leave taken immediately prior to posting providing that the single accommodation is vacated.
 - (k) During periods when sick at home except that accommodation charges will continue up to the end of authorized leave or pass.
 - (l) During an overnight stop in a transit mess by personnel in marital categories 3, 4 and 5, 5(S) and 5(C) when travelling on posting or temporary duty to or from stations abroad.
 - (m) During periods of leave away from the unit in excess of 61 days provided the room occupied has been vacated and made available for allocation to other entitled personnel.
- (3) Officers and airmen in the categories defined in clause (1) who have been authorized to live out may be ordered to live in single accommodation for Service reasons. In such cases accommodation charges will be recoverable from the 22nd day.

(4) ***Detachments.***

- (a) On periods of detachment, the accommodation charge is to be that applicable for accommodation at the detached duty station.
- (b) Single personnel authorized to live out at their permanent duty unit will pay charges as defined in clause (5)(c) and (d).

(5) ***Temporary Duty.***

- (a) Where Service accommodation is occupied, the rate to be charged is that appropriate to the accommodation occupied at the unit of temporary duty.
- (b) Where Service accommodation is not available and nightly rates of travelling allowance are claimed, the accommodation charge is to continue at the rate applicable at the permanent duty unit.
- (c) Single personnel who are authorized to live out at their Permanent duty unit who proceed on temporary duty and occupy public accommodation are to pay no charges for the first 21 days, thereafter the charge appropriate to the accommodation occupied at the temporary duty unit is to be recovered.
- (d) Single personnel who are authorized to live out at their permanent duty station, who proceed on temporary duty and public accommodation is not available, will be entitled to claim nightly rates of travelling allowance and no accommodation charges will be levied for the first twenty one days.

- (6) ***Personnel Admitted to Hospital, Station Medical Centre or Medical Rehabilitation Unit.***
Personnel referred to in clause (1) are to pay accommodation charges at the rate being levied

immediately prior to admission for the first 14 days.

(7) **Rates.** The rates of single accommodation charges, which are appropriate to the paid rank of officers, airmen and airwomen, and to the grading of the accommodation occupied, are as set out in AP 3392, Vol 2, Leaflet 2302, Annex A.

NOTES:

- (1) *Officers of the rank of Sqn Ldr or above who, for Service reasons, are allocated junior officers accommodation are to pay the charges for Sqn Ldr and above in a single room.*
- (2) *Warrant officers and SNCOs who, for Service reasons, are allocated single accommodation below their entitlement, i.e. that scaled for corporals and below, are to pay the charge at the JNCO rate for the grading of the accommodation occupied.*
- (3) *In the event of retrospective promotion calling for an increase in single accommodation charges in accordance with these regulations, adjustments are to be made with effect from the date the individual was notified of the promotion. No further retrospective adjustments are to be made in these circumstances.*

1735. (Omitted)

1736. **Field Conditions.**

Sponsor: SP Pol Pay & Charges

- (1) **Declaration.** Field conditions may be declared by AOC in Cs, who may exercise their own judgement within the guidelines outlined below for the purpose of exempting personnel from accommodation and food charges under paras **1734** and **2300**. AOC in Cs may delegate authority to declare field conditions to local commanders to whom authority may also be delegated to declare a return to normal conditions.
- (2) **Applicability.** Field conditions may apply to either accommodation or food or both. Each has to be looked at separately following declaration of field conditions and, on the applicable facts, it will be for decision whether the accommodation charge or the food charge or both are to be waived.
- (3) **Accommodation.** Field conditions are held to exist when graded accommodation is not provided for sleeping and personnel occupy, for example, tentage, bivouacs, vehicles, barns, hangars, outbuildings, derelict and abandoned properties, church halls and hutted camps. This list is not intended to be definitive, but normal purpose-built accommodation would not qualify.
- (4) Occupants of family quarters will not normally qualify for abatement of charges on account of field conditions.
- (5) **Food.** Field conditions may be declared when the quality of food is substandard (i.e. the range of foods listed in the ration scale cannot be provisioned or the range of dishes that can be provided is limited as a result of inadequate storage or cooking facilities) or proper dining facilities are not provided and the food has, for example, to be eaten out of mess tins.
- (6) **Duration.** Field conditions, which will apply for 2 or more consecutive nights (for complete periods of 24 hours from midnight to midnight), will be based on the situation obtaining at 0300 hours.
- (7) When it is expected that field conditions will last for 2 nights or more, where applicable, accommodation and food charges already being made will be remitted from day one.

- (8) When Field Conditions are expected to:
- (a) Exceed 2 nights but do not, where applicable, accommodation and food charges will be re-imposed for complete periods of 24 hours where field conditions do not apply;
 - (b) Last less than 2 nights but subsequently last longer, where applicable, accommodation and food charges will be waived from day one.
- (9) **Monitoring.** A report must be made to the appropriate Command Secretary by whomsoever has declared field conditions when they have lasted continuously for more than 3 months and at 3 monthly intervals thereafter.

1737-1741. *(Omitted)*

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CHAPTER 22

ESTATE, WORKS AND LAND

The Defence Estate.

J1742.

Sponsor: Infra(Pol)

The Defence Estate consists of all land, water and buildings and other structures owned or used by the MOD and the Armed Services.

J1743.

Sponsor:Infra(Pol)

Top Level Budget Holders (TLBHs) have responsibility for the efficient management of the Defence Estate. Within the MOD, Defence Estates (DE) provides a defence-wide strategic overview of the management of the Estate and either maintains or sub-contracts the full range of professional services to assist TLBHs in the discharge of their responsibilities. The RAF Infrastructure Organisation (RAF IO) is responsible for advising RAF budget holders on estate management and the management of their works budgets. The RAF IO's role is to provide the RAF with the most efficient and cost effective infrastructure and estate management service. Gp Capt RAF Infra is the RAF's specialist officer within the Air Force Grouping for all infrastructure and estate-management matters. He is responsible for the development and implementation of infrastructure and estate-management policy (including that for associated IT) throughout the RAF:

- (1) Gp Capt RAF Infra is responsible to the appropriate budget holder in each RAF Command for:
 - (a) The effective implementation of their capital works programme, as approved by them and delegated to him.
 - (b) The provision of any financial or specialist advice required to prepare, monitor, screen and account for their capital works programmes.
 - (c) The provision of specialist advice and, on behalf HLBs, taking action as appropriate regarding property and estate matters.
 - (d) The provision of any financial and specialist advice required to identify, prepare, monitor and screen property management programmes.
 - (e) The monitoring of property management expenditure and, through the appropriate budget holder concerned, provide advice on securing best value-for-money.
 - (f) Acting as the specialist officer for the conduct of Formal Staff Visits, Boards of Officers and all similar functions.
 - (g) Acting as the specialist and focal point for estate management matters, and providing briefing materials as required.
- (2) Gp Capt Infra is responsible to ACAS for the provision of:

- (a) Any financial and management information on infrastructure matters that he might require (all such information is also to be copied to the accountable budget holders or their representatives).
 - (b) Such specialist staff support as he might require to carry out his DE Board function.
- (3) Gp Capt Infra is responsible to AOCinC STC for the:
- (a) Provision and management of Royal Engineer (RE) services to the RAF.
 - (b) Development of policy and procedures for infrastructure support to deployed operations.

Responsibility for Works Services.**J1744.***Sponsor: Infra(Pol)*

Works Services comprise both new works and maintenance and are divided into Projects and Property Management. Financial limitations determine the separation between the 2 categories. Property Management (PROPMAN) is defined as all works services, both new works and maintenance, costing below £240K, excluding VAT and fees, while work costing above this financial threshold represents projects (or Capital Works).

J1745.*Sponsor: Infra(Pol)*

Specific guidance on property management and projects is contained in Joint Service Publications (JSPs) 434 (Property Management) and 435 (Works Projects). In addition, for the RAF, further guidance is given in The RAF Manual of Infrastructure Management, and from the RAF IO.

1746.*Sponsor: Infra(Pol)*

The definition and regulations covering Hybrid Projects are contained in JSP 414, JSP 435 and the RAF Manual of Infrastructure Management.

1747.*Sponsor: Infra(Pol)*

Within MOD, DE provides a comprehensive range of professional services relating to issues including projects, property management, upkeep of historic buildings, conservation issues and liaison with governmental and non-governmental departments, including local authorities. It is also responsible for the promulgation of "in house" professional technical advice, standards and procedures on works matters, procuring technical expertise from industry on behalf of budget holders, and letting works contacts. It also acts as an interface between the construction industry and MOD works staffs. It is responsible for rationalisation of the MOD estate, including sales and acquisition of land and buildings. Responsibility for the Service Family Accommodation (SFA) Estate, however, is vested in the Defence Housing Executive (DHE).

J1748.*Sponsor: Infra(Pol)*

The MOD is required to fulfil its statutory obligations concerning the upkeep of buildings which are listed or scheduled as ancient monuments (protected buildings). Budget Holders, with advice from DE, are responsible for providing the necessary funding and estate management.

Property Management.**J1749.***Sponsor: Infra(Pol)*

Management of the MOD estate is the responsibility of appropriate TLBs who appoint Property Managers (PROMs) to oversee the works programme for one or more establishments within the Estate. The PROM may have an Assistant PROM (APROM) and/or OC Works Services Flight (OC WSF), depending on the size of the establishment. The PROM represents one or more budget holders' interests as clients and is able to call on the advice from 2 professional civilian sector organisations, (the Establishment Works Consultant (EWC) and the Works Service Manager (WSM), and from DE. The PROM is the Designated Officer in works contracts let to the EWC and WSM. The PROM is also supported by the RAF IO. DHE have created separate arrangements to maintain SFA.

1750. (Omitted)**J1751.***Sponsor: Infra(Pol)*

The EWC is a commercial professional organisation, contracted to supply PROMs with multi-disciplinary professional advice, and for determining the condition and maintenance needs of the estate; the forward planning and budgetary information required to meet these needs; how to maintain the asset value within the funds allocated; and quality control. The EWC provides an independent audit of the WSM. The EWC is appointed by DE, after open competition contract except for those sites where this function is fulfilled by the RE whose personnel replace in Toto those of an EWC.

J1752.*Sponsor: Infra(Pol)*

The WSM is a separate commercial professional organisation and is appointed in a similar way to the EWC. The WSM implements the property management programme, under the direction of the PROM, using approved subcontractors or directly employed labour.

J1753.*Sponsor: Infra(Pol)*

The PROM will interface with DE for advice on buildings, property management, works technical advice and lands issues.

J1754.*Sponsor: Infra(Pol)*

In addition to the details on property management contained in JSP 434 (Property Management) further guidance can be found in JSP 414 (Management Strategy), the RAF Manual of Infrastructure Management and in advice and instructions issued periodically by MOD and the TLBs.

Responsibility for Land Services.**J1755.***Sponsor: Infra(Pol)*

Budget Holders retain responsibility for the overall management of all Defence land, including land for the built estate, training land, and ranges. DE undertakes a variety of lands-related tasks as an agent of the Budget Holder, issues such as environmental protection are covered by management plans drawn up by the Budget Holder with the assistance of DE.

Management and Disposal of Redundant Land and Property.**J1756.***Sponsor: Infra(Pol)*

After redundant property has been closed and handed over by the TLB to DE in accordance with The Site Closure Guide (DE Functional standard: Design and Maintenance Guide 12), DE assumes full responsibility for its management up to the date of sale.

J1757.*Sponsor: Infra(Pol)*

MOD land property is to be kept under continuous review by TLBHs, commanding officers and heads of establishments, in consultation with DE, and for SFA, DHE. Land for which there is no foreseeable Defence use is to be declared surplus. Whenever the function of an establishment changes, a re-examination of holdings is to be carried out by the reviewing authority to see whether it is still necessary to retain all the land and buildings. The caretaking of unoccupied property (excluding SFA) for which there is a continuing Defence requirement is to remain the responsibility of the TLBH. However, where only part of an establishment has been declared redundant and is awaiting disposal, the unit occupying the remainder of the estate will be responsible for any caretaking and maintenance which may be necessary (excluding SFA); exceptionally this will not apply where the occupation comprises only a retained SFA site or when the occupying unit is so small as to be incapable of this task.

J1758.*Sponsor: Infra(Pol)*

Specific guidance on site closures and disposal actions will be contained in the RAF and DE Site Closure Guides.

J1759.*Sponsor: Infra(Pol)*

Whenever a property is suspended from disposal, the responsibility for care and management of the property will return fully to the TLB.

1760. (Omitted)**Works Services for the Royal Air Force: Single Service Regulations.****1761.***Sponsor: Infra(Pol)*

The RAF IO has issued the RAF Manual of Infrastructure Management, which not only embodies the requirements of JSPs 414, 434, 435 and DCIs, but also provides amplification in terms of current legislation, initiatives and best practice.

1762. (Omitted)**Royal Air Force Responsibilities.****1763.***Sponsor: Infra(Pol)*

A CO is to ensure that any contractor/consultant undertaking work on his station is fully briefed on operational constraints, health and safety (including CDM Regulations) and environmental issues and any

hazards that may exist on his estate in accordance with the regulations set out in AP400A-0004. He is also to ensure that any such contractor is made aware of his own obligations to the CO before performing any task for which he has been contracted.

1764. (Omitted)

1765. Responsibility for Care and Security of Buildings and Government Property. Sponsor: Infra(Pol)

(1) The CO of a station is responsible for the care and security of buildings, for all government property therein, and for all grounds, plant, fittings, fixtures, etc, on the main or dispersed sites placed in his charge. This responsibility applies whether buildings are occupied or unoccupied, and whether they are hired or public property. Although he may delegate day-to-day activities, he nevertheless remains ultimately responsible.

(2) When a unit hands over and is not immediately replaced by another, the commander of the next higher formation to which that unit is responsible is either to issue orders for the care and security of public property as required by clause (1) or seek instruction from higher authority.

(3) Arrangements for the care and security of a station under construction are the responsibility of the Budget Holder managing the project.

1766. Employment of RAF Personnel.

Sponsor: Infra(Pol)

Except in the progression of self-help schemes approved by the CO, in certain operational circumstances required by the CO, or when undertaking training as part of their TTW or War duties, RAF personnel are not to be employed in the execution of works services. In all circumstances where such requests are placed before a CO, the attention of the CO is to be drawn to the statutory obligations that are already embodied within the conditions of contract for his EWC and WSM.

1767. Approval for Works Services and Allotment of Funds.

Sponsor: Infra(Pol)

The procedures for approving works services, bidding for funds and managing allocations are set out in JSPs 414, 434 and 435 (and supplemented by the RAF Manual of Infrastructure Management).

1768. Siting and Takeover of New or Extended Buildings or Facilities, Excluding SFA.

Sponsor: Infra(Pol)

Any proposal for the provision of a new building or an extension to an existing building, generated as a Project or within Property Management, is to be approved by the RAF IO on behalf of the AOCinC. Such proposals are to be accompanied by the Report of a Board of Officers in accordance with Para 1776. Once the work has been completed, a further Board of Officers is to be convened formally to take over the building or extension.

1769. (Omitted)

J1770. Capital Works Projects.

Sponsor: Infra(Pol)

Responsibility for the planning, design and construction of works projects to meet Service requirements and for the management of existing buildings in the United Kingdom and overseas lies with the appropriate Budget Holder, with policy, procedural, contractual and technical guidance available from central MOD sources. Exceptions to this are:

(1) RE are responsible for works services on operations in overseas locations not staffed by DE, RN or

RAF when the operation is mounted.

(2) Particular commitments for restoring overseas airfields to their operational state with all speed; these situations occur in the event of hostilities where it is not possible for the normal MOD works service procedures to effect immediate repairs, and RE are ordered to do so by the CinC.

Whenever it is proposed to construct, refurbish etc building(s) or other facilities, where the cost is estimated to be of project proportions, either for the use or benefit of MOD personnel, or upon land apportioned for such use, the user is to submit the proposal through the chain of command, to his TLBH. Once the TLBH, after seeking appropriate advice from DE and specialist advisers, has agreed the proposal and included it in the Capital Works Programme, a Project Sponsor from the RAF IO and subsequently a Project Manager will be appointed to take the project forward. Financial limitations set by the Treasury as laid down in JSP 414 will determine which projects will have to be submitted to the MOD for approval. Specific guidance, including the requirements for Siting Boards, is available in JSP 435 and the RAF Manual of Infrastructure Management.

J1771. Changes or Modification to Work Brief.

Sponsor: Infra(Pol)

No changes or modifications are to be made to any works brief without the authority of the authorised Project Sponsor and/or budget holder given in accordance with JSP 435.

J1772. Acceptance Board.

Sponsor: Infra(Pol)

On completion the Project Sponsor is to form a Board of Officers, convened by the appropriate TLBH, for all works certified by the Project Manager as being satisfactorily completed. The function of the Board is to provide the mechanism to formally accept the project and assume responsibility for the subsequent maintenance and management of the facility by the PROM. Further details are contained in JSP 435 and the RAF Manual of Infrastructure Management.

1773. (Omitted)

1774. Appropriation of Buildings.

Sponsor: Infra(Pol)

(1) Every building is to be appropriated for some particular use, which is to determine the scale and types of fixtures to be fitted therein and until the building has been reappropriated, no alterations in the fixtures is to be made.

(2) Alteration of the appropriations is not to be made except as provided in Para 1775 but the CO may sanction the temporary misappropriation of spare accommodation for air force purposes where there is no public expense involved, a maximum time limit of 6 months is applied, and the accommodation can be returned to its original use without delay.

(3) When the misappropriation is likely to become permanent, action is to be taken in accordance with Para 1775 and current asset accounting regulations. Misappropriation does not need to be recorded in the Re-appropriation and Demolition Register.

(4) When buildings or parts of airfields are temporarily misappropriated for use by the public during such events as "at-home" days, particular attention should be given to any explosives storage on the station. The unit armament specialist should be included within the planning stages of such an event.

1775. Re-appropriation of Buildings.

Sponsor: Infra(Pol)

(1) It is the duty of the CO of a station to bring to the notice of the AOCinC any re-appropriation which,

in his opinion, would lead to economy and be of advantage to the Service.

The re-appropriation of buildings should be recorded in accordance with current asset accounting instructions.

(2) Proposals for re-appropriation are to be prepared on RAF Form 1318, which, after signature by the CO is to be forwarded to RAF IO (Infra Pol 3). Notice should be taken of whether or not any particular building or facility is a NATO asset.

(3) Subject to the following, the AOCinC may approve any re-appropriation which in his opinion would lead to economy and be of advantage to the Service, provided:

- (a) Accommodation of unusual size or kind is not to be given.
- (b) Scales of accommodation given in JSP 315 are to be used for guidance where applicable, and scales of living accommodation are not to be reduced.
- (c) Space assigned to mobilisation equipment is not to be taken.
- (d) A special or unauthorized issue of furniture or other RAF equipment is not to be involved.

The approved RAF Form 1318 is to be retained in a Register to be held by the PROM.

1776. Boards of Officers.

Sponsor: Infra(Pol)

(1) When, under paras **1768** or **1775**, a Board is required to report on a site for building on, or acceptance of new buildings, or on a proposed re-appropriation, it is to consist of:

- (a) An officer not normally below the rank of Sqn Ldr as president.
- (b) An officer of the station or unit concerned.
- (c) A medical officer (on all matters affecting public accommodation and on sites for all new buildings).
- (d) The EWC and, where circumstances dictate, the WSM.
- (e) The Project Sponsor and his Project Manager (or, if he has not yet been appointed, a specialist DE member, or the appointed consultant) for new projects.
- (f) A specialist DE member is to be invited to attend to advise on lands aspects.
- (g) The unit armament specialist is to be invited to attend to ensure that the buildings or installations do not infringe the requirements of APA 110-0102-1 Series.
- (h) The electrical engineer officer (where the effect on existing or planned Communication-Electronic (CE) installations is to be considered under the terms of AP100G-03 Chap 1, Site Restrictions for Ground Radio Installations).

(2) The Board is always to consider fire risks and, when necessary, is invariably to call for the attendance of a member of the fire committee, or where there is no fire committee, of an officer

competent to give an opinion. The Board is to safeguard airfield criteria (AP3384) and also to consider any necessary security requirement and the effect upon the clearance area surrounding existing or projected danger buildings or fuel installations, consulting the relevant Command or other specialist authority, as appropriate. In addition, such specialist officers as are deemed necessary and the end-user of the facility are also to be invited to attend such proceedings. Similarly the Board is to consider the effect on domestic supply services *e.g.* telephone, gas, water etc.

(3) It is not necessary to convene a Board if only minor alterations or additions are involved, but the opinion of the CO and other officers concerned is to be recorded and notified to the RAF IO (Infra C) by letter.

(4) Boards of Officers held in connection with explosives areas and danger buildings are to be in accordance with the requirements of AP 110A-0102-1 Series.

(5) When, under Para 1766, a Board of Officers is required to take over a new facility or extension, it is to be convened, and its findings subsequently distributed in accordance with the relevant section of JSP 434 or 435, as appropriate, and the RAF Manual of Infrastructure Management.

1777. Numbering of Buildings and Facilities.

Sponsor: Infra(Pol)

Every building, and certain operational facilities, is to be numbered. All numbers are to be shown on site plans and on the EWC Master Index. Internal doors (with the exception of those in Service Family Accommodation) are to be numbered consecutively, commencing on the ground floor and proceeding from left to right (i.e. when facing the doors). In the event of demolition (Para 1783) of a building, the assigned building number is not to be reused. NATO buildings and facilities should be identified by the Blue Star numbering system.

1778. (Omitted)

1779. Alteration etc, by Occupants or Users of Accommodation, etc.

Sponsor: Infra(Pol)

(1) In no circumstances is an alteration to be made to any building, room, or structure, or to the gas, water, electric or other works fittings without the approval of the CO (on advice from his EWC). If approval is given, the resultant work is to be inspected by the EWC who must be satisfied that all requirements have been met before advising the PROM that the facility may be brought into use. Alterations should not be made to NATO buildings or facilities which would impact on their designated NATO role without prior approval of the appropriate NATO host nation authority.

(2) Temporary buildings, structures, stands or a stage may be erected in a building with the approval of the AOCinC provided that:

- (a) No expense to the Public is involved.
- (b) All fire regulations are complied with.
- (c) The structures/facilities are not taken into use until approved by the CO on advice from his EWC.

1780. Non standard Fittings and Fixtures.

Sponsor: Infra(Pol)

(1) In providing fixed gas or electric fittings, cookers, grates, mantels and wall decorations to officers' and sergeants' messes, airmen's social clubs and dining rooms, the occupants or responsible committees

will be allowed to select articles of non-standard patterns provided:

- (a) No expenses are incurred in excess of the amount authorized (except as provided in clause (2)).
 - (b) No increase in maintenance or replacement charges is involved. For other fittings, standard patterns are to be provided.
- (2) Where the occupant undertakes to repay an excess, the transaction is to be dealt with as a repayment service, but departmental expenses are not to be charged unless there is extra expense in fixing. Selected articles will become wholly the property of the MOD.
- (3) The provision of superior fittings by units, etc, at their own expense cannot be admitted as a reason for increasing the authorized scale of expenditure on similar fittings in other parts of the building.
- (4) Machinery, plant, fittings or structures which have been supplied by Service funds or by individuals are not to be maintained from public funds.

1781. Handing-over and Taking-over Inspections.

Sponsor: Infra(Pol).

- (1) On change of occupancy, buildings with their fixtures (including any machine tools and other machinery) are to be inspected to ascertain their condition and to record and assess damages or deficiencies. The CO of the Station is to arrange for such inspections to be carried out jointly by his representative, a representative of the outgoing unit, and whenever practicable, a representative of the incoming unit and the station MO when medical advice is required.
- (2) On completion of the inspection, the in-coming unit, if any, is to assume responsibility for the buildings and fixtures handed over; otherwise the responsibility is to remain with the CO of the unit until further allocation is ordered.
- (3) Inspections conducted when an officer, airman or civilian takes over or vacates SFA are the responsibility of the DHE.

1782. Inspection by CO of the Station.

Sponsor: Infra(Pol)

At least once a quarter the CO of the Station, or an officer deputed by him, is to inspect all buildings for which he is responsible (including hired buildings) and the airfield surface (where extant), and is to note the repairs required.

1783. Demolition of Buildings.

Sponsor: Infra(Pol)

Proposals for the demolition of buildings which are considered to be no longer fit for use or repair are to be counter-signed by the Stn Cdr and submitted to the RAF IO (Infra Pol 3) on a RAF Form 1318 (4 copies) in accordance with current asset accounting procedures. The opinion of the EWC is also to be recorded stating why the building cannot be utilised for any other Service purpose. If a building is known to be partially or wholly NATO funded this is to be noted on the RAF F1318. All proposals involving NATO buildings or facilities should be referred to Infra Pol 3 before the RAF F1318 is submitted. Infra Pol 3 will staff the submission and return an approved or rejected RAF F1318 to the unit, with an explanation if necessary.

1784. (Omitted)

1785. Damage to Buildings and Service.*Sponsor: Infra(Pol)*

The procedure for reporting and repairing damage to RAF buildings, fixtures and services is contained in JSP 434 and the RAF Manual of Infrastructure Management.

1786-1788. (Omitted)**1789. Service Fund Garages.***Sponsor: Infra(Pol)*

(1) Garages for motor vehicles belonging to Service personnel may be provided as encroachments, at Service funds expense, subject to the approval of the AOCinC. Siting is to be dealt with under the provisions of Para **1768** and is to conform generally with the regulations applicable to Service Buildings. The rules on encroachments are contained in Chapter 14 of JSP 362.

(2) The fire regulations pertaining to Service fund garages (Form 1302) are to be observed.

1790. Housing and Parking of Civil Aircraft and Private Vehicles.*Sponsor: Infra(Pol)*

The conditions under which civil aircraft and private vehicles may be housed in Service buildings are contained in JSP 341 as amplified in DCIs(RAF).

1791. (Omitted)**1792. Energy Efficiency in Works Services.***Sponsor: Infra(Pol)*

The CO is responsible for ensuring that appropriate energy conservation measures are applied to the planning and execution of all works services. Likewise, Gp Capt RAF Infra is responsible for ensuring appropriate energy conservation measures are applied to the planning and execution of works projects.

1793. Environmental Considerations in Works Services.*Sponsor: Infra(Pol)*

The CO is responsible for ensuring that appropriate environmental measures are applied to the planning and execution of all works services. Likewise, Gp Capt RAF Infra is responsible for ensuring appropriate environmental measures are applied to the planning and execution of works projects.

1794. Recreational Facilities.*Sponsor: Infra(Pol)*

(1) The scales of recreational facilities and sports pitches that may be provided and maintained from public funds are set out in JSP 315.

(2) If recreational facilities exist in excess of the authorised scales, the AOCinC is to decide which particular items are outside the scale and whether they should be dispensed with.

(3) Subject to the COs approval, and unless otherwise ordered by the AOCinC, such excess facilities may continue to be used provided that the users accept full responsibility for maintenance (excluding the external maintenance of squash courts).

(4) Excess facilities that the unit does not wish to use under the provisions of clause (3) above are not to be used. The CO is nevertheless to ensure that adequate measures are taken to avoid deterioration and to safeguard his position, and that of his staff, under the provisions of the Health and Safety at Work Act and associated statutory legislation.

1795. Maintenance of Gardens and Grounds.

Sponsor: Infra(Pol)

The maintenance of unit ornamental gardens, excluding those belonging to SFA and officers' and sergeants' messes, will be undertaken as a charge to public funds.

1796.

Sponsor: Infra(Pol)

SFA occupants who are AOCs, stn Cdrs or other air officers specifically authorized by the AOCinC in conjunction with the Comd Sec are entitled to have their grass cut. The work is to be included in the host stn's grounds maintenance contract and is to be restricted to grass cutting, and is not to be extended to other SFA without prior approval of the Comd Sec (through RAF IO, Infra Pol 4).

1797.

Sponsor: Infra(Pol)

The provision of grass cutting for 'headless' families is considered to be a welfare service and, as such, remains the responsibility of the BLB (normally the host stn). Where the BLB holder decides that there is a welfare reason for the grass cutting for headless families e.g. absence of the airman for a period in excess of 30 days, the work is to be included in the host stn's grounds maintenance contract; the work is to be restricted to grass cutting.

1798-1799. *(Omitted)*

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CHAPTER 23

CLAIMS AND COMPENSATION

SECTION 1 – GENERAL

J1800. Introduction.*Sponsor: D S&C*

This chapter deals with claims at common law made against the MOD or its servants in respect of damage to or loss of property and for personal injury or death caused or alleged to be caused by the MOD or its servants. It also deals with common law claims brought by the MOD against other parties. It does not deal with claims arising from purchase or other contracts, claims for awards under Royal Warrant, Order in Council or Order of Her Majesty relating to disablement or death, or claims and recoveries allowable under Departmental Regulations. Nor does it deal with claims arising from hirings and requisitions which are dealt with by DLO.

J1801. Mutual Waiver of Claims.*Sponsor: D S&C*

Claims for compensation in respect of loss or damage, if received from or proposed to be made against other forces, other governments or other government departments, may be the subject of a special agreement or mutual waiver and should be referred to the MOD Directorate of Safety & Claims with all supporting documents before any action is taken.

J1802. Division of Responsibility.*Sponsor: D S&C*

Within the MOD responsibility for handling all common law claims lies with D S&C and the appropriate Area Claims Officers overseas, except those types of claims which have been contracted out to commercial claims handlers. Responsibility for handling claims arising from training and manoeuvres (except low flying) within the United Kingdom, lies with the local Defence Land Agent under delegated authority from the Chief Claims Officer.

J1803. Method of Reporting.*Sponsor: D S&C*

(1) **Traffic Accidents.** Traffic accidents involving MOD owned vehicles and leased vehicles are to be reported in accordance with JSP 800, Vol 5.

(2) **Aircraft Accidents.** Accidents involving MOD aircraft are to be reported in accordance with the following separate Service instructions:

Royal Navy and Army JSP550

AP 3207 Manual of Flight Safety Royal Air Force)

(3) **Maritime Accidents.** Maritime accidents involving MOD ships and marine craft accidents occurring on board such vessels whilst at sea or under way are to be reported in accordance with the

following separate Service instructions:

Royal Navy Article 5928 for ships operated by the RN, including Royal Fleet Auxiliaries and other ships or craft in the naval service.

Army Army Maritime Instructions for marine craft.

(4) **Hovercraft Accidents.** Accidents involving MOD hovercraft are to be reported to D S&C using special accident report forms (MOD Forms 95 and 95A).

(5) **Accidents and Miscellaneous Occurrences.** Accidents and miscellaneous occurrences not falling under paragraph **J1808** (1)-(4) are to be reported as follows:

(a) The Accident Reporting System (Central Health and Safety Project) as defined in JSP 442 specifies that a MOD Accident Reporting Form (MF 2000) must be raised in all cases of death, injury or ill health to any MOD Service or civilian employee and to any other person, where the cause might be attributable to the MOD or when it has occurred on MOD land or property. In the case of the death, injury or ill health being due to hostile activity, whilst at war or on active duty, the completed MF 2000 is to be sent for inclusion in the medical and personal records of the injured person. In all other cases the form is to be forwarded to:

The MOD CHASP Accident Reporting Database
Pay and Personnel Agency
PO Box 42
Stockport SK1 1ED

(b) If at any time a compensation claim for death or personal injury, sustained in any theatre and reported in accordance with Central Health and Safety Project, is made or intimated by a MOD employee whether Service personnel or United Kingdom Based Civilian (UKBC) Non Industrial and Industrial Civil Servant, should be forwarded to, or the claimant be instructed to write, as follows:

Gallagher Bassett International Ltd
Westcott House
4 Ferrymuir
South Queensferry
EH30 9QZ

(c) Any other claims against the MOD arising from incidents occurring in the UK, resulting in death or personal injury to third parties or loss or damage to property where it is alleged that the MOD was negligent should be forwarded to:

Ministry of Defence
D S&C
7th Floor Zone A
St Georges Court
2-12 Bloomsbury Way
London, WC1A 2SH

(6) **Overseas Areas.**

(a) When an incident occurs which results in injury to or death of, or in loss of or damage to the property of MOD locally employed civilian personnel arising out of and in the course of their employment, any claim should be submitted to the local civilian establishment branch or Claims Office in accordance with individual theatre regulations. Any claim made by

a local employee or third party at common law should be sent to the appropriate Claims Office responsible for the country. (See Appx 36).

(b) The appropriate Claims Office will handle claims resulting from injury to or death of persons or animals, or in loss of or damage to property, other than those covered in previous paragraphs.

(7) Training and Manoeuvre Damage.

(a) In the UK any claims for damage occasioned to private property, including livestock, during training and manoeuvres will be investigated and settled by the local Defence Land Agent under delegated authority from the Chief Claims Officer.

(b) In overseas areas the local Area Claims Officer, where there is one, or D S&C manage training and manoeuvre damage claims.

J1804. Writs and Summons.

Sponsor: D S&C

On receipt of a writ or summons naming a member of the Services as defendant in a common law claim by a third party, or if other urgent matters arise in respect of any common law claim made against the MOD, it is to be reported immediately by telephone or other available means to the appropriate authority.

J1805. General.

Sponsor: D S&C

(1) Claims which fall within this section are to be negotiated and settled only by the authorities mentioned, except where powers of settlement have been specifically delegated by the Chief Claims Officer. All personnel are forbidden to enter into correspondence or discussions with any person in connection with an incident likely to lead to a third party claim, or to do anything which might be interpreted as an admission of liability.

(2) New Civil Procedure Rules were introduced on 26 April 1999. The Rules significantly change the way common law claims are handled, include pre-action protocols and govern the conduct of litigation. Any letter of claim (which will contain a clear summary of the facts on which the claim is based, including allegations of negligence, and will include details of any injuries suffered or financial losses incurred) received from a claimant, insurance company, solicitor or other interested party is to be forwarded immediately by facsimile to D S&C as the appropriate authority, and no reply or acknowledgement whatsoever is to be sent to the writer. Failure to meet the protocol requirements can lead to sanctions being imposed by the courts. It follows that only D S&C may interpret what constitutes a letter of claim and how an acknowledgement should be phrased.

(3) Units, ships and establishments will be notified by a Claims Officer if any statement or supplementary statement from a witness, or the attendance of such a witness is required. Any requests from a Claims Officer or insurer acting for the MOD to obtain such a statement will be taken as referring solely to a statement required for claims purposes and not to one for disciplinary purposes. The evidence of police and civilians required solely for disciplinary purposes may, however, be obtained direct by the quickest possible means.

(4) Units, ships and establishments are reminded that any requests made by Claims officers or the Department's commercial claims handlers for additional information, which may include BOI reports, Service Police reports and unit enquiries, are made both in the interest of the Ministry of Defence and of the Service and is for the purpose of ensuring that a claim by or against the MOD, or the initiation of a claim, is properly considered. All personnel should also be aware that legal proceedings are frequently served and Claims Officers are frequently called upon to prepare a case for Court Hearing. All Claims

Officers are obliged to comply with the Rules of Disclosure and no information is disclosed without authority from the appropriate authorising branch. Units, ships and establishments are therefore to comply fully and promptly to such requests.

(5) Personnel who receive claims for compensation addressed to them personally should forward them to the Ministry of Defence (D S&C) for handling and settlement. The Ministry of Defence is liable in law to pay compensation for the negligent actions of its employees which they may have committed in the course of their official duties, and there is no requirement for personnel to purchase insurance to cover against being sued whilst at work. If, however, personnel commit actions which are grossly outside the requirements of the service and which result in injury or damage to property, they may be held personally liable and may have to pay compensation for themselves.

J1806. Off Duty Claims.

Sponsor: D S&C

(1) In the UK the MOD does not accept responsibility for claims against Service personnel arising from off duty incidents and claimants are expected to seek redress against the individuals responsible for the injury or loss.

(2) Overseas there is provision in certain international agreements (e.g. NATO Status of Forces Agreement) for the MOD to consider claims arising from off duty incidents on an ex gratia basis and D S&C or the local Area Claims Officer, as appropriate, should be contacted when any such claim arises.

1807-1809. *(Omitted)*

SECTION 2 - INDEMNITIES

J1810. General.

Sponsor: D S&C

As a general rule, when a facility or service is granted to another party which does not materially benefit the MOD, or where the balance of benefit is to the other party, steps should be taken to ensure that the MOD is indemnified against risks which might arise. The purpose of an indemnity (which is sometimes incorporated into an insurance policy, licence or contract) is to transfer to another party the financial consequences of the Department's legal liability together with any other expenses which may be incurred, and which would otherwise fall to be paid from funds authorised by Parliament for Defence purposes. Instructions on the more typical circumstances in which indemnities are required are given in this section.

J1811. Authority.

Sponsor: D S&C

No amendment is to be made to an approved form of indemnity without the agreement of the appropriate MOD authority.

J1812. Other Parties.

Sponsor: D S&C

On occasions indemnities may be sought by other parties when facilities or services are granted by them to the MOD. In such circumstances reference is to be made to the appropriate MOD authority before any agreement is entered into.

J1813. Referrals.*Sponsor: D S&C*

The MOD authorities to whom questions concerning indemnities should be referred are:

- (1) D S&C - General policy for the Services.
- (2) DE - Use of MOD land and property.
- (3) DGLS Sec - Repayment, MOD civilian and MOD(DPA) matters.
- (4) Defence Commercial Policy – Procurement contract matters.

J1814. Passengers in Service Transport.*Sponsor: D S&C*

Passengers whose carriage in Service transport is clearly in the interests of the MOD may be regarded as MOD sponsored. Examples of MOD sponsored passengers are as follows:

- (1) Service personnel, MOD civilians and other Crown servants carried in the course of duty.
- (2) Persons engaged in a MOD contract whose carriage is necessary to the contract. (Such carriage should normally be subject to the conditions of the relevant Defence contract).
- (3) Persons whose carriage is officially approved by DNR, DAR or DofR(RAF) with a view to future recruitment.
- (4) Persons carried in an emergency or on urgent compassionate grounds.
- (5) Persons carried for public relations reasons which have been approved by the D Def Pub staff or the relevant Front Line Command.
- (6) Representatives of the news media where their carriage is of public relations benefit to the Services and where their carriage has been approved by D Def Pub staff.
- (7) Families carried in vessels on Royal Navy Families Days.
- (8) Representatives of the media where a charge representing the equivalent of full commercial costs is raised against the employer or person concerned.

J1815. Carriage by Land.*Sponsor: D S&C*

Further instructions covering the carriage of passengers in Service vehicles are given in JSP 800, Vol 5 Defence Road Transport Regulations.

J1816. Non-MOD Sponsored Passengers.*Sponsor: D S&C*

Passengers whose carriage in Service transport is not sponsored by MOD must pay a charge which must include an insurance element in accordance with the *MOD Guidelines on Income Generation*.

J1817. Visitors to Service Establishments.*Sponsor: D S&C*

No indemnity is required from persons wishing to enter Service establishments, units, ships or other MOD premises in the course of duty, on approved business (e.g. for recruiting, welfare, open days or other purposes connected with the Services) or in order to make bona fide visits to persons serving in establishments, units, ships, etc. However, because the MOD may be liable to pay compensation in the event of accidents occurring to visitors whilst on MOD premises, action is to be taken, where this is practicable, to ensure that visitors are not exposed to any obvious hazards. This is particularly important when visitors are in an unfamiliar environment such as ship, dockyard, workshop etc.

J1818. Visits by Contractors.*Sponsor: D S&C*

Liabilities arising from visits by contractors' personnel should be covered in the terms and conditions of the appropriate Defence contract.

J1819. Unofficial and Recreational Activities.*Sponsor: D S&C*

When approval is given for the use of Service facilities including transport (other than road transport - see Para **J1815**) for unofficial or recreational purposes then an indemnity is normally required. Reference should be made to the following instructions:

- (1) By non-Service organisations for activities such as dances, sports meetings, driver training and testing, rallies etc - see JSP 362, Defence Estates Handbook.
- (2) For civil flying, use of MOD airfields, including civil participation in Open Day and At Home air displays - see JSP 360, Regulations for Civil Flying at MOD Airfields and charges for non military aircraft using MOD airfields.
- (3) By Service clubs and Service personnel for unofficial activities - see JSP 362, Defence Estates Handbook.

Further advice may be obtained from D S&C or from the appropriate Defence Estates Office.

J1820. Testing and Evaluation of Commercial Equipment.*Sponsor: D S&C*

Where a commercial organisation offers equipment to a Service establishment for testing and evaluation with a view to furthering sales or in the hope of influencing subsequent Ministry of Defence Procurement, it will usually be appropriate for the Department to seek an indemnity from the supplier against accidents which might occur during or as a consequence of the trials. The indemnity requirements will normally be included in a formal loan agreement, but in the absence of such an agreement the establishment's finance officer is to be notified and D S&C and Defence Commercial Policy is to be consulted as necessary.

J1821. Use of MOD Property by the Media.*Sponsor: D S&C*

When Defence Public Relations staff are considering approval for representatives of the media to be admitted onto MOD property for the purpose of producing feature films, documentaries or drama series, then advice on indemnities is to be sought from D S&C at an early stage. No indemnity is required when representatives of the media are admitted onto MOD property for the purpose of covering the normal activities of the Services, e.g. for news reports or similar. If any doubt exists about the necessity for indemnification, D S&C is to be contacted.

J1822. Adventurous Training Expeditions.*Sponsor: D S&C*

Details of insurance requirements for Adventurous Training Expeditions and a form of indemnity for

civilian participants are contained in AP 3342. Further advice is published in Defence Instructions and Notices.

J1823. Service Participation in Non-Service Band Engagements, Air Displays etc. *Sponsor: D S&C*

(1) Service Bands. Reference is made to paras 1880-1899 for details of indemnity and insurance requirements which apply when Service bands participate in engagements for the benefit of non-Service organisations, i.e. Category II and Category IV engagements.

(2) Air Displays. The indemnity and insurance arrangements with which organisers of non-Service air displays are required to comply are contained in JSP 551, Vol 1, Military Flight Safety Regulations.

J1824. Service Assistance to Outside Organisations. *Sponsor: D S&C*

(1) Instructions governing particular occasions when Service personnel are required to render approved forms of assistance to civil authorities and other outside organisations, together with the relevant indemnity and insurance requirements, are contained in the following references:

Military Aid to the Civil Authorities, including peace time emergencies and other assistance to the civil community - see paras J852 - J854 and current DINs.

(2) Details of indemnity requirements for other types of assistance which are not covered in this section may be obtained from the appropriate MOD authority given at Para **J1813**.

J1825. Section 10 of the Crown Proceedings Act 1947 - Guidelines on Duty Status. *Sponsor: D S&C*

(1) Section 10 of the Crown Proceedings Act 1947 has been repealed by the Crown Proceedings (Armed Forces) Act 1987. Under the terms of the new Act, it is now open to a member of the Armed Forces or their dependants to make a common law claim for damages in respect of injuries or illness or death arising from an incident on or after 15 May 1987, and believed to have been caused by negligence on the part of one or more members of the Armed Forces when on duty, or on the part of the MOD or the Crown.

(2) It should be noted, however, that the Secretary of State for Defence has reserved the right to reactivate Section 10 of the Crown Proceedings Act 1947 when it appears necessary or expedient to do so in National emergencies or for the purpose of warlike activities either in or outside the UK.

(3) Categorization of activities is shown in Annex 36A.

(4) Service personnel are reminded that their rights to seek compensation from MOD are *not* dependent upon duty status as such. Compensation is payable for injury or loss resulting from (for example) MOD negligence. Compensation is not payable simply on the basis that the injury or loss occurred at a time when the Service person/MOD employee or agent responsible was on duty. Nor will MOD accept liability for the actions of its employees simply on the basis that they were on duty when the incident which led to the claim occurred. The Department as employer is vicariously liable for the actions of its employees where they are alleged to be responsible (for example) for negligent acts or omissions *in the normal course of their duties or employment*. An individual will not be acting within the normal course of his or her duties or employment if the act or omission complained of was neither explicitly nor implicitly authorised by an individual's superiors nor was something that was necessarily incidental to the duties required of the individual. For example if a member of the Armed Forces were to attack someone or engage in horseplay leading to an injury whilst on duty this would not be considered to be in the normal course of his or her duties or employment. In such circumstances the Department would not normally accept vicarious liability. Similarly it should not be assumed that MOD will subsume an employee's defence within the Department's own legal representation or provide legal

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Chap 23

Claims and Compensation

representation at public expense for the individual concerned.

In the event of any dispute, either over liability or the amount of compensation, Service personnel and their families have the right to take their case to court.

1826-1829. *(Omitted)*

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CHAPTER 24

MECHANICAL TRANSPORT

1830. Mechanical Transport.

Sponsor: *DDTpt(RAF)*

Regulations for the administration, operation and use of RAF mechanical transport within the RAF are contained in JSP341 (Joint Service Road Transport Regulations) and those for the maintenance of government owned vehicles are contained in AP3260 (MT Maintenance Regulations for the RAF). These regulations are amplified by RAF Mechanical Transport Instructions (MTIs).

1831-1879. *(Omitted)*

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CHAPTER 25

ROYAL AIR FORCE BANDS**J1880.***Sponsor: P1(Cer)(RAF)*

Instructions for Service band engagements and certain other general instructions applicable to bands in all three Services are contained in Instructions for Bands, (Army Code 14170).

SECTION 1 - ESTABLISHED BANDS**1880A. General Instructions.***Sponsor: P1(Cer)(RAF)*

(1) Instructions for the administration and employment of RAF established bands are contained in Army Code 14170 Instructions for Bands (1985) at Chapter 1 and paras J.0206, J.0208, J.0209, J.0210, J.0211, J.0212 and J.0217 of the publication and this Chapter. Cases of doubt are to be referred to Headquarters Music Services.

(2) RAF Music Services are under the functional control of HQ PTC (P1 (Cer)(RAF)).

1881. The Principal Director of Music.*Sponsor: P1(Cer)(RAF)*

The PDM (RAF), as Head of Branch, is to exercise overall command in accordance with Para 111(9) over officers and airman of RAF Music Services. His responsibilities and duties are to accord with Terms of Reference laid down by HQ PTC.

1882. Organization.*Sponsor: P1(Cer)(RAF)*

(1) The established units are as follows:

- (a) Headquarters Music Services.
- (b) The Central Band of the Royal Air Force.
- (c) The Band of the Royal Air Force College, Cranwell.
- (d) The Band of the Royal Air Force Regiment.
- (e) The Salon Orchestra of the Royal Air Force.

(2) Each of the above units is under the immediate command of a Director of Music (DOM).

(3) The Established Bands are to provide music support in accordance with Para **1887**, as directed by the PDM(RAF).

(4) HQ Music Services is to provide the training for Trade Group 21 personnel.

1883. Personnel.

Sponsor: PI(Cer)(RAF)

(1) The career management of RAF musicians is vested in the DPM (Grd Trades) (RAF) in consultation with the PDM.

(2) The PDM is to be responsible for advising upon recruiting, postings and the appointment of specialist officers to HQ PTC selection Boards.

(3) All personnel of RAF Music Services are to be employed exclusively on musical duties.

1884. National Anthems.

Sponsor: PI(Cer)(RAF)

(1) All bands are to have current copies of AP 3227 National Anthems, Salutes and Official Marches (1963).

(2) Except as provided for in Para J152 the National Anthem is played either at the beginning or the end of a performance at the discretion of the DOM.

(3) Before playing a foreign national anthem in an abbreviated form, DOMs are to ensure that it is with the approval of the foreign embassy concerned.

1885. Formal Credits.

Sponsor: PI(Cer)(RAF)

Engagements are subject to the regulations contained in Instructions for Bands AC 14170 Chapter 1. In addition, all publicity announcing the attendance of an established band is to state:

"The Band plays by permission of the Air Force Board of the Defence Council".

1886. Applications for Band Support.

Sponsor: PI(Cer)(RAF)

(1) Applications for the services of a UK based established band are to be made, in writing, direct to HQ Music Services at least 6 months in advance.

(2) The MOD RAF Bands Allocations Committee meet monthly to consider applications six months in advance of the requirement (e.g. the January meeting considers July allocations; bids for July should be submitted by 1 Jan).

1887. Duty Nature of all Engagements.

Sponsor: PI(Cer)(RAF)

Service musicians, authorised to take part in all categories of engagements, are on duty throughout the period occupied by both the rehearsals and the performance (including travel time to and from the places of rehearsals and performance).

1888. Categories of EngagementsSponsor: *PI(Cer)(RAF)*

- (1) **Category I** - All events sponsored by MOD.
- (2) **Category II** - Service commemorations and bona fide Service charities.
 - (a) No fees to be charged.
 - (b) All transport and other expenses are to be charged to the organizers.
 - (c) VAT at the appropriate rate will be payable by the organizers.
- (3) **Category III - Unit functions**. This category is to be used whenever a band attends unit sports meetings, functions in messes (excluding Officers' guest nights and dining-in nights, which are Category I) and at other events held for the entertainment of Service personnel and their guests at a unit.
 - (a) The unit or mess receiving the services of a band, other than a dance band, will pay a contribution to the RAF Music Services Fund at a rate of £3 for each musician up to a maximum of £60 per performance plus VAT.
 - (b) All transport and other expenses are charged to the organizers. No expense of public funds is permitted.
 - (c) RAF Dance Bands. To enable units to benefit from the services of a dance band at a rate below fee-paying engagements (see Category 4), Category 3 Extra Duty Pay will be charged.
- (4) **Category IV - Fee-paying engagement**.
 - (a) Established Bands are permitted to undertake fee paying engagements, subject to the exigencies of the Service.
 - (b) Fees and all other expenses are to be charged to the organizers.
 - (c) The attendance of a dance band is a Category IV engagement (other than performances associated with unit functions (see Category 3)).
 - (d) Fees earned by Category IV engagements are to be apportioned in accordance with Para **1890**.

1889. Receipts from Category II, and IV Engagements.Sponsor: *PI(Cer)(RAF)*

- (1) Receipts from Categories II, and IV engagements are to be paid into MOD Public Accounts.

1890. Dispersion of Funds from Category IV Engagements.Sponsor: *PI(Cer)(RAF)*

- (1) After all expenses have been met, the net proceeds from Category IV engagements are to be distributed as follows:
 - (a) 15% to MOD Public Accounts.

- (b) (i) 15% to the DOM if he conducts.
- (ii) 5% to the DOM if he does not conduct, 10% being allowed to the conductor of the engagement.
- (c) 70% between the musicians who rendered efficient Service at the engagement.

1891-1899. (Omitted)

SECTION 2 - VOLUNTARY BANDS

1900. General Organization.

Sponsor: P1(Cer)(RAF)

- (1) Voluntary Brass and Pipe Bands (VB) are formed on a geographical basis from clutches of stations in the same area to provide music support in accordance with Para **1887**.
- (2) VB Policy is the responsibility of HQ PTC P1(Cer)(RAF) who receives advice on policy issues from the RAF Voluntary Band Association (RAFVBA) in respect of Brass and Military Bands and the RAF Pipe Band Association (RAFPBA) in respect of Pipe Bands.
- (3) Provision is made in the establishment for civilians to be employed as Voluntary Band Instructors (VBI). P1(Cer)(RAF) is responsible for providing funding advice on VBI establishment matters.
- (4) Subject to current regulations, COs of those units parenting VBs are to be the controlling authorities in all matters concerning their bands.
- (5) Air or other OCs are to inform HQ PTC and either the RAFVBA or RAFPBA when a VB ceases to function.

1901. Grants from Public Funds.

Sponsor: P1 (Cer)(RAF)

- (1) An annual allowance will be granted from public funds for the assistance of VBs as a whole. The allowance is to be allocated by HQ PTC (P1 (Cer)(RAF)), after consultation with the RAFVBA and RAFPBA as appropriate.
- (2) Application for allocations of proportions of the annual allowance are to be made as follows:
 - (a) RAFVA and RAFPBA committees are each to forward consolidated bids from their VBs for the next but one financial year to (HQ PTC (P1(Cer)(RAF))) via Cmd HQs not later than 31 January. The following headings are to be used in providing information to illustrate the requirements of each VB:

- (i) Station administering the VB.
- (ii) Stations represented in the VB clutch.

- (iii) Type of band (brass, military or pipe).
 - (iv) Band strength total.
 - (v) Number and type of instruments on the Band property book.
 - (vi) Total of Band liquid assets at last balance.
- (b) A separate and detailed note is to be made, giving:
- (i) The intended method of expenditure of the grant requested.
 - (ii) A brief statement of band progress (particularly in relation to achievements of intentions proposed in support of the previous year's bids) showing the sums spent and on what items.
 - (iii) Planned type of engagements for the forthcoming year.
- (c) Grants based on the information supplied under sub-clauses (a) and (b) are to be limited to the amounts which can be applied immediately to the formation and upkeep of VBs. Any sum which cannot be so applied is to be returned to HQ PTC (P1(Cer)(RAF)).

1902. Voluntary Band Accounts.*Sponsor: P1(Cer)(RAF)*

- (1) Bands are to account for all Service fund monies and property in accordance with extant Service Funds regulations. Additionally, musical instruments and property funded to any extent from public funds are to be held on inventory and for insurance purposes are to be recorded in the band property book.
- (2) The procedures set out in Para **1888** apply to VBs, however, in the case of Category I and Category II band engagements the organiser may make a donation to band funds for the maintenance of VB assets. In addition, the percentages stated at Para **1890** clause (1) may be varied by the CO and any balance should be credited to the band fund.

1903. Appearance and Turnout.*Sponsor: P1(Cer)(RAF)*

Dress of personnel playing in VBs is to be standardised within each band. Particularly when performing in public, the standard of dress, turnout, deportment and drill by bona fide bandsmen is to be of the normal high standard required of RAF personnel. The policy on the scaling and issue of uniforms for bandsmen is promulgated by HQ PTC P1(Cer)(RAF).

1904. National Anthems.*Sponsor: P1(Cer)(RAF)*

- (1) All bands are to have current copies of AP 3227 National Anthems, Salutes and Official Marches (1963).
- (2) Except as provided for in Para J152 VBs have the discretion to play the National Anthem or the appropriate part of it either at the beginning or the end of a performance.
- (3) Before playing any foreign national anthem in any abbreviated form VBs are to ensure that this is with the approval of the foreign embassy concerned.

1905. Registration of Bandsmen.

Sponsor: P1(Cer)(RAF)

VBs are responsible for the registration of Bandsmen in accordance with AP 3392 Vol 2 Leaflet 1574.

1906. Constitution of VBs.

Sponsor: P1(Cer)(RAF)

VBs are to have a properly written constitution which conforms with the guidance issued by HQ PTC P1(Cer)(RAF) and advice from the RAFVBA or RAFPBA.

1907. Disposal of Assets.

Sponsor: P1(Cer)(RAF)

In the event of a VB ceasing to be functional and its assets being declared surplus, advice on the disposal of assets should be sought from HQ PTC P1(Cer)(RAF) before any action is taken to dispose of assets locally.

1908-1910. (Omitted)

CHAPTER 26

EDUCATION AND RESETTLEMENT**J1911.***Sponsor: DACOS Training Policy*

Responsibility for the personal development of members of the Armed Forces rests with Commanders of all formations and units at their respective levels of command.

J1912.*Sponsor: DACOS Training Policy*

Responsibility for the policy on provision of facilities to support personal development, within the framework of policy laid down by the Defence Council, rests with the Services Directors of Education.

J1913.*Sponsor: DACOS Training Policy*

The Director of Training Development Policy, HQ Air is the RAF Service Director of Education.

J1914.*Sponsor: DACOS Training Policy*

The Services' Directors of Education are responsible to their respective Principal Personnel Officers for the organisation, administration and control of single Service resettlement services. The detailed arrangements for the RAF are contained within JSP 534.

J1915.*Sponsor: DACOS Training Policy*

Instructions concerning services supporting learning provision (executive authority, facilities to be provided and accommodation/supplies) are contained within AP 3379 RAF Manual of Training and JSP 308 - Joint Services Scales of Accommodation Stores.

J1916.*Sponsor: Wg Cdr CSpt*

The regulations concerning the education of Service Children are contained within JSP 342 (The Education of Service Children). Advice on Service Children's Education may be obtained from HQ Service Children's Education (UK), Trenchard Lines, Upavon, Pewsey, Wiltshire.

1917-1987. *(Omitted)*

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CHAPTER 27

AIRMEN'S DOCUMENTS AND RECORDS**SECTION 1 GENERAL****1988. The Enlistment Paper.***Sponsor: RAF Employment Policy*

(1) An enlistment paper is to be prepared in respect of every airman on enlistment into a regular engagement in the RAF. After completion, Forms 75 are to be kept in the custody of Manning.

(2) The following documents relating to an airman are, as and when they are required and after notation, to be kept attached to his enlistment paper or record of entry in the custody of Manning:

- (a) Medical Examination reports (F Med 1).
- (b) Parents' consent paper certificate of consent to proceed with processing application for service and MOD Form 486, if appropriate (See Para 488).
- (c) The enlistment paper of an airman who improperly enlisted without having been discharged from his previous enlistment, i.e. the enlistment paper on which it is decided he will not serve.
- (d) Record of previous service in the RN or Army of re-enlisted men.
- (e) Declaration by a recruit on final allocation to a trade (Form 308) (See Para 493(1)).
- (f) Application for, and declaration on re-engagement (Form 6639) (See paras 572 and 573).
- (g) Application for and declaration on extension or continuance in Service (Form 6639) (See paras 569 and 571).
- (h) Statutory declarations as to correct name (See Para 1992).
- (j) Statutory declaration as to change of Christian name, forename or surname (See Para 1992).
- (k) Maintenance order (Form 282) and a copy of any MOD letter authorizing the variation or cessation of maintenance deductions from pay.
- (l) A confession of desertion, and if trial is dispensed with, the direction to that effect

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(See Para 1097 (4)).

(m) Form 115 - Record of the report of a Board of Enquiry held to investigate the illegal absence of the airman (See Para 1993).

1989. Service - How recorded.

Sponsor: RAF Employment Policy

(1) Complete details of the service of every airman are to be kept as a permanent record by the ACOS Manning. In addition certain similar details are to be entered upon his record of service (Form 280).

(2) The RAF PMA is to be furnished with the information for keeping the airman's permanent record up to date by means of prime entry documents notifying individual occurrences, by promotion recommendations on Form 483 or Form 6000, by results of courses on Form 292 (see Para 397) and, as regards the airman's conduct and trade proficiency, by Form 6000 and by copies on Form 483 of entries made on the record of service (see Para 2024). The entries on the record of service are to be made as laid down in AP 3392, Volume 2, Leaflet 1401 (Annex C).

1990. Service Documents of Airmen.

Sponsor: Sec Spon (Pers Fin)

Service documents for airmen, their functions, use and disposal are listed in AP 3392, Volume 2, Leaflet 1401. In addition a Certificate of Service (Form 856) is raised and issued to airmen on discharge or transfer to the reserve. (See Para 615).

1991. Official Number.

Sponsor: RAF Employment Policy

(1) Every airman is to have an official number which, in the absence of instructions to the contrary, is to appertain to him throughout his Service career. This number is to be allotted by Manning on enlistment into or transfer to the RAF, and is to be specified against the airman's name in books, returns and documents, and in all communications concerning him.

(2) An airman who rejoins for regular air force service from the reserve is to retain his original official number.

1992. Change of Name.

Sponsor: RAF Employment Policy

(1) The full name in which an airman is attested is not to be erased from his enlistment paper or other documents.

(2) Procedures to be followed for change of name are published in the Manual of Personnel Administration, AP 3392, Vol 2, Chapter 14.

1993. (Omitted)

1994. Date of Birth.

Sponsor: RAF Employment Policy

(1) In consequence of the provisions of Para 2128 and AP 3392, Vol 2, Leaflet 501, the date of birth shown on the airman's enlistment paper and record of service is not in any circumstances to be altered. If, however, a statement is received from either the airman himself or from a parent or guardian that the airman's date of birth is other than that shown on his documents, the applicant is to be called upon to produce his birth certificate. If the statement as to the airman's correct date of birth is substantiated, the following entry is to be made on the enlistment paper and the record

of service:

"Date of birth claimed on (date)

to be Verified by birth

certificate, Date

Signature "

(2) Airmen enlisted prior to 1 February 61 were not required to produce a birth certificate in support of the date of birth declared on enlistment. Where an airman subsequently admits to having given an incorrect date of birth on enlistment, he is to be treated in accordance with the rules set out below in determining eligibility and entitlement for the following purposes:

(a) ***For Pension Purposes.***

(i) For determining eligibility to and assessment of pension the valid date is that given on first enlistment, irrespective of whether it was for service in the RAF, Army, RN, RM or Commonwealth or Colonial Forces.

(ii) For commutation, abatement and pension increases the true date of birth is used as verified from the birth certificate or other documentary evidence prior to discharge.

(b) ***For Pay and Engagement Purposes.*** (e.g. for determining a man's 55th birthday for completion of engagement). The date declared on first joining the RAF is used.

Incorrect dates of birth due to clerical error are to be treated in accordance with AP 3392, Vol 2, Leaflet 501.

1995. Service Abroad - Record of.

Sponsor: RAF Employment Policy

In order to provide a ready method of calculating the proportion of airman's service pension to be contributed by Commonwealth Governments, Manning is to keep such records concerning service abroad as may from time to time be ordered by the MOD.

1996. Identity Discs .

Sponsor: Sec Spon (Pers Fin) 1

The rules for the preparation, issue, custody and disposal of identity discs are contained in AP 3392, Vol 2, Leaflet 1401.

1997. Alphabetical Index Cards.

Sponsor: Sec Spon (Pers Fin)

The rules for the preparation, use and disposal of arrival, accommodation and clearance cards (Form 3894) are contained in AP 3392, Vol 2, Leaflet 1408.

1998-1999. (Omitted)

2000. Technical Personal Record Cards.

Sponsor: Sec Spon (Pers Fin)

The rules for raising, custody and disposal of Technical Personal Record Card (Form 4820) are contained in AP 3392, Vol 2, Leaflet 1401.

2001. (Omitted)

2002. Warrants - Disposal of.

Sponsor: RAF Employment Policy

(1) Where a warrant officer is reduced to non-commissioned rank or to the ranks, either by sentence of court-martial or by order of the Air Force Board, including instances where he claims his discharge (see Para 623A), the warrant or warrants held by him are to be withdrawn and forwarded to Manning for cancellation.

(2) Where a warrant officer is permitted to revert at his own request to non-commissioned rank or to the ranks, the warrant or warrants held by him are to be withdrawn and forwarded to Manning for endorsement and return to the airman for his retention.

2003. Applications relating to Airmen.

Sponsor: RAF Employment Policy

(1) Whenever any application is made regarding any question relating to the service, rank, pay, pension, posting, transfer to the reserve or discharge of an airman, the covering letter is to contain all relevant details, and service documents or copies thereof are not to be forwarded. Applications submitted to the MOD otherwise than through Manning (as under certain items of paras 606 and 607) are, however, to be accompanied by Form 200, and copies of service documents as necessary.

(2) When an application, which would normally be accompanied by service documents is from a unit abroad, Form 200 and certified true copies of conduct records are to be forwarded in place of service documents.

2004. Alterations of Documents.

Sponsor: Sec Spon (Pers Fin)

(1) When approval is given (a) under Para 1077 or under Section 3 of Chapter 16 for the cancellation, remission, commutation, mitigation or variation of any punishment awarded, or (b) under Para 576 for the restoration of any forfeited service, or (c) under Para J262 for the forfeiture or restoration of any decoration or medal, the CO is to ensure that the record of service, conduct sheets and any other documents of the airman concerned are duly amended as the circumstances require (but see also Para 2033, as to the conduct sheet).

(2) The CO is to give due consideration to the effect which any alterations made in accordance with clause (1) have upon an airman's conduct assessments, and is to take care that any alteration in the airman's favour necessitated thereby are duly brought to notice and recorded on his documents.

2005. Compilation and Accuracy of Documents.

Sponsor: Sec Spon (Pers Fin)

(1) Except as provided in Para 2048, a CO is responsible that the service documents of airmen under his command are accurately, neatly and carefully compiled, and that all entries made thereon are made in accordance with the regulations and with any special instructions issued from time to time. He is to appoint an officer of the Administrative (Secretarial) Branch for the control of these functions. He is to bear in mind that irregularities and omissions in the compilation of an airman's record of service and conduct sheets may have serious consequences for the airman during and at the end of his service, and may permanently affect his career subsequently in civilian life.

(2) Errors and alterations in entries are not to be erased; they are to be ruled through and initialled by a responsible officer. When directions are given for an entry to be expunged, it is to be completely obliterated by means of ink. The obliteration is to be supported by inserting the number and date of the authority and the initials of the officer expunging the entry.

(3) An AOC or other OC is to arrange for the airman's documents to be examined by a member of his staff during his annual inspection of a unit.

(4) An AOC or other OC is to give directions for the careful scrutiny by a member of his staff of all airmen's documents which may from time to time pass through his office with a view to detecting and correcting irregularities.

2006. Custody of Documents .

Sponsor: Sec Spon (Pers Fin)

(1) A CO is responsible for ensuring that when an airman is posted to the unit under his command, he receives for him the documents specified in AP 3392, Vol 2, Leaflet 1401. (See Para 1990.)

(2) Service documents are to be handled with every possible care and are not on any account to be folded. Service documents are to be kept as detailed in AP 3392, Vol 2, Leaflet 1401. (See also Para 2045.)

(3) The service documents of all clerical staff employed in unit personnel documentation sections are to be maintained by an officer detailed by the CO normally OC PSF.

2007. Documents to be Available for Officer's Use.

Sponsor: Sec Spon (Pers Fin)

Subject to the restrictions imposed by The Rehabilitation of Offenders Act 1974 the CO of a unit is to provide facilities for the subordinate commander under whom an airman is serving to obtain the information contained in his service documents on their receipt in the unit and as and when necessary thereafter. Assessing officers however are not to have access to an airman's previous assessments.

2008. Airmen Admitted to Hospital.

Sponsor: Sec Spon (Pers Fin)

When an airman is admitted to a service hospital, his medical envelope is to accompany him. The remainder of his service documents are to be retained in the custody of his unit until such time as he is struck off the strength of that unit.

2009. Transmission and Non Receipt of Documents.

Sponsor: Sec Spon (Pers Fin)

Procedures for the transmission of documents when airmen are posted, detached, committed to prison, detention barracks or corrective training centres are detailed in AP 3392, Vol 2, Leaflet 1406. Action to be taken when documents are not received is similarly detailed in AP 3392, Vol 2, Leaflet 1406.

2010. (Omitted)

2011. Disposal of Service Documents.

Sponsor: Sec Spon (Pers Fin)

Airmen's service documents in possession of units are to be disposed of as follows:

(1) On report by the board of inquiry of absence without leave or other sufficient cause. To be retained by the CO for one year, and then forwarded to HQ PTC (see Para 562(3)).

(2) On discharge (including on discharge to a commission or cadetship), transfer to the reserve or on death. To be forwarded immediately to HQ PTC.

2012. Documents of Airmen detached for Duty with Established Bands, or for Duty as Instructors to Voluntary Bands. *Sponsor: Sec Spon (Pers Fin)*

The normal rules laid down in this Chapter for service documents and assessments of conduct, trade proficiency, supervisory ability and personal qualities, are to be modified as follows in the case of airmen attached to units for duty with established region bands, or as instructors to voluntary bands (see Para 1900(4)):

(1) Conduct records are to be completed by the CO of the unit to which the airman is attached.

(2) Record of Service (Form 280) and Record of Character and Trade Assessments (Form 280A). The assessment of conduct, trade proficiencies, supervisory ability, and personal qualities on these forms is to be made by the PDM. The CO of the unit to which the airman concerned is attached is to forward his recommendations and the airman's conduct records, to the PDM annually on 31st December (and at other times when necessary); full consideration is to be given by the latter officer to these recommendations when the assessments are entered on Form 280 or Form 280A.

2013-2016. (Omitted)

SECTION 2 - THE RECORD OF SERVICE

2017. Preparation and Maintenance of the Record of Service. *Sponsor: Sec Spon (Pers Fin)*

The regulations for the preparation and maintenance of the Record of Service (Form 280) are contained in AP 3392, Vol 2, Leaflet 1401 (Annex C).

2018. (Omitted)

2019. Records Tampered with, Defaced or Lost. *Sponsor: RAF Employment Policy*

(1) If it appears that a Record of Service has been tampered with, the CO is at once to forward the suspected document with a report, through the usual channels, to the air or other OC, who is to transmit the report and document to Manning.

(2) If a record of service is lost, or becomes so defaced as to be illegible, application for a replacement is to be made by the CO, to Manning, who is to prepare a new Form 280 from the records in his possession. In making his application the CO is to explain the circumstances attending the loss, or is to forward the record considered to be illegible, as the case may be.

2020-2021. (Omitted)

2022. Declaration of Former Service on Re-enlistment .

Sponsor: RAF Employment Policy

A recruit on enlistment with previous service should be asked to produce a certificate of service or a service and release book, where applicable. After enlistment these papers should be returned to the recruit conspicuously endorsed in red ink as follows:

Name - Re-enlisted (or Enlisted if appropriate) in the Royal Air Force on

2023. Certificates lost by Reservists and Discharged Airmen .

Sponsor: RAF Employment Policy

A duplicate or copy of a certificate of discharge/transfer to reserve, stiff wallet or certificate of qualifications (Forms 856, 856A or 856B) will not be issued for a reservist or discharged airman who loses the original. Manning may, however, issue a brief statement, duly certified, showing:

- (1) Particulars of the airman's service, together with an assessment of conduct; special courses; decorations and medals; and
- (2) That it is issued in consequence of the person named having reported the loss of his certificate.

SECTION 3 - RECORD OF PERFORMANCE AND POTENTIAL

2024. (Omitted)

2025. Assessments of Performance and Potential

- (1) Assessments of professional performance, potential, personal qualities and fitness for promotion of all airmen in ground trades and non-commissioned aircrew are to be made annually, or as required, as detailed in JSP 757.

2026-2031. (Omitted)

SECTION 4 - CONDUCT RECORDS

2032. Maintenance of Conduct Records.

Sponsor: ACOS Pers Pol (RAF)

Electronic conduct records are to be kept on JPA in accordance with Best Practice Guides.

2033-2042. (Omitted)

SECTION 5 - MEDICAL ENVELOPE

2043. Compilation of Airman's Personal Medical Folder.*Sponsor: DGMS(RAF)*

- (1) The School of Recruit Training, RAF Halton, is to prepare for each recruit a personal medical folder (F Med 4) in which the FMed 1 is to be placed.
- (2) The medical envelope of an airman is to have enclosed in it, during his service, a Photostat copy of FMed 1 (on entry and release) FMed 5,7,7A,14,15,23,79,133,138,143 and 900. It is also to contain a copy of the Form 6700. Full details are contained in AP 1269 (RAF Manual of Medical Management and Administration).

2044. Medical Record.*Sponsor: DGMS(RAF)*

- (1) The F Med 4 (with enclosures) is a Restricted Medical document. It is normally to be passed under sealed cover using a F Med 180 from unit to unit; only medical or dental personnel are authorized to open envelopes and packages sealed with a F Med 180.
- (2) Whenever an individual is required to deliver a F Med 4 by hand, it is to be sealed in an envelope using a F Med 180 which is not to be opened by non-medical personnel.

2045. Responsibility for the Custody, Care and Transmission of Personal Medical Folders (Forms Med 4).*Sponsor: DGMS(RAF)*

- (1) Responsibility for the safe custody and transmission of medical documents rest with the CO of the Unit. Forms Med 4 are normally held in the medical centre by the SMO or other Officer in Charge of the Medical Centre, who is responsible to the CO for their care and safe custody. Forms Med 4 are to be kept in lockable, fireproof cabinets and are to be arranged alphabetically. At units which do not have a Service medical officer or full-time civilian medical practitioner, the record is to be maintained by the NCO in charge of the medical centre under the supervision of the part-time civilian medical practitioner. Transmission of medical folders is to be carried out as detailed in AP 1269 (RAF Manual of Medical Management and Administration). Subsequent hastening action is to be carried out from information provided by SAMA.
- (2) **Responsibilities of the Service or Other Officer in Charge of the Medical Centre.** The Service or other Officer in Charge of the Medical Centre is responsible for maintaining and dispatching Forms Med 4 of Service personnel under his care, in accordance with instructions detailed in AP 1269 (RAF Manual of Medical Management and Administration) and AP 1269A (RAF Manual – Assessment of Medical Fitness).
- (3) When Service personnel are aeromedically evacuated, the escorting medical staff are responsible for the safe custody of the medical records (including F Med 4). In the absence of a Service medical escort, the medical records under sealed cover, are to be given into the custody of the captain of the aircraft who is to hand them to the Service medical staff at the destination airfield.
- (4) When Service personnel are medically repatriated by sea the escorting medical staff are responsible for the safe custody of the medical records (including F Med 4). In the absence of escorting Service medical staff the medical records are to be given into the custody of the ship's

medical officer or ship's captain. The medical records are to be given into the custody of the Service medical staff at the disembarkation port.

(5) The disposal of Forms Med 4 for non-commissioned Service personnel who appear before a medical board and who are found medically unfit for further service is contained in Appendix 9B.

(6) The disposal of Forms Med 4 for non-commissioned Service personnel who are committed to prison, MCTC Colchester or other corrective training centres is detailed in AP 3392, Vol 4, Leaflet 1003.

2046. Disposal.

Sponsor: DGMS(RAF)

(1) Forms Med 4 of RAF personnel are to be disposed of as detailed in AP 1269 (RAF Manual of Medical Management and Administration).

(2) The Forms Med 4 of RN or Army personnel attached to the RAF are on cessation of attachment to be forwarded to the medical facility of the unit to which they are posted.

2047. Renewal.

Sponsor: DGMS(RAF)

(1) ***When lost at home or abroad.*** If a medical envelope cannot be located within 14 days of being required, it is to be considered lost. The Service or other Officer in Charge of the Medical Centre is to notify the circumstances of the loss to the CO and DHS(RAF). The CO is to conduct a full investigation and send a report on the matter to DHS(RAF) who will recommend disciplinary action if required. If DHS(RAF) is satisfied that further enquiries are unlikely to be fruitful, he will instruct the Practice Manager at the individual's Parent Unit to raise and recompile a new F Med 4 in accordance with AP 1269 (RAF Manual of Medical Management and Administration), Lft 5-04.

(2) When unserviceable through fair wear and tear or when there is lack of space for further entries actions is to be taken in accordance with AP 1269 (RAF Manual of Medical Management and Administration).

(3) ***Missing Enclosures.*** If any enclosure is missing, application for a replacement is to be made direct as detailed in AP 1269 (RAF Manual of Medical Management and Administration).

2048. Compilation.

Sponsor: DGMS(RAF)

(1) Responsibility for the correct compilation of Forms Med 4 and their enclosures, and for the insertion of the latter in the F Med 4 rests with the S MO.

(2) When a MO examines an airman, he is to record the airman's medical category and the date of the examination in Table 2.

(3) The enclosures referred to in Para **2043** are to be numbered consecutively at the top of the left corner in order of date and corresponding entry is to be made in Table 1 (Contents) of the envelope for each enclosure.

2049. Dental Record Folder.

Sponsor: DDA Halton

(1) The School of Recruit Training, RAF Halton (RAF Regiment Depot, RAF Honington for RAF Regiment recruits) is to prepare for each recruit an F Med 271 (Dental Record Folder). The

F Med 271 is an independent document and is to be transmitted under F Med 180.

(2) The dental record folder (with enclosures) is a "Restricted Medical" document. It is to be passed under sealed cover using F Med 180 from dental centre to dental centre; only medical and dental personnel are authorised to open envelopes and packages sealed with F Med 180.

(3) Whenever an individual is required to deliver by hand an F Med 271, whether it is his own or not, it is to be sealed in an envelope using F Med 180.

(4) For personal detached or posted to the Falkland Islands, the F Med 271 is to be issued to the individual concerned, conveyed in hand baggage and handed to the dental staff on arrival in the Falkland Islands (AP 3392 Vol 2, Leaflet 1406 refers).

(5) In all instances where there is any possibility that an F Med 271 will be carried in the same aircraft as the person to whom it relates, dental centres are to raise a copy of the pictorial dental chart. This duplicate dental chart is to be authenticated as a true copy by the unit dental officer. A copy should be retained at the originating dental centre in case of:

(a) **Detached Personnel.** Until the original F Med 271 is returned.

(b) **Personnel on Posting.** Until notification is received that the original F Med 271 has reached its destination.

(6) Where the length of detached duty is less than 3 months the F Med 271 is to be retained at the parent unit. Where the F Med 271 is so retained the parent dental centre is to provide the detached unit with a certified true copy of the current F Med 271A and 271B. On cessation of detachment the copies are to be returned to the parent dental centre. Copies raised in accordance with these regulations are to be transmitted in an envelope under cover of F Med 180.

(7) If an F Med 271 cannot be located within 14 days of being required it is considered lost and the following action is to be taken:

(a) **The S Dent O.** The S Dent O is to make a full investigation into the circumstances of the loss and notify the DDA Support Cell, HQ PTC, RAF Innsworth in writing, quoting the individuals full service details and date of birth. The S Dent O may authorise the use of a temporary dental folder until the new F Med 271 is received.

(b) **DDA Support Cell.** Dent Pers 1 (RAF) will instigate a trawl signal and take such further action as may be required.

(8) If after one month the search has not been successful the unit is to contact Dent Pers 1 (RAF) for authority to raise a new F Med 271. A register of all such authorisations is to be maintained by the DDA Support Cell.

(9) **Temporary Folder.** In accordance with Para (7a) the S Dent O may authorise the use of a temporary dental folder until the new F Med 71 is received. A register is to be maintained to record all temporary dental folders in which is to be recorded the name of the individual, the date the temporary folder was raised, the date of receipt of the new F Med 271, and the date on which the temporary envelope was destroyed.

2050-2057. (Omitted)

CHAPTER 28

OFFICE PROCEDURE, CORRESPONDENCE & RECORDS**SECTION 1- CORRESPONDENCE AND OFFICE INSTRUCTIONS****2058. Official Correspondence and Office Procedure.***Sponsor: Sec Spon (Pers Fin)*

Detailed instructions on the writing and treatment of official correspondence and on office procedure are contained in AP 3392 (RAF Manual of Personnel Administration), Volume 1 (Basic Administration), JSP 440 (Defence Manual of Security) and Defence Writing Handbook.

2059. Register to be Kept.*Sponsor: Sec Spon (Pers Fin)*

A register of all official classified correspondence is to be kept in every headquarter and unit office, and air or other OC and COs are to ensure that an efficient system of recording and numbering correspondence is used so that communications can be readily traced.

2060. Use of Central Registry System.*Sponsor: Sec Spon*

As a general rule the central registry system is to be adopted in HQ office and at stations at which more than one unit is located. All official correspondence for and from the components or units comprised within the HQ or station is to be passed through the central registry.

2061. Delays to be Avoided.*Sponsor: Sec Spon (Pers Fin)*

Air or other OC and COs are to ensure that correspondence is dealt with promptly.

2062. Correctness of Documents.*Sponsor: Sec Spon*

An officer is responsible for the correctness of documents submitted by him and for the accuracy of statements to which he appends his signature. In transmitting communications to higher authority he is to record, when necessary, his opinion or recommendation thereon, adding such observations based on local knowledge as may assist in reaching a final decision.

2063. Channels of Correspondence.*Sponsor: Sec Spon (Pers Fin)*

(1) Correspondence is to be dealt with as indicated below:

(a) Important matters requiring the individual opinion of every officer comprised in the chain of command of administration must be passed through the hands of all intermediate authorities to the air or other OC and, if necessary, to the MOD.

(b) Other matters, which do not require the individual opinion of every officer in the chain of command or administration, may be transmitted direct to the authority who has power to dispose of the case, copies or precis of the correspondence being sent to any officer in the chain of command or administration whom it is desirable to keep informed on the subject, but through whose office the correspondence has not actually passed. Routine matters of which the intermediate officers need not be informed, and matters regarding which direct communication is authorized, are to be so dealt with.

(c) In order that HQ PTC may be kept in immediate touch with matters relating to airmen, a copy of all communications addressed to the MOD on questions affecting individual airmen is to be forwarded to HQ PTC, for information.

(2) As no rules can be laid down classifying subjects as coming under clause (1) (a) or (b), the responsibility for deciding the course to be adopted at the outset rests with the officer originating the correspondence.

(3) It may happen that correspondence may be regraded from one of the categories referred to in clause (1) to another. In such cases the officer in possession of the papers when the change occurs is responsible for ensuring that they are passed through the proper channel.

(4) See Para 1566(3) as to official correspondence with patients in Service hospitals.

2064-2066. (Omitted).

2067. Addresses of Officers and Airmen.

Sponsor: ACOS Manning 22e

(1) If a request is received by a unit for information regarding the address of a RAF service person, the applicant is to be informed that a prepaid letter, sent under cover, addressed to ACOS Manning 22e, RAF Disclosures, will be forwarded to the present unit of the addressee, or, if he or she is no longer serving on the active list, to the latest known private address. When the personnel are sick in hospital, the address of the hospital may be given to relatives. It should be noted that only mail of an official/semi-official business category will be forwarded.

(2) Private addresses of officers or airmen, whether still actively serving or not, are not to be given. Where legal proceedings are actually involved, in respect of an officer or airman the enquiry should be referred to ACOS Manning 22e, RAF Disclosures.

2068. Custody and Disposal of Records, Documents and Correspondence.

Sponsor: Org 1

Procedure is laid down in the publication mentioned below.

(1) JSP 441 - Defence Records Management Manual.

(2) AP 3392, Volume 1, Chap 7 - Manual of Personnel Administration.

2068A. Disposal of Flying Log Books.

Sponsor: PMA24(RAF)

(1) Flying log books (Forms 414 and 1767) are official documents, the property of HM Government. Under normal circumstances, however, personnel will be entitled to retain flying log books as an act of grace provided the books are no longer required for official purposes. Consequently, flying log books will normally be released:

(a) To flying personnel who have resigned, retired, transferred to the reserve, relinquished their commission or been discharged.

(b) In approved cases, to officers and airmen permanently withdrawn from flying duties.

(c) The next of kin of deceased flying personnel.

(2) The procedure described below is to be followed with regard to the disposal of flying log books of flying personnel listed at sub-paras 1(a) to (c).

(a) Personnel Leaving the Service.

(i) The CO of the last unit at which an individual served prior to leaving the Service will authorize the individual to retain his flying log book provided that there are no reasons for impounding it. When released, the log book is to be ruled off at the last entry and marked "Closed" by the CO. A receipt is to be obtained from the individual and forwarded for custody with his documents to RAF PMA (PMA(Sec)1 (RAF)).

(ii) A log book will normally be impounded if the individual concerned has been guilty of serious flying offences or gross irresponsibility or if he has forfeited the

confidence of the CO. Any case of doubt is to be referred through the chain of command to the RAF PMA (PMA24(RAF)) for advice. If the log book is to be impounded, the CO is to arrange for it to be boldly marked to that effect on the outside front cover and forwarded by Registered Post, with reasons for impounding it, to HQ PTC Org Archives (Aircrew) for custody.

(b) Personnel Permanently Withdrawn from Flying Duties.

(i) The CO of the unit to which an individual permanently withdrawn from flying duties or flying training is posted for termination of service or reselection will authorize the individual to retain his flying log book, provided there are no reasons for impounding it. When released, the log book is to be boldly marked on the title page and on the page on which the last entry appears: "WITHDRAWN FROM FLYING DUTIES/TRAINING". A receipt is to be obtained from the individual concerned and is to be forwarded for custody with his documents as detailed in clause (2)(a)(i) above.

(ii) If the log book is to be impounded, it is to be annotated and forwarded to HQ PTC Org Archives (Aircrew). The circumstances that normally necessitate impounding action are described in clause (2)(a)(ii) above. Any case of doubt is to be referred through the chain of command to the RAF PMA (PMA24RAF)) for advice.

(iii) If the log book is not required by the individual entitled to retain it, the CO is to arrange for it to be boldly marked on the outside of the front cover: "NOT REQUIRED BY OFFICER/AIRMAN". The log book is then to be sent by registered post to HQ PTC Org Archives (Aircrew) for custody.

(c) Personnel Who Die Whilst Serving.

(i) Flying log books of personnel who die whilst serving are invariably to be forwarded to the RAF Standing Committee of Adjustment when they are to be inscribed with the appropriate casualty heading. COs are responsible for informing the Standing Committee whether a log book may be released or is to be impounded; if a log book is to be impounded, it is to be annotated by the unit with the reasons for impounding it, before despatch to the Standing Committee.

(ii) Where release is authorised, the Standing Committee of Adjustment is not to release the log book unless an application for it is received from the legal personal representative or beneficiary, as appropriate, whereupon it is to be forwarded to that individual. Impounded log books together with the reasons for impounding them and log books for which no application has been made by the legal personal representative or beneficiary, are to be sent by the Standing Committee of Adjustment to HQ PTC Org Archives (Aircrew) for custody.

2069. Signals and Telephone Messages.

Sponsor: CIS12(RAF)

(1) Messages will not be regarded as official unless their texts are concerned solely with Service matters. The following classes of message, amongst others, even when arising out of matters connected with the Service, are not regarded as official:

(a) Those to a member of the sender's family notifying his detention on official duty unless justified to, authorized by and despatched under the direction of a superior officer.

(b) Those ordering sleeping or other accommodation at hotels for officers or airmen travelling on the public service.

(c) Those notifying an official superior of illness, except in cases of urgency when immediate steps have to be taken to provide a substitute to perform the duties of the sender.

(d) Those requesting leave of absence.

(e) Those sent by members of officer's or airman's family or others on that officer's or airman's behalf. A communication of a private nature must not be included in an official message.

(2) Detailed instructions on the use of RAF Signal and Telephone Services are given in JSP 101, Chapters 15, 16 and 17 and in AP100c-90 Leaflet 311 respectively.

2070. International Telegrams and Telemessages.

Sponsor: CIS12(RAF)

(1) International Telegrams and Telemessages are used when neither postal nor Service facilities are available or suitable.

(2) Detailed instructions regarding telegrams and telemessages are contained in JSP 101 Chapter 15.

2071. Signal Message Addresses.

Sponsor: CIS12(RAF)

Detailed instructions for the addressing of signal messages are contained in JSP 101, Chapters 15, 16 and 17 and JSP 203 (UK Signal Message Addresses).

2072. Telephone Services.

Sponsor: CIS12(RAF)

(1) Service private networks are always to be used in preference to public telephone systems for the connection of calls between network connected locations and stations overseas which are available over the Defence Communications Network (DCN).

(2) Public telephone networks are to be used only for cost effective calls to non-network connected locations, except in emergencies (e.g. breakdown or serious overloading of the Virtual Private Networks) when the public networks may be used as a standby to the Service and private networks.

(3) In the UK, private telephone calls may be made from official telephones (excluding privately rented extensions) in cases of emergency only and in no circumstances are they permitted to countries abroad. The Virtual Private Networks and the DCN are not to be used for private calls. Any private call costs are to be recovered from the originator.

(4) Instructions regarding telephone service i.e. their provision, removal, recovery, repair etc are contained in the DCSA catalogue and the AP100c-90.

(5) In no circumstances is a telephone or telegraph plant, for which the RAF does not have maintenance responsibility, to be interfered with.

2073. Internet and Intranet Connection.

Sponsor: CIS12(RAF)

(1) The regulations concerning Internet connection are in the JSP 440 and AP 100C-90. In particular, internet connections should not be made to any RAF information system network.

(2) RAF Intranet services are provided by the RAF Corporate Infrastructure; instructions concerning RAF Intranet are contained in the AP 100C-90.

2074-2076 . (Omitted)

SECTION 2 - HANDLING OF RAF MAIL AND PROVISION OF POSTAL FACILITIES**2077. RAF Postal Service.***Sponsor: Sec Spon (Pers Fin)*

The regulations for handling of official and private mail, for the provision of postal facilities within the RAF, and for establishing RAF post offices and postrooms on RAF stations, are contained in AP 3392, Vol 1, Chapter 9.

2078. The Status of British Forces Post Office Addresses.*Sponsor: SO1 Operational Welfare*

A BFPO address is simply an administrative convenience, and has no significance in law; nor does it affect a person's status in any way. In particular, it should be noted that an overseas address which is given a BFPO number cannot be regarded as a UK address. If an individual using a BFPO address is in any doubt about the status conferred on such an address by a private company or non-MOD organization, he or she must take appropriate measures to resolve any queries with the company or organization concerned.

2079-2081. (Omitted)**SECTION 3 - COMMUNICATION SECURITY MATERIAL****2082. Handling and Storage of Cryptographic Items.***Sponsor: Command COMSEC HQ Air*

Instructions for the registration, secure storage, movement and safe handling of cryptographic items are contained in the current edition of JSP 490. This publication provides guidance to all personnel who are concerned with the safe custody and handling of cryptographic items used to achieve or assist with communications security (COMSEC) in the RAF. Adoption of the procedures and instructions in JSP 490 is mandatory.

2083. Officers in Charge of Cryptographic Items.*Sponsor: Command COMSEC HQ Air*

(1) The Commanding Officer, or Head of Branch in MOD departments and formation headquarters, is responsible for the safe custody, registration, mustering, amendment, issue, safe handling and disposal of cryptographic items held at their location. This duty is to be delegated, as prescribed in clause (2), to an individual in the formation or unit concerned, such individual being personally responsible to the Commanding Officer or Head of Branch, as appropriate, for the strict observance of JSP 490 and any other instructions issued for the purpose of giving effect to those regulations.

(2) The delegation of duty in accordance with clause (1) is to be as follows:

(a) Commanding Officers or Heads of Branch are to appoint two members of staff to act as the COMSEC Custodian and Alternate COMSEC Custodian at locations where cryptographic items are held. The COMSEC Custodian duties are a formal tasking and are to be related to two specific posts on the LUE. These appointments may be filled by RAF commissioned officers, WOs or SNCOs from any Branch or Trade, or by HMG civil servants, e.g. communications officers, provided that the latter are of the appropriate status. The selection of the COMSEC Custodian is the sole prerogative of the Commanding Officer or Head of Branch. The COMSEC Custodian is, therefore, to report directly to the Commanding Officer or Head of Branch on all COMSEC matters.

(b) Personnel may be detailed to assist COMSEC Custodians in the performance of their duties but the COMSEC Custodian retains the personal responsibility for the cryptographic items on his charge and the strict observance of all relevant instructions.

(3) Guidance on the appointment of COMSEC custodial staff is contained in the current edition of JSP 490

2084. Inspections of COMSEC Facilities.

Sponsor: Command COMSEC HQ Air

COMSEC facilities at Distribution Agencies (DAs) and units are to be conducted annually, though at some locations DDCIS(RAF) may require inspections to be conducted more frequently. The factors affecting the frequency of COMSEC inspections at DAs and units are the size of the COMSEC holdings, their complexity and sensitivity. The frequency of COMSEC inspections at individual locations will be reviewed annually by the HQ Air Command COMSEC Officer in consultation with Networks Assistant Head CSD. COMSEC inspections are to ensure that compliance with the regulations detailed in the current edition of JSP 490. Reports resulting from these inspections may be used to satisfy the requirements of Para 52(6).

2085-2089. (Omitted)

SECTION 4 - SAFES, KEYS AND COMBINATIONS

2090. Safes.

Sponsor: Air CG CRT

The Accounts Operator (OC Accounts Flights) and, where necessary, other personnel responsible for the receipt and disbursement of public money, are each to be provided with a safe or safes, capable of accommodating the highest anticipated cash holding. Safes are to be embedded in concrete or bricked in. Alternatively they may be kept in specially constructed concrete strong rooms if such are available. Whenever possible safes are to be fitted with a combination lock. Safes may be fitted with a combination lock only or, alternatively, where a key is used, fitted with a blister combination lock attachment over the keyhole.

2091. Money, etc, in Safes.

Sponsor: Air CG CRT

Money, whether public or service funds, railway warrants and other valuables are not to be kept in the same safe as top secret, secret or confidential documents.

2092. Keys and Combination Locks.

Sponsor: CPSyO

(1) With the exception of the keys of any safe used for public funds or service funds (as to which see clauses (3) and (4)), the following regulations are to be observed in order to prevent unauthorised persons obtaining access to the keys of a public chest containing valuables (including railway warrants) or a security container used for the storage of top secret, secret or confidential documents.

(2) The CO or an officer personally appointed by him for this purpose (this should normally be the Station Security Officer) is to retain in his personal custody all spare keys for each security container used for the storage of top secret, secret and confidential documents; they are to be kept in a security container fitted with a combination lock (JSP 440 Vol 1 Chap 5). One key is to be allotted to an officer appointed as a key holder for a flight or section under his command. The key holder is to issue keys to authorised users during working hours and is to receive and muster them at cease of work daily. He is personally responsible for their safe custody in accordance with JSP 440, Chapter 29 at all times. All keys are to be produced at the periodic independent checks required under the terms of JSP 440. (3) Where combination locks are fitted to safes containing public funds the following precautions are to be taken to safeguard combination settings and the record of the setting which is to be held for emergency purposes:

(a) The combination setting is to be changed:

(i) When a container is first brought into use.

- (ii) When a person having knowledge of the combination hands over the responsibility for the contents of the safe even if only on a temporary basis.
 - (iii) Immediately it is suspected that the setting may have been compromised.
 - (iv) Directly following servicing or repair of the lock.
 - (v) Access to the recorded setting for emergency action has been necessary.
- (b) When it is necessary to open the safe in the presence of another person the manipulation of the lock should be hidden from view.
- (c) In selecting a combination care is to be taken to avoid obvious associations which might assist an unauthorized person to deduce the setting, e.g. the holder's date of birth, personal number, car or telephone number.
- (d) Knowledge of the setting is to be limited to the officer or warrant officer responsible for the safe.
- (e) The setting is to be committed to memory and is not at any time to be inscribed or recorded except as follows:
- (i) The setting is to be written down for the purpose of emergency action only. This record is to be sealed in an envelope bearing minimum identification details. The envelope is then to be sealed in a further envelope bearing an appropriate reference and serial number.
 - (ii) In the case of a safe with a combination lock only and no key, the double enveloped record is to be handed for safe custody to the bank which holds the public account. A record is to be kept of the serial numbers used on the envelopes and, periodically as convenient, all except the latest envelope held by the bank are to be withdrawn and destroyed. The current combination is only to be withdrawn from the bank on the written request of the officer responsible for the safe, countersigned by the CO. In the unforeseen absence of the officer responsible for the safe another officer must first be nominated to take over his duties in accordance with the provisions of Para 2358 (3) (c). The provisions of Para 2364 are also to be observed.
 - (iii) In the case of a safe with a blister lock attachment the sealed record is to be safeguarded by the CO or OC Administrative Wing in person. When the combination of the blister attachment is changed the new combination is to be sealed and deposited with the CO or OC Administrative Wing in exchange for the old one. A CO is only to release details of the current combination on the written request of the officer responsible for the safe. In the unforeseen absence of that officer another officer must first be nominated to take over his duties in accordance with the provisions of Para 2358 (3) (c). The provisions of Para 2364 are also to be observed.
- (4) Where a safe used for public funds is fitted with a key, one copy key is to be deposited with the manager of the bank at which such funds are kept, and may be withdrawn only on the written request of the accountant officer, countersigned by the CO. When no public banking account is being operated, arrangements are to be made by Command HQ for one key to be deposited with the nearest bank at which public funds are kept. All officers, warrant officers or SNCOs who use a safe to protect public funds (including a subsidiary cash account or imprest) are to deposit the in-use safe keys in a fixed combination key box specifically designated for this purpose, when the keys are not required for immediate use. Where two or more persons at one location are responsible for the safe custody of public funds in separate safes, each person is to have sole access to a separate key box. The following regulations are to be applied to combination key boxes:

- (a) The key box is to be fixed in a permanently manned location.
- (b) The setting for the combination lock is to be changed on the occasions specified in sub-

Para (3) above.

(c) The knowledge of the combination setting is to be limited to the person responsible for the public funds.

(d) The setting is to be committed to memory, and is not at any time to be inscribed or recorded except that the setting is to be written down for emergency use only. This record is to be sealed in an envelope and deposited with the manager of the bank at which the public account is held. This envelope may be withdrawn only on written instruction of the CO.

(e) The key box is to be used exclusively for public account safe keys, and other official keys held by the custodian of public funds. No other keys are to be held in the box, except as described in sub-Para (7) below.

(5) When it is not possible to safeguard public account "in use" keys in accordance with the provisions of sub-Para (4) above, the custodian of public funds is to retain the "in use" safe keys in his personal custody at all times.

(6) When the accountant officer leaves the station for any reason, e.g. on posting, leave or temporary absence, he is to hand the "in use" keys against receipt to the person responsible for taking over his public accounting duties. Similarly, the provisions of sub-Para (3) above are to be followed in respect of the combination setting of the key box.

(7) Keys to safes containing service funds are not to be lodged in key boxes containing keys to safes containing public funds, except when the accountant officer is responsible for a centralised service funds accounting section (SFAS). When the accountant officer is responsible for the safe custody of keys to safes containing Service funds in a SFAS then the keys may be lodged in the key box designated for public account safe keys.

(8) Except as provided in sub-Para 7 above, one key to a safe containing service funds is to be retained by the officer responsible for the funds. The other key or keys are

to be deposited with the manager of the bank at which such funds are kept, and may be withdrawn only on the written request of the officers responsible for the funds, countersigned by the CO. When no banking account is being operated, arrangements are to be made by Command HQ for the other key or keys to be deposited with the nearest bank at which service funds are kept. When the officer responsible for the funds leaves the station, e.g. on posting, leave or temporary absence, he is to hand the key held by him to the officer responsible for taking over his duties in connection with such funds, and is to obtain a receipt for it.

(9) Except as provided in Para 2347 as to a warrant officer employed on accounting duties, and in AP 1978 (Regulations for the Conduct of the RAF Postal Service) as to an airman postal clerk, the key of a public chest or safe is not to be entrusted to the care of an airman or a member of the civilian staff not of officer status, nor is the key of a filing cabinet used for the custody of top secret, secret and confidential documents to be so entrusted, except to a warrant officer appointed under Para 2083 to be in charge of registered secret and confidential documents.

(10) Both keys of a chest, filing cabinet or safe are not to be kept together, nor is one of the keys to be locked in the receptacle to which it belongs.

(11) When, for any reason, a chest, filing cabinet, or safe is returned to store, the keys are to be tried in the lock, and are then to be placed in a sealed cover and handed to the equipment officer for custody until required for re-issue. Before the receptacle is re-issued the keys are again to be tried in the lock in the presence of the equipment officer. Security padlocks and their keys are to be similarly safeguarded when returned to store, or held in store as stock, on receipt from a stockholding depot.

(12) In the event of a key or keys of a chest, filing cabinet or safe supplied from public sources being

lost, the receptacle is to be treated as insecure and immediate investigation made. The loss, with details of the circumstances, is to be reported forthwith to the MOD (SM 12 (RAF)) with a copy to the air or other OC. To facilitate the alteration of locks and replacement of keys, the following information should accompany this report:

- (a) Makers' name of chest, cabinet or safe.
- (b) Prefix letters and serial number of receptacle and lock.
- (c) Number of keys required.
- (d) Whether receptacle is locked or open.
- (e) If the receptacle is locked, description of contents.
- (f) Length of time between last known use of the key and discovery of the loss.
- (g) Whether a duplicate key is held at the unit or local bank.
- (h) Whether receptacle is surplus to unit requirements.

The MOD, SM 12 (RAF) are to give instructions (a) for the replacement of the lock or alteration of the lock combination to be effected and for new keys to be supplied for safes and chests, and (b) for the replacement of keys to filing cabinets. Chests, cabinets or safes are not to be returned to maintenance units for this purpose.

(13) Personnel responsible for the custody of the key of a public chest, filing cabinet or safe, or the deputy to whom it has been temporarily transferred, will be held financially responsible for the cost of replacement of the key or keys and for any alteration of the combination or repairs which may be found necessary, and also for any transport charges which may be incurred in the conveyance of the receptacle or lock to and from a contractor, and a penal deduction may be imposed in accordance with Para 1078A, unless it can be shown that the loss was not occasioned by any wrongful act or negligence, and was beyond control of the person in charge of the key. The appropriate amount to be recovered from personnel held liable for the loss of keys is notified in current MOD instructions.

(14) In the event of a key or keys of a chest or safe supplied from non-public sources being lost, the receptacle is to be treated as insecure, and an immediate investigation is to be made. Such chests, safes and keys will not be repaired at public expense, and local arrangements are to be made for the lock combination to be altered and new keys to be obtained. The officer responsible for the custody of the key, or the deputy to whom it has been temporarily transferred, will be financially responsible for the cost of replacement of the keys and for any necessary repairs, and a penal deduction may be imposed in accordance with Para 1078A, unless the officer or his deputy is exonerated by the CO, in which event the cost will be chargeable against the non-public fund concerned.

(15) See also AP 3388 (Manual of Leave and Leave Travel).

2093-2095 . (Omitted).

SECTION 5 - MAPS AND CHARTS ²**2096. Responsibility for Geospatial and Aeronautical Information.**Sponsor: *DI ICSP, JGI**Aero*

(1) Intelligence Collection Group (ICG), Through its respective sub-units of No.1 Aeronautical Information Documents Unit (No 1 AIDU) and Defence Geographic Centre (DGC), is the responsible authority for the provision of geospatial information (Geo Info) and Aeronautical Information (AI) to UK Defence. ICG is the SME and intelligent provider of Geo Info and AI in support of all current and future Defence requirements. A simplified breakdown of responsibilities is included below:

a. No 1 AIDU is responsible for the largely 'invisible' aspects of aeronautical information: airfield and airspace management information including airspace structures, navigation facilities, en-route charts and coded procedures etc.

b. DGC is responsible for the 'visible' aspects of aeronautical information: airfield information (currently specifically for ICG / UKHO internal production requirements), vertical obstruction and power line information and digital terrain data and mapping and charting (for MOD aeronautical use). DGC also publishes the Chart Amendment Document (CHAD) and generates and provides Maximum Elevation Figures (MEFs) etc.

(2) Geo Info and AI may be supplied in either paper, digital media (e.g. CD-ROM) or via the Defence intranet or world wide web dependent upon the product.

(3) Consult JSP 465: Geospatial Information Policy for UK Defence for more comprehensive information. JSP 465 is the geospatial information policy for UK Defence for the provision of aeronautical, geographic, hydrographic, meteorological and oceanographic information and also includes imagery support in a geospatial context. JSP 465 also explains the geospatial requirements process.

2097. Storage of Maps and Charts.Sponsor: *DI ICSP, JGI Aero*

(1) 'Map' stores are to be maintained at all RAF flying stations and other RAF establishments as appropriate to meet operational and training requirements. These 'map' stores are to be supervised by the station or other navigation officer who is to ensure that they are properly stocked at all times to meet the needs of the formations concerned.

(2) Subsidiary 'map' stores may be established by individual flying units whose physical location makes the routine employment of the station map store impractical. Subsidiary 'map stores' are to be supervised by the unit navigation officer who is to ensure that sufficient stocks of maps are kept to meet the needs of the unit at all times. Subsidiary map stores will be replenished from time to time from station map stores, which in turn will be replenished as necessary by DGC and AIDU.

2098. Demand for Geo Info.Sponsor: *DGC*

(1) Demands for geo info are to be made direct to DGC following the instructions contained in JSP 323: Supply of Geographic Products to UK Defence. JSP 323 provides definitive guidance for all tri-service personnel who are responsible for obtaining geographic products for unit and sub-unit use.

(2) Geo info listed in the MOD catalogues will be supplied by DGC however the stock of some items may be limited. Further supplies may be obtained by DGC but the subsequent issue may be subject to strict limitations regarding usage.

(3) Advice on the supply of nautical information may be obtained from the UK Hydrographic Office.

(4) Full details of supply organisations are contained in JSP 323.

2099. Demand for Aeronautical Info.Sponsor: *AIDU AIRM*

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(1) Demands for aeronautical info are to be made direct to Customer Services at No 1 AIDU. All AI should be sourced through No 1 AIDU where demands will normally be met by supplying AIDU maintained products. Where this is not possible No 1 AIDU will offer alternative military or commercial sources. Units requiring regular supplies of aeronautical info are to establish standing orders with No 1 AIDU. Customers are requested to order only for their requirements and not over order to enable shelf stock availability at Units. Additional quantities can be supplied on request within 2-5 working days. Where possible routine requests are to be submitted at least 10 days prior, to allow processing of the order. Whilst AIDU will endeavour to achieve short turn round times, requests for overseas and civil produced material may take longer.

(2) A wide range of AI products are available through the No 1 AIDU MILFLIP on-line internet/intranet service or on the AIDU MILFLIP CD ROM. Wherever possible customers are encouraged to utilize this facility rather than order paper copy products.

2100. Accounting for Maps and Charts.

Sponsor: ICG

(1) Maps and charts supplied to a unit or formation are public property and must, as such, be safeguarded.

(2) The officer i/c of maps and charts is responsible for:

- (a) Organizing a map store in which products are to be held securely and in good order.
- (b) Maintaining stocks at a level on which the needs of the units can be supplied without delay.
- (c) Keeping a stock record which is to show all receipts and issues of products. The vouchers listing products received are to be retained with the stock record book.
- (d) Providing an "Issues Record Book" which is to be kept permanently available in the map store and readily accessible to individuals drawing products.
- (e) Keeping the MOD Catalogue of Geographic Products (GSGS 5893) amended and up to date.

(3) Issues of products are to be recorded in the "Issues Record Book" by the individual drawing the products. When no longer required, serviceable maps and charts are to be returned to the map store.

2101. Sale of Aeronautical info.

Sponsor: AIDU AIRM

Most No 1 AIDU aeronautical products are available for sale to civilian customers. Order forms and price lists may be obtained from No 1 AIDU Customer Services.

2102. Chart and Document Correction.

Sponsor: AIDU AIRM & Head GAIT, DGC

(1) The current copy of the Chart Amendment Document (CHAD) is to be found online on the Defence Intranet within the MOD Catalogue of Geographic Products (GSGS 5893). Small scale air chart series (i.e. GNC, JNC, ONC, TPC and JOG-Air) are to be updated using eCHUM, the online Chart Update Manual to be found on MILFLIP. It is the duty of all users to report errors or omissions on published geo info; moreover, error reports are to be forwarded, preferably using the proforma enclosed in the CHAD, through normal channels to SO2 Geo Support, DGC, ICG. Chart users are to amend the relevant charts before use.

(2) No 1 AIDU En Route Charts, Terminal Charts and documents are to be corrected by reference to the monthly En Route Bulletin (ERB), Terminal Chart Catalogue (TCC), Terminal Charts Amendment Bulletin (TCAB) and Terminal Document Amendment Supplement (TDAS). Low Flying Charts, UK Aeronautical Charts and Tactical Flying Charts (Low) are corrected by reference to the monthly Chart Amendment Low Flying (CALF) book. It is the duty of all users to report errors or omissions in published aeronautical information. Error reports are to be submitted on the Service Request Form on the No 1 AIDU web site or directly by e-mail to customer services. Users are to amend the relevant charts and documents before use.

2103. Surplus and Unserviceable Maps and Charts.

Sponsor: DI ICSP, JGI Aero

- (1) GeoInfo and AI is not to be deemed single use, and where serviceable should be reused.
- (2) Unserviceable, superseded and surplus Geo Info and AI is to be destroyed locally in accordance with current security / salvage instructions. In order to minimise wastage, standing orders are to be kept under constant review to prevent excessive surpluses accruing at units.

2104. Secret and Confidential Maps and Charts.*Sponsor: DI ICSP, JGI Aero*

Secret and confidential maps and charts are to be dealt with in all respects as secret and confidential publications in the manner laid down in JSP 440 (Defence Manual of Security).

2105-2108. *(Omitted)*

SECTION 6 - STATIONERY, PRINTING, OFFICE MACHINERY, BOOKS, PUBLICATIONS, FORMS, ETC

2109. Stationery, Printing, Office Machinery.*Sponsor: CS(MP)FinSec*

Instruction about the use of these items and services are contained in the DGICS Catalogue (for Office Machinery and Computers), the MOD Stationery Supplies Catalogue, and JSP 420 for guidance in publishing MOD books. Printing and Binding requirements are handled by DSDA (PC). Updated information regarding these procedures appears in the DCI General series.

2110. Books and Publications.*Sponsor: DSDC(L)3*

(1) Books and publications in use in the RAF for official purposes fall into categories which for the purposes of this section, are defined as:

- (a) Official Publications Air Publications, Air Pamphlets, Air Diagrams and Posters, produced by or on behalf of the MOD, and publications issued by other government departments.
- (b) TSO Books Books published by TSO which are on sale to the public.
- (c) Commercially Published Books obtainable through the book publishing trade Books excluding TSO books.

(2) Official publications, TSO books and commercial books, are provided at the public expense when they are necessary for administrative, technical, instructional, workshop, educational and reference purposes and when specially authorized as a personal issue under Para **2139**.

(3) Instructions governing demanding, maintenance and disposal of official publications and books are contained in AP 113A. (Regulations for the Supply and Maintenance of Publications and Forms).

(4) In certain circumstances, copies of unclassified official publications may be purchased at reduced prices by RAF personnel. The procedure for making these purchases is contained in AP 113A (Regulations for the Supply and Maintenance of Publications and Forms).

2111. Forms.*Sponsor: DSDC(L)3*

Demands for RAF forms are to be submitted to the DSDC(L) Forms Store in accordance with the procedure and instructions contained in AP 113A (Regulations for the Supply and Maintenance of Publications and Forms).

2112-2115. *(Omitted)*

SECTION 7 - CASUALTY REPORTING

2116. *(Omitted)*

2117. Casualties in Times of Peace/ War / Operations.

Sponsor: OC JCCC

Other than in the circumstances detailed in QR(RAF) 2118, or where superseded by advice in a operational order, all casualties are to be reported in accordance with the procedures set out in JSP 751 (Joint Casualty & Compassionate Policy & Procedures) Chapter 2.

2118. Mass Casualty Incidents.

Sponsor: OC JCCC

A mass / major casualty incident is defined as any event involving 10 or more service or notifiable civilian casualties (See JSP 751 Chapter 1 Annex B), or an incident likely to be reported via the media which may prompt concern / queries from a large number of relatives and friends. In the event of such an incident, officers at the Joint Casualty and Compassionate Centre (JCCC) may authorise the use of the modified casualty reporting procedures detailed at JSP 751 Chapter 3 and its Annexes. (Annex B: Serious Aircraft Accident, Annex C: Major Ship Disaster). The introduction of the modified reporting procedures will be confirmed by a signal to relevant units and is not to be introduced without the approval of the JCCC.

2119-2123. *(Omitted)*

SECTION 8 - OFFICERS' RECORDS

2124. Officers' Record of Service.

Sponsor: RAF Employment Policy

(1) The authoritative record of an officer's service is that maintained as a computer record by SPVA.

2125. Record of Service for Local Use.

Sponsor: Sec Spon (Pers Fin)

An extract of the ADP Record of Service (Form 6785) will be provided automatically by AFPAA (Inns) to the appropriate Command, Group and Station. Details of Form 6785 and the rules for its use and disposal are contained in AP 3392, Vol 2, Leaflet 1401, Para 2 and Annex I.

2126. Officers Medical Envelopes.

Sponsor: DGMS(RAF)

(1) A personal medical folder (F Med 4) is to be raised by the OASC Medical Board at the Directorate of Recruitment, Selection and Initial Officer Training (RAF) (DofRS&IOT(RAF)), RAF College Cranwell on first entry into the Service. The F Med 4 is then sent to the unit to which the officer is posted.

(2) The F Med 4 of an officer should have enclosed in it, during his service, a copy of the F Med 144 (on entry), FMed 5,7,7A,14,15,23,79,133,138,143 and 900. It is also to contain a copy of the Form 6700 and a copy of the F Med 1 (on release). Full details are contained in AP 1269 (RAF Manual of Medical Management and Administration).

(3) An officer's F Med 4 is to be cared for and transmitted as detailed in AP 1269 (RAF Manual of Medical Management and Administration).

(4) An officer's F Med 4 is to be dealt with in the same manner as an airman's F Med 4 as laid down in paras 2044 – 2045 and AP 1269 (RAF Manual of Medical Management and Administration).

2127. (Omitted)**2128. Date of Birth.***Sponsor: RAF Employment Policy*

(1) At the time of appointment to a commission, an officer will be required to produce a birth certificate. Except as provided in clause (2), the date of birth shown thereon will be used throughout his service for all official purposes.

(2) If an officer on promotion to a commission in the RAF, RN, RM or Army, was serving (a) as a warrant officer in the RN or (b) as a rating in the RN or RM on a continuous service engagement, or (c) as a soldier in the Army or an airman in the RAF on an ordinary engagement, the date of birth as originally declared by him and shown on his engagement or attestation paper will be adhered to for all official purposes. The Defence Council, however, reserve the right to direct that the date shown on the officer's birth certificate shall be accepted.

2129. (Omitted)**2130. Personal Numbers.***Sponsor: RAF Employment Policy*

(1) In order to supply a means for readily identifying officers and to prevent any possibility of confusion of names, a personal number is allotted to every officer. The personal number of airmen appointed to commissions will be the official number allocated to them on enlistment.

(2) An officer's personal number is to be shown on his identity disc, and in the case of an officer of the rank of Wg Cdr or below, will be shown against his name in the index of the Air Force List.

(3) The personal number of a newly-commissioned officer will appear in the London Gazette and will be notified to him on appointment.

(4) The personal number is to be quoted in brackets, directly after the name of the officer concerned, in all official letters, documents and returns.

2131. Change of Name.*Sponsor: RAF Employment Policy*

(1) An officer who changes his name by deed poll or statutory declaration or whose name style is changed as a result of succeeding to a peerage, baronetcy or courtesy title is to report the fact to his CO and the Unit Vetting Officer, together with a copy of the deed poll or statutory declaration. The CO is to ensure action is taken in accordance with AP3392 Vol 2 Leaflet 1414.

(2) Procedures to be followed for all other occurrences involving a change of name are published in AP3392 Vol 2 Chapter 14.

2132. Identity Discs - Officers and Non-Commissioned Aircrew. *Sponsor: RAF Employment Policy*

(1) When an officer enters the Service or a non-commissioned aircrew is commissioned, two identity discs, (see [Para 1996](#)) are to be prepared for him by the supply officer responsible for initial issue of kit. The information required for completing the discs is that prescribed by AP 830, Vol 1, B, to Leaflet BD 8/13; non-commissioned aircrew will be similarly supplied with identity discs (see [Para 1996](#)).

(2) Wearing of Identity Discs:

(a) In commands at home, identity discs need not be worn by officers or non-commissioned aircrew.

(b) Overseas, discretion as to the wearing of discs is vested in the CinC, AOC or other OC an independent formation.

(3) Custody and Disposal of Identity Discs:

(a) Where discontinuance of the wearing of identity discs has been ordered under clause (2), they are to be withdrawn and enclosed in a small envelope suitably labelled and held in safe

custody under unit arrangements. Similar recovery action is to be taken by the first duty unit in the UK of officers and non-commissioned aircrew returning from service overseas.

(b) When an officer leaves the Active List his identity discs are to be disposed of at unit level.

(c) When a non-commissioned aircrew is discharged or transferred to the reserve his identity discs are to be placed in his Form 445A.

2133-2135. (Omitted).

SECTION 9 - SERVICE BOOKS, PUBLICATIONS, ETC, TO BE KEPT

2136. Books, Publications, etc, to be Maintained.

Sponsor: ACOS Pers Pol (RAF)

A CO is responsible for ensuring that all Service books, official publications, documents, orders, etc, which are required by these and other regulations to be held and maintained are kept up to date and made available for observance and compliance by all concerned. He is to ensure that the receipt and distribution of publications, etc, is efficiently recorded and is to see that any publications affecting the functions of his unit are obtained. For list of Service books and other documents prescribed for the purposes of Section 198(5) AFA, see Para 1174.

2137. Operations Record Book.

Sponsor: AHB1(RAF)

(1) All RAF units and formations and RAF elements of joint or combined formations and agencies are to maintain continuously, in duplicate, an Operations Record Book (Form 540). In addition, operational flying units are to complete a Form 541 - Detail of work carried out.

(2) The object of the Operations Record Book is to furnish a complete historical record of the unit, headquarters or other formation from the time it was formed. Its value for this purpose depends wholly on the degree of accuracy and completeness with which it is maintained, and the greatest care must be taken to ensure that it is written and documented in a manner and on such a level as will represent adequately the duties and work of the unit or formation to which it refers.

(3) Senior Staff Officers (SSOs), Officers Commanding and the senior RAF representative in joint or combined organisations and RAF elements of agencies are to appoint a commissioned RAF officer of suitable experience and background to compile the Form 540. The duty is to be undertaken as an Associated Task. Compiling officers are to ensure that entries are made in accordance with the notes on the compilation of the Operations Record Book (Form 540) given in AP3040 (Fifth Edition).

(4) During major operations, or when a unit is placed on a war footing, the Operations Record Book (Form 540) is to be compiled on a daily basis and the following documents are to be attached as appendices to all copies of the book:

(a) A copy of each operation order and instructions issued.

(b) A copy of each narrative of, or report on, operations drawn up by the unit or formation.

(c) Any sketches or maps referred to in the main text.

(5) Forms 540/541 are to be given a security classification, in the space provided, in accordance with their individual contents. The contents of the Forms 540/541 should determine its classification. Relevant material must not be omitted from Forms 540/541 on the grounds that it is highly classified.

(6) The extraction of appendices, maps, etc, from the Operations Record Book is an offence against the Official Secrets Acts.

2138. Disposal of Operations Record Book.

Sponsor: AHB1(RAF)

(1) The original copy of the Operations Record Book (Form 540) for each month, together with all

relevant appendices, is to be forwarded by the end of the following month to the MOD, Air Historical Branch (RAF) at RAF Bentley Priory. The duplicate is to be retained by the unit, formation or RAF element until disbandment or closure of the same. On disbandment or closure units, formations or RAF elements are to forward the duplicate copy of the Form 540 to the Air Historical Branch (RAF). Duplicate copies may no longer be destroyed after 12 months.

(2) When a unit is placed on a war footing, or is called upon to undertake major operations which make it difficult for the unit to provide safe custody for the Operations Record Book, both copies of the Form 540 (together with all relevant appendices) are to be sent to the MOD, (AHB(RAF)), in accordance with the procedure laid down in clause (1).

(3) On the resumption of normal conditions, the duplicate copy of the Operations Record Book will be returned to the unit and the action described in clause (1) is to be resumed.

(4) When a unit is disbanded or otherwise loses its identity, both copies of the Operations Record Book are to be completed to the date of disbandment by the insertion of full details of the distribution of the unit's assets and is then to be forwarded to the MOD (AHB(RAF)).

2139. Personal Issues of Air Publications.

Sponsor: DSDC(L)3

The regulations relating to the issue and retention of publications as a "personal issue" (as distinct from temporary loan) are contained in AP 113A (Regulations for the Supply and Maintenance of Publications and Forms).

2140-2143. *(Omitted)*

SECTION 10 - BIRTHS, DEATHS AND MARRIAGES

J2144. General.

Sponsor: RAF Employment Policy

(1) A member of HM Forces is to report to his CO, as soon as possible, any change in his P Stat Cat, including divorce or separation, and (except in the RN) any birth or death in his family. All reports are to be supported by the relevant certificate or other official documents, which should be returned by the CO to the owner as soon as possible. All consequent changes in the name, address and relationship of the nearest relative or friend are also to be reported. Any costs incurred in connection with the registration of births, deaths and marriages are to be paid by the individual concerned or his next-of-kin.

(1A) *(RAF only)*. An officer or airman who is already married at the time of his appointment to a commission or enlistment in the RAF is to produce his marriage certificate at the unit where he first reports for duty.

(1B) *(RAF only)*. The CO of the unit is to notify Manning of every occurrence reported under Clause (1) and (1A). Detailed instructions on the notification procedures are contained in AP 3392, Vol 2, Leaflets 1413 and 1414.

(2) Adoption of children. Adoption of a child is to be reported in the same way as a birth and the CO is to be furnished with a copy of the adoption order or a certificate of the entry in the adopted children's register. The same procedure is to apply when an interim order is made or when the child of a member of HM Forces is adopted by some other person.

J2145. Marriages in the United Kingdom.

Sponsor: RAF Employment Policy

(1) The requirements of the law relating to the publication of banns or giving notice of marriage and to the solemnization and registration of a marriage vary according to whether the marriage takes place in England and Wales, in Scotland or in Northern Ireland*. To ensure that they are aware of the requirements of the law of the country in which they, or members of their families, intend to marry, Service personnel are advised to consult their CO or chaplain.

(2) **Marriage in Service chapels.** Marriages may be solemnized in Service chapels in England and Wales which have been licensed or registered for the purpose. Personnel who wish to be married in a Service chapel should consult the chaplain.

**Explanatory leaflets are published as follows:*

Marriage in England and Wales - The Office of Population Censuses and Survey, St Catherine's House, Kingsway, London WC2B 6JP.

Marriage in Scotland - by New Register Office, Edinburgh, EH1 3YT.

Marriage in Northern Ireland - The Registrar General, Oxford House, 49-55 Chichester Street, Belfast BT1 4HL.

J2146. Marriages outside the United Kingdom under the Foreign Marriage Acts.

Sponsor: RAF Employment Policy

(1) The Foreign Marriage Acts 1892-1947 and the Foreign Marriage (Armed Forces) Order 1964 provided for marriages to be solemnized and registered in any foreign territory by a chaplain serving with any part of the Armed Forces of the Crown in that territory, or by an authorized person. Relevant extracts from the Acts and the Foreign Marriage (Armed Forces) Order 1964 are reproduced at Appendix 16, section 1.

(2) Appendix 16, section 2 sets out the rules for the solemnization of marriages by "authorized persons".

(3) Persons who wish to marry under the provisions of the Acts should obtain early advice in order to ensure that they may have sufficient time to comply with the necessary formalities.

(4) Before a marriage can be solemnized under these Acts the chaplain or authorized person must be in possession of a certificate signed by or on behalf of the Senior Officer of the Service in the territory as prescribed by Article 3 of the Foreign Marriage (Armed Forces) Order 1964 - see Appendix 16, section 1.

(5) A person wishing to be married must give notice to his CO with the following particulars regarding himself and (so far as they are within his knowledge) the other party to the marriage:

- (a) Full name.
- (b) Age.
- (c) Nationality.
- (d) Condition (Bachelor, spinster, widower, widow, divorced).
- (e) If a member of the Forces, full Service particulars (or, if a female as in Article 2 of the Order, the exact employment held).
- (f) Home address, or if none, residence and names of next-of-kin.
- (g) Full name, address, rank and profession of father.

(6) After checking the particulars as far as possible from the records available to him, the CO is to ensure that the notice is endorsed with the name of the chaplain or authorized person who is to officiate at the ceremony and forward it to the Senior Officer for approval. When the Senior Officer has reached a decision on the application he will notify both the applicant and the chaplain of his decision.

(7) If either of the parties is a minor the written consent of the parents or guardian of the minor is to be forwarded with the notice or, if consent is unobtainable, the reason is to be stated.

J2147. Civil Registration of Births and Deaths in the United Kingdom.*Sponsor: RAF Pers Sec (Legislation)*

(1) When a member of HM Forces dies in the UK his CO is to ascertain whether the relatives have registered the death. If they have not he is to notify the Registrar or to ensure that notification is given by a convenient Service unit or establishment.

(2) Personnel are themselves responsible for notifying to the local civilian registrar births and deaths which occur in their families.

J2148. Service Registration of Births, Deaths and Marriages outside the United Kingdom.*Sponsor: ACOS Pers Pol (RAF)*

(1) The Registration of Births, Deaths and Marriages (Special Provisions) Act 1957, and the Service Departments Registers Orders 1959, 1963, 1988 and 2002 made there-under (relevant extracts from which are reproduced in [Appendix 37](#)) provide for the registration of births, deaths and marriages occurring outside the UK among members of the Armed Forces and civilians serving or working with them, and the families of such persons, and of deaths and births occurring on board HM ships or aircraft. Registration under the Act is carried out in the various overseas commands by Service registering officers appointed for the purpose by the Defence Council. (Appointed officers for the RAF are shown in Section 2 of [Appendix 37](#)). Copies of entries in registers are transmitted to General Register Office, Overseas Registration Section, Smedley Hydro, Trafalgar Road, Birkdale, Southport, PR8 2HH and the Registrars General in England, Scotland and Northern Ireland keep them as "Service Departments Registers". Certified copies of such entries can thereafter be obtained from the Register Office concerned.

(1A) (*RAF only*). Information concerning the registration by Joint Casualty and Compassionate Cell (JCCC) of certain deaths occurring outside the UK, which cannot be registered elsewhere, is given in JSP 751.

(2) Registration under the provisions of the Act is not to be applied in respect of births, deaths and marriages occurring to locally-engaged personnel or their families, or to locally-engaged servants, or to any persons who have no domicile in or connection with the UK such as would justify entries in the records of the General Register Office.

(3) **Method of Registration.** Service personnel and civilians are responsible for ensuring the registration of their own marriages and of the births, deaths or marriages which occur in their families (but see clause (5)). Notifications can be made either by personal attendance on the registering officer or by a report on the appropriate form (ORS 1, ORS 2 or ORS 3) by a qualified informant (as specified on the reverse of the forms); after the form has been attested by an officer or other qualified person, it is to be sent by the informant to the registering officer.

(4) **Registration in Special Cases.** Attention is drawn to the conditions applying to late registrations (i.e. more than 12 months after the date of a birth, death or marriage) and to the registration or re-registration of births of legitimated children - see [Appendix 37](#). Where it may be necessary to presume death (or in other circumstances where there is no "qualified informant") no registration is to be effected, but full details are to be reported to RAF PMA (Cwk)Casualty who will ask the Registrar General to authorise registration of the death; if he approves, he will give the necessary authority to the Overseas Registration Section at the General Register Office, Southport. The late registration is made in registers held by that office.

(5) **Registration of marriages under the Foreign Marriage Acts.** The officiating chaplain is responsible for initiating the registration of a marriage solemnized under the provisions of the Foreign Marriage Acts. He is to forward Form ORS 2, duly completed, to the registering officer. He is also to complete and hand to the parties the marriage Form ORS 15, which provides evidence of the fact of the marriage until such time as the registering officer has issued a marriage certificate.

(6) **Responsibilities of Commanding Officers.** On the death of a member of HM Forces or of a civilian serving or working with the Forces as set out in the Schedule to [Appendix 37](#) (excluding those specified in clause (2) above), the CO is to ensure that the necessary action is taken to effect

registration.

(7) The captain of one of HM ships or the person in command of a Service aircraft is to arrange for the registration of the death of any person whatsoever taking place on his ship or aircraft (see also Para **J2149**).

(8) In the case of a birth or a marriage the registering officer is to send a certificate to the person concerned as soon as possible. In the case of a death, the certificate is to be sent by the registering officer to the next-of-kin if residing in the territory. He is also to notify JCCC of the action he has taken. If the next-of-kin is not residing in the territory, the registering officer is to send the certificate to JCCC.

J2149. Registration of Deaths occurring on an RAF passenger-carrying aircraft outside the UK and outside its territorial waters.

Sponsor: OC JCCC

(1) Following the practice in civil aircraft accidents occurring outside the UK, where all deaths on an aircraft are registered on one register by the Board of Trade, all deaths (Service and civilian) on an RAF passenger-carrying aircraft outside the UK and outside its territorial waters will be registered by the Joint Casualty and Compassionate Centre (JCCC) under the Service Departments Registers Orders.

(2) Deaths in the above cases should not be registered elsewhere (unless there is such a requirement under local law).

(3) Deaths occurring overseas after the crash, e.g. in hospital, are to be registered either by a service registering officer, if within a command theatre or through consular channels. Cases of doubt are to be referred to the appropriate consular authorities or to the JCCC.

J2150. Local Registration of Births and Deaths outside the United Kingdom.

Sponsor: ACOS Pers Pol (RAF)

(1) In addition to registration under the law of the UK (see Para **J2148** and clause (2) below) local registration as required by the law of the country or colony must be complied with by Service personnel in respect of births and deaths occurring in their families. COs are to ensure that the attention of all concerned is drawn to this requirement.

Registration of Births

(2) The British Nationality Act 1981, which came into force on 1 January 1983, provides that:

(a) Anyone born in the UK is a British Citizen by birth, if at least one of his parents was then a British Citizen, or "settled in the UK" (i.e. neither a tourist nor an illegal immigrant).

(b) Anyone born abroad is a British Citizen by descent, if at least one of his parents was then a British Citizen by birth.

(c) Anyone born abroad, at least one of whose parents was then a UK Crown Servant recruited in the UK, is a British Citizen by birth. (See note).

(d) A child born abroad to parents, who at that time, were both British Citizens by descent, or where one parent was a British Citizen by descent and the other was an alien, is not a British Citizen unless an application to register the child is made within 12 months of the birth and the parents (or British parent) have previously lived in the UK for not less than 3 years.

Note: In the Act the correct expression is 'British citizen other than by descent' and it includes those who have acquired that status through birth, adoption, naturalization or registration in the United Kingdom.

(3) It follows therefore that Clause 2(c) above gives an advantage to the children of Servicemen born abroad over those whose parents were not in Crown Service at the time, and that it is in everyone's interest to establish the fact of Crown Service when registering the birth of a Serviceman's child. The CO is to advise the father to take the following action on obtaining birth certificates:

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(a) Obtain a Services certificate of birth through a Service registering officer (see Para **J2148**). These officers are located in overseas commands and Defence Liaison Staffs attached to certain British Embassies or High Commissions. Such a certificate does not constitute evidence that the child is a British Citizen.

(b) Register the birth through a British Consulate (in a foreign country) or a British High Commission (in a Commonwealth country). This will constitute evidence that the child is a British Citizen. The parents will have to produce certain documentary evidence of their citizenship and pay a registration fee. High Commission registration is possible in most, but not all, Commonwealth countries. If the father fails to obtain this registration shortly after the birth of the child he will be faced with proving its citizenship at a later date, probably in the UK, when similar documentary evidence and payment will be required, and the Services certificate will become very important.

(c) Local registration, if this is mandatory under the laws of the country concerned (see clause 1 above).

J2151. Burial in the United Kingdom following death aboard a ship or aircraft. *Sponsor: OC JCCC*

(1) When, following a death aboard a ship or aircraft outside territorial waters or in an aircraft while airborne over the UK (in which cases the death is registerable under the Service Departments Registers Orders), the body is landed for burial:

(a) In England or Wales - it is necessary to apply to the Registrar for the sub-district in which burial is to take place for a certificate of no liability to register: this certificate must be produced for the purpose of burial; but if (under Para **1023**) an inquest into the death is to be held, the authority for burial will be the disposal certificate issued by the Coroner.

(b) In Scotland or Northern Ireland - no such certificate is required but the keeper of the burial ground must be satisfied that death occurred outside the UK.

(2) See also Para **J2884** and JSP 751 Joint Casualty & Compassionate Policy & Procedures).

2152-2159. *(Omitted)*

SECTION 11 - ELECTORAL REGISTRATION

(This section should be read in conjunction with **Appendix 20**)

J2160. Electoral Registration of Members of the Armed Forces and their Spouses.

Sponsor: RAF Pers Sec (Legislation)

Registers of electors for parliamentary, European Parliament and local government elections are prepared annually and are operative for a 12 months period commencing from 1 December. In addition, alterations are made on a monthly basis for those people who change their address between the annual updates. Only persons whose names appear on the register are eligible to vote in an election that occurs during the period of that register. The Representation of the People Act 2000 (as amended) came into effect on 16 February 2001 and introduced various changes, some of which relate specifically to Service personnel.

J2161. Eligible Personnel.

Sponsor: RAF Pers Sec (Legislation)

In order to register, personnel must meet the following criteria:

(a) Be over 16 years of age (although an individual cannot actually vote until his or her 18th birthday).

(b) Be a United Kingdom or Commonwealth citizen, or a citizen of the Irish Republic or of

another European Union member state. However, citizens of European Union member states other than the United Kingdom, Irish Republic, Cyprus or Malta are only eligible to vote in local government elections and European Parliamentary elections.

J2162. Registration Options.*Sponsor: RAF Pers Sec (Legislation)*

Service personnel and their spouses or civil partners, may choose to register to vote in one of three ways. Whichever registration option is chosen, it must be renewed annually. Registration options are:

(a) Service Voter. All full time Service personnel, their spouses or civil partners have the option to register as Service Voters by completing a yearly Service Registration Form. When registering this way, the Service Voter's qualifying address can be where they are resident in the UK (including Service Families or Single Living Accommodation (SFA/SLA)), an address in the UK where they would be living if they were not in the Services or, if neither of these two options are possible, an address where they have lived in the past. This option is particularly suitable for those posted overseas or likely to be posted elsewhere in the near future.

(b) Ordinary Voter. Since 2001, Service personnel also have the alternative option to register in the same way as ordinary voters. If they are living at a permanent address in the UK, either at a private or other qualifying address (i.e. SFA or SLA) a Service person and/or spouse/civil partner can choose to register as an ordinary voter.

(c) Overseas Voter. Those Service personnel and their spouses/civil partners who are posted abroad and do not wish to register as Service Voters can register as Overseas Voters. This is a facility available to all British Citizens who currently live abroad, but have been registered as voters in Britain within the last 15 years. The disadvantages of this option are that Overseas Voters can only vote in UK Parliamentary and European Parliamentary elections, not local elections in the UK and the facility is time-limited, i.e. the ability to do this expires after a period of 15 years from the time the person was last registered in the UK.

Service dependants other than a spouse or civil partner are not eligible to make a Service declaration and can only register as ordinary voters, or Overseas Voters. Reserve personnel and R IRISH Home Service personnel required to serve in Northern Ireland (except for training) are not eligible to register as Service Voters. Reserve personnel called up for active service are, however, eligible to register as Service Voters.

J2163. Renewal of Registration.*Sponsor: RAF Pers Sec (Legislation)*

All households in England, Scotland and Wales receive an annual electoral Registration Form from the local Electoral Registration Officer during September/October for confirmation and updating of the following year's register of electors. All those registered as ordinary voters should ensure they complete this annual form every year. In addition, all those registered as Service Voters are sent an annual renewal notification from the Electoral Registration Officer with whom they are registered. This will be posted 9 to 10 months after the last registration. If not received, Service personnel should contact their local authority Electoral Registration Officer. In Northern Ireland, there are no household forms but each individual receives an annual renewal notification, and is responsible for his or her own registration.

J2164. Rolling Registration.*Sponsor: RAF Pers Sec (Legislation)*

In addition to the annual canvas, provision is made for a system of rolling electoral registration. This allows individuals to register at any time of year if their circumstances change, for example, when they either move properties within the same electoral registration area, or to another electoral registration area within the United Kingdom.

J2165. Privacy of Information.*Sponsor: RAF Pers Sec (Legislation)*

There are two versions of the electoral register. By law, only certain people and organisations can have copies of the full register and they can only use it for specific purposes. However, Electoral Registration Officers also make copies of an edited electoral register available for sale or commercial

use by anyone, who may then use it for any purpose. Those wishing to have their name and address left off the edited version must specifically notify the Electoral Registration Officer that they opt out of having their details included on the edited register. There is a tick box on the electoral registration form for individuals to indicate their choice.

J2166. Absent Voting.*Sponsor: RAF Pers Sec (Legislation)*

Service personnel and their spouses/civil partners who are overseas or away from their UK residence during an election may elect to vote either by post or proxy, whether they have chosen to register as ordinary voters, Service Voters or Overseas Voters:

(a) Postal Voting. Postal ballot papers may not be sent out until shortly before the election so that they may not be received by those overseas in time to mark their vote and return them. Those overseas or likely to be deployed are advised to consider appointing a proxy.

(b) Voting by Proxy. The generally acceptable grounds for voting by proxy as ordinary voters are as follows:

- a. Physical incapacity or blindness.
- b. Occupation, employment or attendance on a course.
- c. Where voting in person would require a journey by sea or air (i.e. holiday or posted abroad).

However, registered Service Voters and Overseas Voters do not need to meet the above requirements as their particular circumstances automatically entitle them to vote by proxy. The proxy does not necessarily need to be a family member, they can be anyone who meets the following criteria: they must be aged 18 or over, a British, Irish or Commonwealth citizen and be living in the UK. If the option is chosen to appoint a proxy, a voter can still cast their vote in person providing the proxy has not already voted on their behalf. The person appointed as a proxy is not required to live in the same area as the person who appointed them is registered, and can apply to cast the proxy vote by post. However, if the proxy chooses to vote by post, the Service person will not be able to vote in person.

J2167. European Union - Citizens.*Sponsor: RAF Pers Sec (Legislation)*

Citizens of countries in the European Union may register and vote at both local government and European Parliamentary elections, but not British Parliamentary elections (except citizens of Irish Republic, Cyprus or Malta).

J2168. Unit Procedures.*Sponsor: RAF Pers Sec (Legislation)*

All ships, units and stations are to give Service personnel and their families every assistance to register as voters. Commanding Officers are to appoint an officer(s) to be responsible for providing advice to serving personnel and their families on Service voting issues. Unit Registration Officers should act as a focal point within their unit to ensure that everything possible is done to encourage Service personnel and their families to register to vote. The responsibilities of Unit Registration Officers are:

- (a) To encourage Service personnel and their families by all appropriate means to register to vote in Parliamentary, European Parliamentary and Local Government elections.
- (b) To promulgate information on a regular basis (at least 6 monthly) within units on how to register to vote and for the requirement to do so annually.
- (c) To liaise with local Electoral Registration Officers and give assistance as necessary, including access to units when canvassing individuals to register to vote.
- (d) To act as a focal point within units in response to initiatives from the Electoral Commission, and other initiatives, encouraging Service personnel and their families to register to vote.
- (e) To liaise with local family organisations in assisting families of Service personnel to register to vote.

- (f) To ensure that all new entrants to the Armed Forces are made aware of the procedures and options for registering to vote and voting.

J2169. Election Procedures.*Sponsor: RAF Pers Sec (Legislation)*

The following procedures are to be adopted:

- (a) By Elections. On receipt by the Services of notification that a by-election is pending, a signal will be despatched to all home commands giving the name of the constituency and address of the Electoral Registration Officer. COs should then ensure that Form F/Vote/36 (Notice of Pending By-Election) is completed and posted in a prominent position on notice boards.
- (b) General Elections. The procedures as above will apply, except that Form F/Vote/51 (Notice of General Election) is to be posted on notice boards.
- (c) Local Government Elections. Local government elections in the whole of the U.K. are normally held on the first Thursday in May. No notification is made, although information will be available from the individual's home local authority.
- (d) European Parliamentary Elections. The same procedures for general elections apply, except that notification will be made by release of a DIN.

J2170. Additional Information.*Sponsor: RAF Pers Sec (Legislation)*

Local Electoral Registration Officers are able to provide additional information including specific details for registration within their area. Lists of Electoral Registration Officers can be found on the Internet at www.aboutmyvote.co.uk.

J2171-J2176. *(Omitted)*

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CHAPTER 29

MATERIEL AND STORES**2177.** *(Omitted)***2178. Detailed Regulations.***Sponsor: DACOS A4 Spt*

The detailed regulations for supply administration and accounting for materiel, are contained in JSP 886, The Defence Logistics Support Chain Manual, and other such instructions issued from time to time.

2179-2180. *(Omitted)***2181. Supply Organisation and Management.***Sponsor: DACOS A4 Spt*

Normally only one supply organisation is to be maintained on a station, irrespective of the number of units located thereon. The supply organisation is to be under the control of the senior specialist officer and all supply personnel are to be under his immediate control. Exceptions to this policy may be authorised by DE&S to meet special circumstances.

2182-2203. *(Omitted)***J2204.** *(Omitted)***J2205. Sales of Surplus Materiel.***Sponsor: DS(PPB)*

(1) The responsibility for the disposal by sale of materiel declared surplus to the requirements of the Services and MOD establishments is vested in the Disposal Sales Agency. All sales will be carried out in accordance with the regulations of JSP 336 Pamphlet No 9.

(2) When Government surplus materiel is offered for sale at fixed prices, or by auction, or by competitive tender, Service personnel and civilians employed by the MOD may purchase such materiel, except where:

(a) They are, or have been, by reason of their official position, able to obtain special knowledge regarding the condition of the goods to be sold.

(b) They are, or have been, officially associated with the disposal arrangements.

(c) The materiel is for the purpose of resale and not for their personal requirements.

(3) Purchase of stores from commercial storage and marketing agreement contractors, on the same terms and conditions of members of the public, is permitted.

(4) Sale by private treaty of Government surplus materiel to Service personnel and civilians employed by the MOD is not permitted except where special authority to sell at a fixed price has been given by

the Disposal Sales Agency.

(5) Recognised Service organizations may be allowed to purchase surplus Government materiel providing it is for the organization's requirements and is not for personal or commercial requirements. The approval of the Disposal Sales Agency will be required in each case.

(6) The approving authority for all sales of surplus materiel is the Disposal Sales Agency.

2206-2207. *(Omitted)*

CHAPTER 30

**CLOTHING, ARMS, ACCOUTREMENTS, CLOTHING ALLOWANCE
AND DISPOSAL OF EFFECTS****SECTION 1 -CLOTHING GENERALLY****2208. Regulations for Accounting and Scales of Kit.***Sponsor: UC(PSM)*

The regulations governing the accounting and supply of clothing necessities and accoutrements are contained in AP 830, Vol 1. Scales of entitlement, are detailed in Vol 3 of that publication.

2209. Airmen's Uniform Clothing, Necessaries and Accoutrements on Entry. *Sponsor: UCPSM Cer & Pol*

(1) Every airman on final acceptance for air force service is to receive a free issue of uniform clothing, necessities and accoutrements to the approved scale. Female personnel and PMRAFNS (Non-commissioned element) are paid an allowance for additional items which are detailed in DCIs (RAF).

(2) Items of personal clothing and necessities not included in scales of entitlement are not supplied from Service sources and are to be provided by the individual and maintained from pay.

2210. Maintenance of Uniform Clothing.
*Pol**Sponsor: UCPSM Cer &*

(1) All items of uniform clothing are to be replaced free of charge when they become unserviceable through fair wear and tear. Where replacements are required before expiry of the notional garment life, OC Supply Squadron, in consultation with the appropriate Flight/Squadron Commander, is to decide whether or not the unserviceability is due to fair wear and tear. Items of clothing will be exchanged on a one for one basis in the Unit clothing store.

(2) Items of uniform clothing rendered unserviceable through other than fair wear and tear, the cause of which is attributable to the individual, are to be replaced on repayment. The OC Supply Squadron is to assess a repayment rate in accordance with the procedure detailed in AP 830.

(3) Regulations concerning the exchange of items of uniform clothing are detailed in AP 830, Vols 1 and 3, Part C.

(4) An airman has not an absolute right of property to the clothing issued to him, and such clothing is not to be sold to any civilian, or disposed of, except as provided in these regulations, or in any other orders or regulations that may from time to time be issued by the Air Force Board.

(5) Uniforms may be dry cleaned at public expense, except for charges arising from other than fair wear and tear, which are to be met by the individual.

2211. Flying, Working and Protective Clothing.

Sponsor: UCPSM Cer & Pol

- (1) Non-commissioned aircrew are to be provided with flying clothing under the same conditions as those for officers (See Para **2239**).
- (2) Such special articles of working and protective clothing as are scaled for specific trades or work environments are to be issued on loan.
- (3) Apart from certain exceptions detailed in AP 830, Vol 3, Part C, articles of clothing issued for working or protective purposes are not regarded as personal issue, but accounted for on a flight or section inventory.
- (4) An article of flying, working or protective clothing replaced at the expense of an officer or airman, to make good loss or damage not due to fair wear and tear, does not thereby become personal property.

2212. Changes in Scales.

Sponsor: UCPSM Cer & Pol

When the posting of an airman involves a change in the scale of clothing, the necessary additional items are to be issued free of charge. On cessation of the posting, the items in the individual's possession, which are in addition to the entitlement for his new posting, are to be returned to store, with the exception of those items he is entitled to retain.

2213. Transfer of Clothing and Accoutrements.

Sponsor: UCPSM Cer & Pol

- (1) On transfer between units, both at home and abroad, an airman is to take with him the clothing and accoutrements detailed in the relevant scales and held on personal charge. (This includes flying clothing on personal issue).
- (2) Clothing which is on the charge of the unit is to be returned to store before the airman leaves the station. (See Para 892 as to the clearance certificate.)

2214. Garments Outgrown.

Sponsor: UCPSM Cer & Pol

Airmen who have outgrown any articles of uniform clothing may have them altered to fit at public expense or, if this is not practical or economic, replaced free of charge.

2215. Remustering, Promotion or Reduction - Change of Uniform.

Sponsor: UCPSM Cer & Pol

- (1) The alterations necessary to an airman's uniform, in consequence of promotion or reduction, are to be made at public expense. Chevrons and badges which are required to be added to the uniform and any new items of uniform which may be required owing to a difference of pattern or scale are to be supplied free of charge immediately the promotion or reduction is notified.
- (2) An airman appointed to acting rank is to continue to wear the uniform of the substantive or temporary rank with the addition of the necessary badges unless instructions to the contrary are issued by HQ PTC and with the exception of appointments to warrant officer from the Central Roster maintained by HQ PTC.

2216. Airmen's Kits - Issue and Upkeep.

Sponsor: UCPSM Cer & Pol

- (1) The officer in charge of a flight or section is responsible to the CO that the airmen in the flight or

section are at all times kitted with the clothing, necessities and accoutrements to which they are entitled and that the airmen maintain their kits according to scale and in a serviceable condition.

(2) When complying with clause (1) the officer in charge of a flight or section is to take due account of the circumstances in which the airman may, at the time, be placed, e.g. approaching discharge or drafting.

(3) Personnel are not entitled to have in their possession any article of clothing that is not included in the scale authorised for their trade or work environment with the exception of items that may be retained from previous special entitlements (e.g. tropical clothing).

2217. (Omitted)

2218. Airmen or Airwomen Unable to Wear Service Footwear.

Sponsor: UCPSM Cer & Pol

(1) When an airman is, for medical reasons unable to wear service footwear, and special footwear is recommended by medical authorities, an application (accompanied by Form 200) giving the following information, is to be made to the AOC or other OC.

(a) Whether the airman is recommended for retention in the Service.

(b) The MOs certificate showing:

(i) Particulars of disability.

(ii) Whether disability is permanent or temporary.

(iii) Whether the issue of the special footwear will render the airman capable of performing the normal duties of his rank and trade.

(c) Estimated cost of provision under local purchase arrangements.

(2) The footwear, which is to conform as nearly as possible to Service pattern, is to be procured using the procedure detailed in AP 830, Vol 1, Part 2.

(3) The above clauses do not apply to surgical footwear which is required. Surgical footwear is to be obtained through the Department of Health and all requests for supply are to be signed by the MO and submitted through the usual channels to HQ PTC.

(4) (a) Additional pairs of socks may be issued to airmen suffering from skin conditions of the feet.

(b) The certificate must state the specific nature of the complaint necessitating the issue, and also the number of additional pairs of socks to be issued.

(c) A medical certificate issued for this purpose is not to remain valid for longer than a period of three months, after which period the certificate must be renewed if necessary. Issues made as a result of such medical certificates, are to be free of charge.

2219. Recovery of Lost Clothing and Equipment.

Sponsor: UCPSM Cer & Pol

(1) Items of clothing and equipment lost by RAF personnel and handed in at any police station and also

recovered by railway lost property offices are forwarded by the appropriate authorities to the nearest RAF unit. When there is an indication of the name or number of the person to whom it was issued, the RAF unit is to ascertain from the HQ PTC the last posting of the individual to whom it was issued, and forward the clothing or equipment to that unit. If, however, ownership cannot be traced the clothing and equipment are to be brought on charge at the RAF unit, retained, for one month, and then, if not claimed within that period dealt with under supply regulations according to its condition.

(2) **Unclaimed Baggage.** Every effort is to be made to trace the ownership of, and to dispose of, unclaimed baggage held in station or unit supply sections. If there is nothing to indicate the owner of the baggage it is to be retained for a period of 3 months; if it has not been claimed in that time, it is to be opened on the authority of the Senior Supply Officer. If it is still impossible to identify the owner, the contents, with the exception of personal effects, are to be taken on charge. Personal effects arising from unclaimed baggage held at stations in the UK are to be forwarded to the RAF Central Depository. After such baggage has been held unclaimed for two years, the officer i/c Central Depository is to transfer the baggage to the officer i/c Disposals for inclusion in current auction sales. At stations abroad such effects are to be disposed of, if possible by sale, at the discretion of the CO.

(3) Unclaimed baggage which is known to be the property of a deceased or missing person is to be disposed of in accordance with AP 1922 Chap 10 Section 1.

2220. Action when Losses or Damage Occurs.

Sponsor: UC(PSM)

(1) If an airman loses or damages arms, accoutrements clothing or necessities in his possession and it can be clearly shown that such loss or damage is directly attributable to him through wrongful act or negligence, the amount of such loss or damage is to be charged against him. If necessary, action to impose a penal deduction may be taken in accordance with Para 1029.

(2) If it is shown that the loss or damage is due to wrongful act or negligence on the part both of the airman and of some other person, and it is decided that such other person should pay part of the cost of replacement, the airman is to be held responsible for the balance of the cost.

(3) If it is shown that the loss or damage is due in part to a wrongful act or negligence on the part of the airmen and other person or persons unknown, the airman is to be held responsible for an appropriate monetary recovery assessed in accordance with Appendix 6.

(4) The offence of losing, by negligence, damaging or making away with clothing, arms, or other equipment issued to an airman for his use for Service purposes is to be dealt with by taking prompt disciplinary action under the AFA, where the circumstances justify such action.

(5) When a CO is satisfied that an airman's clothing, accoutrements or necessities have been lost or damaged in circumstances beyond the airman's control, or through the wrongful act of person or persons unknown, he may authorise repair, where economical, or replacement issue, without charge to the individual concerned.

2221-2223. (Omitted)

2224. Laundering.

Sponsor: UCPSM Cer & Pol

Only the items and quantities of clothing as notified in AP 830 Vol 1 are to be laundered at public expense, and the procedure laid down in AP 830, Vol 1 is to be followed. Items and quantities in excess of those shown in AP 830 Vol 1 are to be laundered under private arrangements.

2225. (Omitted)

2226. Disposal of Unserviceable Clothing.

Sponsor: UC(PSM)

Unserviceable clothing withdrawn from airmen is to be disposed of in accordance with AP 830 Vol 1.

2227. Airmen Discharged or Transferred to the Reserve - Retention of Service Clothing.

Sponsor: UCPSM Cer & Pol

(1) Airmen discharged from the RAF are permitted to retain only those items of uniform clothing and necessities detailed in the personal retention scales. All other uniform clothing must be returned to store and such items that may be deficient are to be charged for at an assessed repayment rate in accordance with AP 830, Vol 1.

(2) Airmen transferred to the Reserve or Auxiliary forces are to retain such clothing and necessities as are detailed in AP 830, Vols 1 and 3. Airmen discharged for immediate re-attestation are to retain all uniform and necessities in their possession which pertain to their future service.

(3) Airmen proceeding for discharge or transfer to the reserve from a command abroad are to retain their full kit on leaving their unit abroad and the necessary withdrawal of those items not to be retained on leaving the Service is to be effected at the personnel holding flight in the UK.

2228. (Omitted)

2229. Clothing - Supply to Airmen Discharged after Imprisonment or Detention and Airmen Discharged for Misconduct.

Sponsor: UCPSM Cer & Pol

(1) An airman discharged from the Service under the terms of Para 607 (6), (7) or (8) following a sentence of imprisonment or detention and an airman discharged for misconduct is not to proceed in uniform.

(2) On release from a civil prison or military or air force establishment on completion of sentence, an airman will be allowed to retain free of charge one pair of boots (or shoes) and one pair of socks. If release is from a military or air force establishment he may be permitted to additionally retain one shirt and tie. If he is not in possession of civilian clothes, or is unable to obtain them, he will, if discharge is from a military or air force establishment, be issued with a civilian jacket and pair of trousers bought locally. The cost of any civilian clothes will be debited to the airman's pay ledger account.

(3) An airwoman discharged for misconduct will be allowed to retain free of charge one pair of shoes and the pantie hose (tights) purchased from the initial cash allowance (see Para 2209), and one leather shoulder bag. Should she not be in possession of civilian clothing, arrangements are to be made by the CO of her unit for her to be supplied by local purchase. The items to be purchased will be one dress (or a jumper and skirt) and, between 1 October and 31 March, if recommended by the MO, a coat. The cost will be debited to the airwoman's pay ledger account, and will not be more than the amount prescribed in DCIs (RAF) for this purpose.

(4) When an airman is committed to a civil prison and is discharged from the Service on completion of sentence, civilian clothes will be the responsibility of the civil prison authority. If it is known that in the airman's kit are items of civilian clothing then these, with other personal property, should be transferred to the prison in which he is serving his sentence.

2230. (Omitted)

2231. Clothing etc, of Absentees.

Sponsor: UCPSM Cer & Pol

(1) As soon as it is known that an airman has absented himself without leave, his clothing, necessities, arms, ammunition and any other equipment issued to him for his use which remains in the unit is to be listed on Form 20, prepared in duplicate, and taken into store for safe custody.

(2) If a board of inquiry held in accordance with Para 1275 after the expiration of 21 days finds that the airman is illegally absent the articles which were not forthcoming, and any articles missing when the inventory on Form 20 was prepared, will be declared deficient in accordance with the report of the board of inquiry.

(3) If the absentee is not apprehended or has not surrendered at the expiration of three months after the report of the board of inquiry has been promulgated, all items of clothing and/or accoutrements held by the unit are to be brought on charge and disposed of according to their condition. All deficiencies and/or damage not due to fair wear and tear are to be charged to the pay ledger account.

2232. Rejoined Absentees and Improperly Enlisted Airmen.

Sponsor: UCPSM Cer & Pol

(1) An airman rejoining from illegal absence is not to be charged with the value of the items reported deficient by the board of inquiry unless a court-martial, or CO acting summarily (see Para 1187), has imposed stoppages in respect of the loss as part of his punishment. If action in accordance with Para 2231(3) has already been taken, the airman's pay ledger account is to be adjusted either to conform with the sentence or award or, if no stoppages were imposed, to eliminate the debit entirely.

(2) When airmen are retained in the Service any articles of clothing which may have been issued on loan pending disposal of the case are to be retained by them and they are to be issued with any further articles required to complete the kit.

(3) The disposal of uniform clothing and necessities in respect of airmen transferred to the reserve, or re-transferred to the reserve in the case of reservists who improperly enlisted without having been discharged from the reserve, are to be dealt with as laid down in Para 2227.

(4) A man belonging to the RN or Army who is found to have enlisted in the RAF without having been discharged from his previous enlistment will not be required to pay for those items of uniform clothing and necessities issued from air force sources if he is allowed to remain in the RAF. If he is sent or transferred back to his former Service he is to be allowed to retain those items of clothing and necessities which may be of use to him in that service. The remainder is to be withdrawn and disposed of according to its condition.

2233. Airmen committed to a Civil Prison or Military or Air Force Establishment (other than a Corrective Training Centre).

Sponsor UCPSM Cer & Pol

(1) An airman committed to a civil prison or military or air force establishment (other than a corrective training centre) to undergo a sentence of imprisonment or detention is to take with him such clothing and necessities as are essential for his use throughout his sentence. Should he not be returning to air force service on completion of sentence he will invariably take with him on committal any civilian clothing in his possession for transfer to the custody of the authorities of the prison or military or air force establishment and if special prison clothing is being provided, as is customary in civil prisons, the escort is to bring back all Service clothing except one pair of boots (or shoes) and one pair of socks, except that an airman may be permitted to retain additionally one shirt and tie if he is committed to a military or air force establishment. When it is known or expected that an airman will return to air force service, such uniform and personal belongings as he will not need during his sentence are to be stored for safe custody and re-issued to him when he is due to return to his unit, but if it is subsequently found that he will not be returning to air force service, his Service kit will be recovered from the authority of the prison or military or air force establishment. If special prison clothing is not being provided, the airman is to be left in possession of the following:

No. 2 dress 1 Jacket and 1 pair of trousers
 Beret 1
 Footwear 2 pairs
 Gloves 1 pair
 Shirt 4
 Jersey 1
 Tie 1
 Socks 4 pairs
 Kit bag or holdall 1

(2) An airman sent home from abroad for imprisonment or detention is to retain such additional items of clothing as are necessary for the journey home. These articles are to be withdrawn on arrival at the prison or military or air force establishment and forwarded to "D" Unit for disposal.

(3) Withdrawn clothing is to be disposed of according to its condition.

(4) Any replacements of clothing which are necessary whilst undergoing sentence are to be made by the unit on whose non-effective strength the airman is borne.

(5) On discharge from prison or military or air force establishment and return to civilian life the airman may retain one pair of boots (or shoes) and one pair of socks. Any other items of service clothing (save as provided for in Para 2229) are to be returned to the unit on whose non-effective strength the airman was borne for disposal.

2234. Airmen Committed to an Air Force or Military Corrective Training Centre.

Sponsor: UCPSM Cer & Pol

(1) An airman committed to an air force or military corrective training centre is to take with him the clothing and necessities as listed in AP 3392 Vol 4 Leaflet 1003.

(2) Any articles required to bring the airman's kit up to scale are to be issued by his parent unit under the normal procedure.

(3) Procedures for accounting for an airman's kit whilst he is undergoing corrective training, and for replacements of clothing where necessary are detailed in AP 830, Vol 1, Part 2.

2235. Airmen Attached to the RN or Army and Ratings or Soldiers Attached to the RAF.

Sponsor: UCPSM Cer & Pol

When accidental damage occurs to the clothing or equipment of an airman attached to the RN or Army, or of a rating or soldier attached to the RAF, each Service will bear its own losses and expenses provided that it is clear that the charge should fall on the public (see Para 2220), without regard to the question of departmental responsibility for the accident. No claims are therefore to be preferred against the RN or Army in respect of such damage, nor are claims to be accepted from the RN or Army on account of similar damage in respect of ratings or soldiers attached to the RAF.

2236-2237. (Omitted)

2238. Prepayment Issues to Officers.

Sponsor: UCPSM Cer & Pol

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(1) Officers are permitted to purchase from Service sources certain necessities and items of officers' pattern clothing, and airmen's clothing. The items of clothing and necessities which are

authorized to be purchased by officers are published in DCIs (RAF).

- (2) The purchase by officers of authorized items is subject to the following conditions:
 - (a) Only articles of clothing etc specified in AP 830, Vol 3 may be issued.
 - (b) Quantities purchased by an officer are not to be in excess of his personal needs.
 - (c) The price to be charged for any article purchased is that laid down in DCIs (RAF).
 - (d) Only items which are part of, or are required to be worn with, the uniform of the particular force to which an officer belongs may be purchased.
- (3) An officer is not permitted to purchase flying, protective or working clothing.
- (4) Payment is to be made by the officer in cash or by cheque in accordance with the procedure laid down in AP 830, Vol 1.

2239. Flying, Working and Protective Clothing of Officers.

Sponsor: UCPSM Cer & Pol

- (1) The articles of flying, working and protective clothing specified in AP 830 Vol 3 may be issued when necessary to an officer for his personal use.
- (2) When such an article of clothing is issued for the personal use of an officer, it is to remain on his personal charge and taken with him on change of station.
- (3) When an officer dies or retires or, for any other reason, ceases to belong to the active list, or is placed on half pay, or is seconded, any flying, working or protective clothing in his possession is to be withdrawn and returned to store. If it is found that any article is missing or damaged, otherwise than by fair wear and tear, the amount of the loss or damage is to be assessed and charged against him, if it can be shown that such loss or damage was attributable to him. If necessary, action to impose a penal deduction may be taken in accordance with Para 2390.

2240-2245. (Omitted)

SECTION 2 - CLOTHING ALLOWANCE

2246. Clothing Grant - Female Non-Commissioned Personnel.

Sponsor: DDP(P&A)(RAF)

The Female Clothing Grant contributes towards the costs necessarily incurred by all female non-commissioned Service personnel and female Cadet Force instructors who are required to purchase items of clothing that are not issued to them at public expense (i.e. tights and/or petticoats) but which they are required to wear as part of their uniform. The conditions and rates of payment are specified in JSP 752 Chapter 8 Section 2.

2247. Civilian Clothing Daily Allowance and Civilian Clothing Annual Grant for Non-Commissioned Personnel.

Sponsor: DDP(P&A)(RAF)

A grant or allowance may be paid when an airman or airwoman has to wear civilian clothing on duty for Service reasons. The level of the grant or allowance depends on the extent of the duties on which

civilian clothing must be worn. The scheme is designed to provide financial compensation to non-commissioned personnel, whose Terms of Service include the provision of uniform working dress, for the wearing of their civilian clothes. The grant and allowance cannot be paid concurrently. The conditions of payment and rates payable are specified in JSP 752 Chapter 8 Section 3.

2248-2272. *(Omitted)*

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CHAPTER 31

COMPENSATION FOR LOST AND DAMAGED PERSONAL EFFECTS**2273. General.***Sponsor: : DBR CLCP*

These Regulations are designed to compensate individuals for articles lost, destroyed or damaged arising from the exigencies of the Service, and relate only to ex gratia payments. Claims from Service personnel for loss of, and/or damage to personal property arising directly or indirectly out of the performance of the claimant's duties, known as regulational claims, have now been delegated to all local management areas and these claims are to be considered on an ex gratia basis. Claims for loss of, and/or damage to personal property which arise out of an alleged negligent act or omission on the part of the MOD are not regulational claims, but are common law claims against the Department, and should therefore be referred immediately to DBR CLCP, Ministry of Defence, Level 1, Spine 3, Zone J, Main Building, Whitehall, London SW1A 2HB in accordance with Para J1803.

2274. Insurance.*Sponsor: DBR CLCP*

- (1) Except to the extent permissible under Para **2277** compensation will not be paid for any loss or damage which arises from the ordinary risks of civil life, such as fire, theft, loss in transit etc. The fact that these risks arise during Service life does not mean that they arise from the exigencies of the Service or are uninsurable risks. All personnel are therefore advised to protect themselves against loss for which compensation cannot be granted from public funds or for which under Para **2283** only limited compensation can be paid, by effecting insurance against these risks to cover losses or damage to all personal property and family effects.
- (2) Baggage should always be insured against the risks of loss or damage in transit whether or not it is accompanied by the owner and in particular during moves to and from the UK and between overseas stations. (See also Para **2275**).
- (3) Band committees are to effect adequate insurance for all band property whether owned by or on loan to the committee and so protect themselves from the high cost of replacement in the event of loss or damage.
- (4) All ranks are advised that they may be liable to make good loss of or damage to public property, such as clothing, including flying clothing, accoutrements, etc, that they hold on personal charge, if the loss or damage has been caused through negligence on their part (see paras 2220 and 2239). In addition to insuring against loss of personal private property from the normal hazards of fire, theft, damage, etc, it might therefore, be in their interests to insure any public property on personal charge. Personnel will not be held responsible for loss or damage which after due investigation was deemed to be outside their control.
- (5) The cost of insurance will not be admitted as a charge against public funds.

2275. Claims for Losses in Transit.*Sponsor: DBR CLCP*

Claims for losses occurring during transit should be made against the carrier company or an insurance company. It is important that claims are made, in writing, within the period stipulated in the company's regulations. Failure to obtain compensation because a claim is not made in due time or is otherwise invalid, or because insurance had not been effected in respect of the articles and risks described in Para **2274** will not be accepted as a ground for an appeal for compensation from public funds. Any legal costs incurred by individuals in pursuit of an insurance claim will not be met by the MOD.

2276. Claims for Losses on RAF Flights.*Sponsor: DBR CLCP*

Responsibility for settling claims arising from loss of and/or damage to personal property on RAF flights has been delegated to Business & Finance Unit, RAF Brize Norton, Carterton, Oxon, OX18 3LX and all such claims should be forwarded to them for consideration on an ex gratia basis in accordance with paragraphs **2284** and **2285**.

2277. Conditions under which Compensation is Payable.*Sponsor: DBR CLCP*

Compensation may be paid subject to the following conditions:

- (1) That the loss or damage is due to the exigencies of the Service (see Para **2279**);
- (2) That compensation for the loss or damage cannot be obtained under an insurance policy, or from other sources; and
- (3) That the loss or damage was not due to carelessness or negligence on the part of the owner or his representative and could not have been avoided by him.

2278. Inadmissible claims.*Sponsor: DBR CLCP*

Compensation will not be paid for:

- (1) Claims submitted more than one month after the date of loss or damage.
- (2) Losses or damage sustained when proceeding on or returning from leave.
- (3) Losses of money.
- (4) Any loss or damage with a total value of less than £5.
- (5) Loss or damage to tools in excess of the minimum tool kit of the claimant.
- (6) Loss of or damage to clothing and items issued on personal charge.
- (7) Damage caused to a private motor vehicle or aircraft when it is a common law claim or there are exceptional circumstances governed by Para **2281**.
- (8) The private property of domestic employees whose personal effects should be fully insured against all risks.
- (9) The loss of property by theft.
- (10) Any articles covered by insurance.
- (11) Consumables.
- (12) Articles with a luxury, artistic or antique value.
- (13) Accidental or deliberate damage to personal effects caused by a third party.

2279. Definition of Exigencies of Royal Air Force Service.*Sponsor: DBR CLCP*

Loss or damage will be regarded as due to the exigencies of the Service when it arises out of any of the following circumstances:

- (1) The condition of active service, i.e. when warlike operations are in progress or threatened.
- (2) During transit at public expense where normal insurance against loss or damage was

unobtainable.

(3) Traffic, flying, and other accidents on duty.

(4) Fire on airfields, in barracks, Service hutments, single quarters or camps except in cases where it is clear that the MOD has no legal liability.

(5) Loss of or damage to property handed into the unit store or otherwise entrusted to official custody during the absence of the owner on leave etc.

(6) Destruction by official order to prevent the spread of infectious or contagious disease.

(7) The faulty construction or bad repair of airfields, barracks, Service hutments, single or married quarters.

There may be certain other circumstances which could be considered as an exigency of the Service and in such cases the final decision will be the responsibility of the CO or DBR CLCP as appropriate.

2280. Infected Uniforms.

Sponsor: DBR CLCP

If infected uniform is ordered to be destroyed, and the destruction is regarded as an exigency of the Service, compensation may be assessed in accordance with Para 2288(3). A list of the articles destroyed should be made and a certificate from the Medical Officer stating the necessity for destruction attached.

2281. Exceptional Causes.

Sponsor: DBR CLCP

Claims for loss or damage arising from exceptional causes outside the definition of exigencies of the Service and which were not insurable risks may receive special consideration. Any claim under this paragraph must satisfy the requirements of Para 2277 clauses (1) and (2).

2282. Claims from Personnel on Loan or Secondment.

Sponsor: DBR CLCP

Commonwealth or other forces are not covered by these regulations but in exceptional circumstances cases may be referred through Command HQ to the DBR CLCP for consideration.

2283. Items for which Compensation may be Payable.

Sponsor: DBR CLCP

Compensation may be granted in respect of the following items, subject always to the provisions of Para 2277:

(1) Items of uniform clothing, Service kit and equipment unless there is an entitlement for free replacement through Service sources.

(2) Privately owned books or instruments used for the benefit of the public service.

(3) Articles of civilian clothing which have been specially ordered to be worn on duty. Compensation will not be admissible where the clothing was purchased from a grant from public funds.

(4) Personal and family effects and other clothing (not otherwise excluded in these regulations) which it is reasonable for the individual to have in their possession at the time of the loss, namely:

(a) Personal toilet requisites, civilian clothing and sports gear.

(b) Other personal possessions (if not otherwise excluded, or provided for, in these regulations).

(5) Compensation in respect of family effects of individuals will be assessed to the extent to which such articles replace conventional articles and on the basis of the value of the latter.

(6) Private furniture not under Para 2283(5) but within the scales laid down for single officers quarters furnished at public expense.

(7) Mess and band property, limited to articles considered necessary and in the case of mess property excluding silver, plate, consumable stores and any items provided as an approved official issue.

2284. Losses to be Investigated.

Sponsor: DBR CLCP

(1) Where loss, damage or destruction occurs in circumstances in which a claim to compensation can be made, the circumstances and the extent of the loss or damage are to be investigated by the CO who may, if considered necessary, convene a unit inquiry (see [Para 1263](#)) for the purpose. If the circumstances appear to warrant it a Board of Inquiry may be convened (see [Para 1258](#)). The Board of Inquiry or Unit Inquiry is to report and record an opinion as to whether:

- (a) The owner is free of all blame.
- (b) The loss occurred in circumstances unavoidable by the claimant.
- (c) Every effort was made to prevent the loss or minimize the damage.
- (d) What efforts were made by the claimant or the claimant's unit to trace and recover any missing articles.

(2) Reports of loss and damage are to be made immediately upon discovery and failure to do this, with the consequent delay in the investigation of the circumstances thereof, may be held as sufficient reason for rejection of any claim.

2285. Submission of claims.

Sponsor: DBR CLCP

Claims are to be submitted on MOD Form 441 (Revised 1997) to the appropriate authorities within one month of the date of the incident giving rise to the loss or damage. When completing MOD Form 441 claimants and management authorities are to ensure that the following supporting evidence is supplied whenever possible:

- (1) An account of the incident.
- (2) Description, original cost and date of purchase of the article.
- (3) A receipt or estimate for replacement or repair (see paragraph [2287](#)).
- (4) Statements from any witnesses to the incident.
- (5) Confirmation that the article was not covered by insurance or any other provision for replacement.

2286. Evidence of Ownership.

Sponsor: DBR CLCP

A claimant may be required to produce evidence of ownership and of the value of the article in respect of which he is claiming compensation. Where the owner of lost articles has subsequently died the MOD may require proof that replacement was made before death.

2287. General Conditions.

Sponsor: DBR CLCP

(1) Claims for the cost of cleaning or repair of damaged articles will be subject to the same conditions as regards eligibility and assessment as are applicable to claims for losses. They are to be supported by receipted bills. The full cost of cleaning or repair may be paid provided that this does not exceed the depreciated value of the article for which compensation has been claimed. If the article is deemed to be beyond economical repair, a certificate to that effect should be obtained from a reputable firm and attached to the claim.

(2) Guidelines on the maximum sum admissible for individual articles and how to calculate the related depreciation factor when assessing a claim are produced by the Treasury and promulgated in DINs. It is to be noted that the starting point for depreciation costings should be taken from the replacement value. If calculations indicate that the claimant will receive no payment due to the age of their personal items,

the assessor can authorise a payment based on 25% of the replacement value. The purpose of the guidelines is to assist management authorities in ensuring that an equitable standard of assessing claims and awarding compensation is made throughout the Department.

2288. Approval and Payment of Claims.*Sponsor: DBR CLCP*

- (1) The investigating officer's report on a claim is to be submitted to the CO. A CO of the rank of squadron leader and above is authorised to approve individual claims which comply with these regulations.
- (2) The compensation admissible for each article lost or damaged will be assessed on the reasonable cost of replacing the article by a new one (where applicable Vocabulary rate will be used), less an abatement in respect of wear and tear. In no case is a claim assessed below £5 to be paid nor is the limit for individual articles as listed in Treasury Guidelines to be exceeded.
- (3) Compensation in respect of family effects of individuals will be assessed on such scale and under such conditions as may be determined from time to time.
- (4) Claims for articles falling within Para **2283**(1) are to be decided at the time but payment may be withheld until reprovision becomes necessary.
- (5) When the payment of compensation is conditional upon the replacement of the lost article, the claimant is to produce the receipt of purchase of the new article or give a written undertaking that replacement will be effected with twenty eight days of compensation being paid.

2289. Payment of Regulatory Claims.*Sponsor: DBR CLCP*

Payment of regulatory claims should be arranged locally and must be authorised by the CO of the rank of group captain or equivalent. Funding for these claims was disaggregated to TLBs on 1 April 1997 and management authorities should note that payments are to be debited against RAC NKA002. All other claims, including doubtful or disputed claims, are to be forwarded through Command Headquarters to DBR CLCP as necessary, for consideration and advice.

2290. Laundry Claims.*Sponsor: DBR CLCP*

For Laundry Claims see AP 830, Vol 1, Part II Leaflet B24/3 Para II(b).

2291-2295. (Omitted)

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CHAPTER 32

RATIONS, RATION ALLOWANCE, FUEL AND LIGHT**SECTION 1 - RATIONS - GENERAL****2296. Detailed Regulations Not Given.***Sponsor: RAF A4 Cat Ops*

The regulations contained in this Chapter are not intended to give complete instructions on the subject of rations and monetary allowances payable where meals cannot be taken at the normal place of feeding. They include regulations of a general nature with which officers and airmen should be familiar. The complete regulations for the guidance of officers and airmen whose duties involve detailed knowledge of the subject are contained in JSP 456 (Defence Catering Manual) Volume 2 Catering Accounting Regulations and Volume 4 Catering, Retail and Leisure.

2297. DFC Units*Sponsor: RAF A4 Cat Ops*

Chapter 5 of JSP 456 Vol 2 contains details of those personnel eligible to be fed at Crown expense i.e. a legitimate charge against the Defence Food Vote on units that still operate under the Daily Food Charge system of messing. This list is not exhaustive and when situations arise where there may be a claim against the MoD Food Vote the justification is to be forwarded through the relevant Front Line Commands to the DFS Team. The Chapter also gives details of who is/are required to pay either the Entitled Casual Meal and Non-Entitled Casual Meal charges.

2298. In-Flight Catering for DFC Units.*Sponsor: RAF A4 Cat Ops*

The regulations pertaining to In-Flt Catering on units that still operate under the Daily Food Charge system of messing are contained in Chapter 17 of JSP 456 Vol 2.

2299. Reserve Forces/Cadet Organisations*Sponsor: RAF A4 Cat Ops*

Regulations appertaining to Reserve Forces and Cadet Organisations on units that still operate under the Daily Food Charge system of messing are contained within Chapters 15 and 14 of JSP 456 Vol 2 respectively.

2300. CRL Units*Sponsor: RAF A4 Cat Ops*

Chapter 2 of JSP 456 Vol 4 contains details of those personnel eligible to be fed at Crown expense i.e. a legitimate charge against the Defence Food Vote on units which still operate under the DFC system of messing. This list is not exhaustive and when situations arise where there may be a claim against the MoD Food Vote the justification is to be forwarded through the relevant Front Line Commands to the DFS Team.

2301. In-Flight Catering For CRL Units*Sponsor: RAF A4 Cat Ops*

The regulations for In-Flt Catering on units operating under CRL are contained in Chapter 19 of JSP 456 Vol 4.

2302-2306. (Omitted)**2307. Inspection of Foodstuffs and Condemnations.***Sponsor: RAF A4 Cat Ops*

The regulations pertaining to the inspection of foodstuffs and condemnations for DFC units are contained in Chapter 11 of JSP 456 Vol 2.

2308. Losses, Deficiencies and Over-Issues.*Sponsor: RAF A4 Cat Ops*

Losses of foodstuffs and deficiencies (other than individual item stock check deficiencies within 1 per cent of the value of transactions since the previous stock check, for which adjustment action is to be taken in accordance with current catering regulations) discovered in the accounts of foodstuffs, and over-issues in excess of any authorized carry-over are to be dealt with in the manner laid down in AP 3344 - Lflt 14/26. The procedure for assessing charges and for charging officers and airmen is to follow that laid

down, for RAF materiel, in Para 2178.

2309-2326. (Omitted)

SECTION 2 - SOLID FUEL, ELECTRICITY AND GAS

2327. General.

Sponsor: EM2

(1) This section is not intended to give complete instructions on the subject of solid fuel, electricity and gas; it covers only matters of a general nature with which all personnel should be familiar. Detailed regulations, including accounting procedures are laid down in AP 830, Vol 1 (RAF Supply Regulations) and AP 3222 (RAF Cash and Pay Accounting Instructions (Service-manned Units)) and in DCIs (RAF).

(2) The annual quantities of solid fuels allocated to an individual station are calculated to cover all requirements within the station, except those specifically excluded by the terms of AP 830, Vol 1. Within the UK, arrangements for the provisioning of solid fuels are normally made by DLO.

(3) Electricity and gas are normally supplied through RAF mains to cover all requirements within the station.

(4) COs and other responsible officers are to ensure that all services are adequately supplied with solid fuel, electricity or gas, and that these fuels are used economically.

2328. Supplies to Service Families Accommodation (SFA).

Sponsor: EM2

(1) When the supply of electricity or gas to a SFA is made direct by a commercial supply undertaking (i.e. not through station mains), the occupant of the quarter SFA is to make personal arrangements with the undertaking for the supply, and is to pay direct to the undertaking for the services they render.

(2) Supplies of solid fuel from RAF stocks, and supplies of electricity and gas provided through station mains, to the occupants of SFAs, are to be made on repayment unless otherwise authorised. Solid fuel, however, is not normally to be supplied to occupants of SFAs in the UK.

(3) Where, by virtue of his appointment, a single officer is allotted an officer's SFA, his bills for fuel may be paid from public funds within the cash value of the fuel scale of the quarter. Expenditure in excess of the scale is to be borne by the occupant.

2329. Supplies to Other Repayment Consumers.

Sponsor: EM2

The conditions under which solid fuel, electricity and gas may be supplied to consumers other than occupants of Service Families Accommodation are set out in AP 830, Vol 1. Supplies are in no circumstances to be made to consumers other than those detailed in that publication without the authority of DLO.

2330. Free Fuel Allowance.

Sponsor: EM2

Officers who occupy official residences and certain pre-war or non-standard types 1 and 2 quarters on an ex-officio basis, or otherwise under obligation, may receive a cash allowance, known as Fuel Supplement, to cover a proportion of their expenditure on heating, lighting and cooking. The allowance is the difference between the cash values, at repayment rates, of the fuel scale of the residence or quarter, and the fuel scale of a post-war SFA which would normally be allotted to an officer of the particular rank concerned. Details of the allowances are promulgated by the HQ PTC ACS Fin Audit. A special scheme is operative in Germany to assist all ranks in SFA and hirings where expenditure on fuel may be exceptionally high.

2331-2341. (Omitted)

CHAPTER 33

ACCOUNTING FOR FINANCIAL SERVICES

SECTION 1 - GENERAL

2342. *(Omitted)*

2343. Officers employed on Accounting Duties.

Sponsor: Air CG CRT

Except as specially provided in Para **2346(4)** and paras **2433** to **2434**, officers employed wholly or partly on public accounting duties at self-accounting units are to be accounts qualified officers of the Administrative Branch or accounts qualified Band D civil servants. The public and service accounting responsibilities attached to specific appointments are detailed in paras **2344** to **2350**.

2344. Accounting Responsibilities of HQ Air CG

Sponsor: Air CG CRT

The accounting responsibilities of HQ Air CG include:

- (1) Promulgation of policy and instructions for the administration of accounting for Public monies.
- (2) Advising AOCinCs and HQ staff on Public Accounting policy matters.
- (3) On a Lead Command/Common Service basis, inspection and assessment of accounting standards for the Public Account through the SPA Management System and Public Accounts Compliance Reviews of all self-accounting units.

2344A. Accounting Responsibilities of DACOS Community Support.

Sponsor: Air CG CRT

The accounting responsibilities of DACOS Community Support include:

- (1) Promulgation of policy and instructions for the administration of accounting for Service Funds.
- (2) Advising AOCinCs and HQ staff on Service Funds policy matters.
- (3) On a Lead Command/Common Service basis, inspection and assessment of accounting standards for Service Funds through Continuous Monitoring, Independent Examinations, Assurance Visits and review of Station Service Funds Audit Board proceedings.
- (4) Policy direction and administration of RAF Central Service Funds.

2344B. *(Omitted)*

2345. Accounting Duties of AFPAA (Inns) AIS.*Sponsor: PMA(PAC)*

AFPAA (Inns) AIS is responsible for raising and maintaining the pay record for all serving officers, airmen together with associated payment services.

2346. Public Accounting Organization at Royal Air Force Stations.*Sponsor: Air CG CRT*

- (1) Stations and units which, with the approval of their respective Command, maintain independent public cash accounts, are styled "self-accounting units for cash". Small units, the establishments of which do not provide for accounting personnel are to be parented for accounting purposes by selected self-accounting units.
- (2) At each self-accounting unit an officer, known as the Accounts Operator (OC Accounts Flight), is appointed as a sub-accountant to the Accounting Officers, MOD. He is personally responsible, subject to the provisions of Para 76 and to normal supervision by his superior officers, for the operation of the public bank account, the maintenance of the public cash account (see Para 2351 for permissible delegation) and the supervision of personnel engaged on public cash accounting duties. A detailed list of duties and responsibilities appears in Para 2350 and JSP 891 Chap 2.
- (3) Except as provided by HQ Air CG, only one accounts office (normally referred to as the Accounts Flight), is to be maintained at each station.
- (4) Circumstances may arise in which officers other than accounts trained members of the Administrative Branch or an accounts qualified Band D civil servant are required to act as accountant officers or to keep and render public cash accounts for special services; for such cases see Para 2433.
- (5) Without prior authority from HQ Air CG, an Accounts Operator (OC Accounts Flight) may not certify, on behalf of the CO (Account Holder), claims, bills or other documents which, under regulations, require the signature of a CO (Account Holder).

2347. Accounting Duties and Responsibilities of Officer Commanding Administrative Wing/Base Support Wing/Budget Manager.*Sponsor: Air CG CRT*

The OC Admin Wg or equivalent; exercises general responsibility, through the appropriate chain of command, for the accounting services on his station. The following specific duties may be delegated to him by the CO (Account Holder):

- (1) Responsibility for ensuring that the checks of public cash under Para 76(1)(d) and Para 76(3) as ordered by the CO (Account Holder) are correctly carried out.
- (2) Surprise checks of Service funds cash under Para 75(5).
- (3) Signing replies to MOD observations on public cash accounts and supporting vouchers. (Applicable to officers of the rank of Wing Commander or above.)

2348. (Omitted)

2349. Accounting Duties and Responsibilities of Officer Commanding Personnel Services Flight.*Sponsor: PMA(PAC)*

The OC PSF, is responsible, inter alia, for the following:

- (a) Advising AFPAA (Inns) AIS of officers' entitlements to taxable and certain non-taxable allowances.
- (b) Maintenance and accuracy of unit pay records for officers, airmen and liaison with AFPAA (Inns) AIS on pay accounting matters.
- (c) Checking and authorization for payment of travelling, subsistence and other personal claims.

2350. Accounting Duties and Responsibilities of the Account Operator (Officer Commanding Accounts Flight).*Sponsor: Air CG CRT*

The Accounts Operator (OC Accounts Flight) is responsible for the following:

- (1) Operation of the public and service funds bank accounts, maintenance of the public cash account, custody of public cash and receipt or disbursement of cash for RAF services in accordance with the detailed instructions in JSP 891.
- (2) Supervision of the work of personnel employed on public cash accounting duties.
- (3) At a station abroad where payments are made in local currency at official rates of exchange promulgated by the MOD or the Accounts Operator (OC Accounts Flight) is to take care that any abnormal use of RAF facilities, such as those relating to the remittance system and the encashment of sterling cheques, is not permitted for the purpose of effecting a gain by exchange. The Accounts Operator (OC Accounts Flight) is to accept local currency from personnel for remittance (subject to paragraphs **2438** to **2439**) or exchange only when it represents the pay and allowances of the personnel concerned and is within the limits for remittance or exchange currently in force.
- (4) Accounting work relating to supplies as laid down in Chapter 34 and AP 3344 (Manual of Catering), including the payment of bills for purchases made in respect of the Station Messing Account.
- (5) The financial aspect of equipment administration, including bills, recovery services and the maintenance of crockery and glass accounts.
- (6) At a station abroad where payments are made in local currency at official rates of exchange promulgated by the MOD the OC Accounts Flight is to take care that any abnormal use of RAF facilities, such as those relating to the remittance system and the encashment of sterling cheques, is not permitted for the purpose of effecting a gain by exchange. The OC Accounts Flight is to accept local currency from personnel for remittance (subject to paragraphs **2438** to **2439**) or exchange only when it represents the pay and allowances of the personnel concerned and is within the limits for remittance or exchange currently in force.

2351. Responsibility for Public Cash and Payments, and Delegation of Public Accounting Duties.*Sponsor: Air CG CRT*

(1) The Accounts Operator (OC Accounts Flight), or in his/her absence, his/her authorised deputy (see paragraphs 76(1)(k) and 2364) is to take charge of all money received, and is to be responsible for the safe custody of such money and for it being expended in conformity with regulations. He/she is also to have charge of, and be responsible for, the safe custody of bulk stocks of special category forms. The Account Holder (CO) may authorise the Accounts Operator (OC Accounts Flight) to delegate these duties to subordinate officers of the Accounts Flight. Working stocks of special category forms are to be held by duly authorised officers, who are to accept full responsibility for all stocks in their possession.

(2) In order to maintain proper separation of authorisation and payment of Public monies the Budget Manager may not deputise for Accounts Operator (OC Accounts Flight). Where there is no other commissioned officer or equivalent in the Wing the CO may authorise:

(a) An accounts qualified SNCO or E1 civil servant may operate the public account (for up to 6 weeks). For periods in excess of 6 weeks the authority of HQ Air CG CRT is required.

(b) An accounts qualified SNCO or civilian equivalent appointed as unit cashier to maintain the Accounts Operator (OC Accounts Flight's) cash book.

(3) The CO can authorize an accounts qualified warrant officer or SNCO or civilian equivalent to carry out the full duties of a cashier provided that no deputy OC Accounts Flights is available. Additionally, CO's may give written authority for nominated SNCO's or civilian equivalent of the Accounts Flight to handle public cash in the temporary absence of the OC Accounts Flight, cashier or supplementary cashier during lunch time or similar short periods..

(4) Exceptionally, personnel who are not employed in the Accounts Flight may receive public cash in cases where specific authority and detailed instructions have been issued by HQ Air CG CRT.

(5) Delegation of accounting duties will not in any way relieve the Account Operator (OC Accounts Flight) of his general responsibility for the public accounts of the station

2352-2353. (Omitted)

2354. Unauthorized Services.*Sponsor: Air CG CRT*

(1) If the Accounts Operator (OC Accounts Flight) is desired by his CO (Account Holder) or an officer acting on his behalf to make a payment, or accept a sum of money, which in the opinion of the Accounts Operator (OC Accounts Flight) is not authorised by regulations or is otherwise incorrect, he is to state his objections in writing. If these objections are not removed, and the CO desires to pursue the matter, the procedure laid down in clause (2) below is to be followed.

(2) Should a CO (Account Holder) consider it necessary to maintain his views against the objections of the Accounts Operator (OC Accounts Flight), the CO is to represent the matter in writing to HQ Air CG CRT, through the usual channels, and is to attach the correspondence in full. Pending receipt of HQ Air CG CRT decision, the proposed transaction is to be deferred, except in emergency at a station abroad, where the CO, or the air or other OC, after taking into

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consideration the Accounts Operator (OC Accounts Flight's) objection, may order in writing that the payment shall be made and may then apply to HQ Air CG CRT for covering sanction. In such a case the Accounts Operator (OC Accounts Flight) is to forward a separate and independent report, through the air or other OC, to HQ Air CG CRT. The personal liability (see Para 90(5)) attaching to all officers who order disbursement of public moneys will then rest upon the officer making the order.

2355. Reference to Higher Authority by OC Accounts Flight.

Sponsor: Air CG CRT

When circumstances in his/her judgement require it, the Accounts Operator (OC Accounts Flight) is to refer direct to HQ Air CG CRT on accounting matters, and it will be open to HQ Air CG CRT to seek instructions from the MOD as to whether a particular transaction (payment or receipt) is in conformity with the regulated requirements of public accounting. This does not relate to the interpretation of Queen's Regulations, as to which any question of doubt should be referred through the CO for instructions.

2356. Service Funds.

Sponsor: SP Pol Pay & Charges

Where authorized by HQ PTC (Gp Capt SF&W), an officer who is responsible for the custody of public funds or who is liable to assume that responsibility in the absence of the usual custodian may undertake the overall supervision of a service funds accounts section, the receipt of surplus service funds cash from a delegated cashier, and the operation of a combined service funds bank account. In the absence of this authority, such an officer is not to keep, nor be held responsible for any service funds account. However, he may be detailed to act as president or member of the audit board (see Para 1298), and may be asked to advise on service funds accounting duties.

SECTION 2 - PUBLIC CASH ACCOUNTING (REQUISITIONING, CUSTODY, RECEIPT AND PAYMENT)

2357. Supply of Funds.

Sponsor: Air CG CRT

Regulations pertaining to the supply of funds can be found in JSP 891 Chapter 9

2358. The Bank Account.

Sponsor: Air CG CRT

The process for opening/maintaining a bank account is contained in JSP 891 Chap 4 and 9

2359. Drawings from Bank.

Sponsor: Air CG CRT

Regulations pertaining to this can be found in JSP 891

2360. Public Money not to be Misapplied.

Sponsor: Air CG CRT

(1) An officer is not to lend or otherwise misapply any public money for which he is accountable; nor is he to exchange any sum or change private cheques except as provided in JSP 891 Annex A to Chapter 7, or advance money against future entitlements out of public

funds except as provided in paras **2378** to **2386** (advances of pay to officers), paras **2400** to **2403** and JSP 754 Chap 5 (advances of pay airmen), and JSP 752 (advances of travel expenses), unless specifically authorised to do so by HQ Air CG.

(2) Cheques are not to be drawn on the public account in exchange for service funds except:

(a) If money is urgently needed to replenish the cash holdings of the public account.

(b) Subject to the provisions of Para 76(1)(f) excess cash holdings by service fund holders may be exchanged for a cheque drawn on the public account if by so doing the number of visits to the bank by the service fund holder and the OC Accounts Flight can be reduced.

Money belonging to unit funds or private money is not to be accepted except as provided for in (a) and (b) above and in **Para 2361**.

(3) The public account is not to be used for the transfer of service funds from the UK to units abroad or vice versa nor between one unit or country abroad and another, without the specific approval of HQ Air CG in each case. All such transfers of service funds are normally to be made through banking channels where such are available; public funds cannot accept any liability for losses by exchange which may occur between the date of acceptance and the date of transfer. In those cases where specific HQ Air CG approval is given for surplus service funds to be accepted into the public account abroad to meet part of the normal public cash requirements, financial adjustments will be made by HQ Air CG with the HQ of the organisation concerned unless exceptionally other arrangements are specifically made by HQ Air CG.

2361. Passage Money Home from Abroad.

Sponsor: PMA(PAC)

An OC Accounts Flight is authorized to accept money deposited by airmen for the cost of the journey home under Para 586. The procedure detailed in AP 3222, Chapter 7 is to be followed.

2362. Officer Commanding Accounts Flight to keep Public Cash Book. *Sponsor: Air CG CRT*

(1) The Accounts Operator (OC Accounts Flight) is to keep a cash book (MOD Form 317 for manual units or SPA daily transactions record sheet for SPA units) in which he is to record all his receipts and payments.

(2) The Accounts Operator (OC Accounts Flight) is to be personally responsible for the safe custody of the public cash book. Except on the occasions of the inspections of public cash by the CO (Account Holder), or by Air CG CRT or when otherwise specially authorised, the Accounts Operator (OC Accounts Flight) is not to permit any officer or airman to have access to the public cash book.

2363. (Omitted)

2364. Removal, Death, Transfer or Temporary Change of the Account Operator (Officer Commanding Accounts Flight).

Sponsor: Air CG CRT

(1) On the removal, death, transfer or temporary change of the Account Operator (OC Accounts Flight) the balance of public money in his charge, both that in hand and (where appropriate) at the bank, is to be verified and compared with that shown by the cash book. The check is to be carried out by the officer taking over (but see clause (2) below if a check under

para 76(1)(d)(i) or (ii) is also due) in accordance with the procedure laid down in para 76(1)(e) and in the presence of a witness. The witness is to be:

(a) The officer handing over (or, if this is not possible, the CO or their immediate deputy) in the case of transfer or temporary change.

(b) The CO, or their immediate deputy in the case of removal or death.

(2) If a check of the public account under para 76(1)(d)(i) or (ii) is due at the time when an account is to be handed over, a separate check under clause (1) is not to be carried out.

(3) When the necessary absence of the Accounts Operator (OC Accounts Flight) is for so brief a period that transactions on the public bank account can await his return, the cash balance only is to be taken over.

2365. Closure of a Self-accounting Unit.

Sponsor: Air CG CRT

When a self-accounting unit closes down, the control accounts are to be closed in accordance with JSP 891 Chapter 4. The cash book is to be balanced as at the date of closure, and the cash and bank balances are to be verified by the CO (Account Holder). The cash in hand is to be paid into the bank. Detailed instructions will be issued by Air CG CRT for the Public Account.

2366. *(Omitted)*

2367-2370. *(Omitted)*

SECTION 3 - PAY AND ALLOWANCES FOR OFFICERS

2371. General.

Sponsor: DDP(P&A)(RAF)

(1) Detailed regulations on the accounting for the issue of pay and allowances to officers on the active list are contained in JSP 752 and JSP 754.

(2) Regulations covering the issue of pay and allowances to officers of the Reserve Forces are contained in the following publications:

Royal Air Force Volunteer Reserve and Royal Air Force Reserve Officers
AP 938

Royal Auxiliary Air Force AP 968

Royal Air Force Volunteer Reserve (Training Branch) AP 1919

(3) Retired pay is assessed by the MOD and issued by the Paymaster General's Department.

2372. Assessment and Issue of Emoluments.*Sponsor: SP Pol Pay & Charges*

(1) Pay records for all officers on the active list are maintained by AFPAA (Inns). Entitlements to pay and allowances are assessed by reference to MOD directives and inputs from units.

(2) AFPAA (Inns) credit net entitlement to an officer's bank account in the UK monthly in arrears on the last working day of each month (but see paras **2387** and **2388** regarding balances of pay due on exit from the Service). Entitlements are notified to the officer's bank by means of Bankers Automated Clearing Services Ltd and a pay statement is sent to the officer at his designated address. Officers should satisfy themselves that entitlements and deductions are correct; failure to do so will not be accepted as a reason for waiver of recovery should an overpayment occur. Discrepancies are to be referred, in the first instance, to the officer's OC PSF at his accounting unit.

(3) Questions regarding income tax code numbers are to be addressed only to HM Inspector of Taxes (PD4), Ty-Glas, Llanishen, Cardiff CF4 5YD.

2373. Income Tax.*Sponsor: DDP(P&A)(RAF)*

All Service emoluments, i.e. pay and allowances, are, with the exception of those listed in JSP 752, subject to income tax.

2374-2377. *(Omitted)*

2378. Advances on Appointment to a Commission.*Sponsor: SP Pol Pay & Charges*

On appointment to a commission an officer, including an Acting Pilot Officer (University Cadet), may be issued with an advance of pay of up to 7 days net pay, recoverable over 3 months. Full details are given in AP 3392, Vol 2, Leaflet 2103.

2379. Advances on Posting for Duty Overseas, on Return to the UK from Overseas or from one Station Overseas to another Station Overseas.*Sponsor: SP Pol Pay & Charges*

An officer on posting for duty overseas, or on return to the UK from overseas may receive an advance of 30 days' net pay. Similarly, an officer posted between stations overseas may also receive such an advance. Full details are given in AP 3392, Vol 2, Leaflet 2103.

2380. Settling-in Advances of Pay for Certain Officers Serving Abroad.*Sponsor: DDP(P&A)(RAF)*

An advance of pay may be made to an officer serving abroad who is accompanied, or about to be accompanied, by his family and who has to occupy private accommodation. In certain circumstances an advance may also be made to single and married unaccompanied officers occupying private accommodation. The advance is to assist in meeting settling-in expenditure of a type which does not arise when Service quarters are available. The maximum permissible advances and conditions of issue and recovery are contained in AP 3392, Vol 2, Leaflet 2140. These advances are admissible in addition to those provided for in Para **2379**. These arrangements do not apply to officers appointed to Attaché Adviser posts for whom alternative provision is made.

2381. Funding of Officers Abroad.*Sponsor: DDP(P&A)(RAF)*

An officer proceeding abroad on posting or on long term attachment may elect a Fixed Monthly

Allotment from his pay; such a sum will be recovered automatically by AFPAA (Inns) until such time as they receive notice of variation or cessation. Full details are given in AP 3392, Vol 2, Leaflet 2104. The arrangements for the funding of officers on temporary duty abroad are stated at Para **2384**.

2382. *(Omitted)*

2383. Encashment of Sterling Cheques Abroad.

Sponsor: SP Pol Pay & Charges

Officers serving abroad, on posting, attachment or temporary duty, may encash sterling cheques through the public account in the circumstances described in AP 3392, Vol 2, Leaflet 2112.

2384. Advances during Temporary Duty Abroad.

Sponsor: SP Pol Pay & Charges

An officer on temporary duty abroad from the UK or from one area abroad to another, will be expected to fund himself by the encashment of sterling cheques in accordance with Para **2383**. However, as an alternative when such cheque encashment facilities do not exist, he may draw advances of emoluments. Full details are given in AP 3392, Vol 2, Leaflet 2103.

2385. Advances of Pay to an Officer in Hospital.

Sponsor: SP Pol Pay & Charges

An officer, on admission to hospital, may receive one cash advance pending his making arrangements for encashment of cheques. Full details are given in AP 3392, Vol 2, Leaflet 2103.

2386. Advances of Pay to Officers Joining Adventurous Training Expeditions.

Sponsor: SP Pol Pay & Charges

An advance of pay may be made to an officer joining an adventurous training expedition. The amount is not to exceed 61 days net pay and is recoverable over three months commencing in the month following the date of advance. Full details are given in AP 3392, Vol 2, Leaflet 2103.

2387. Balances on Retirement or Termination of Service.

Sponsor: SP Pol Pay & Charges

(1) When an officer leaves the Service, his balance of pay and allowances will normally be issued when due unless there is reason to believe a sum of money is owed by the officer. AFPAA (Inns) (AIS22d) will notify the officer by a communication addressed to him, if pay etc is not issued on the due date.

(2) If an officer is sentenced to imprisonment by civil power, clause (1) is to be applied as if the last day of paid service was the date of conviction, pending a decision under Para 2905, even if the officer is released from custody by the civil power pending an appeal (see also Para 2908).

2388. Balances due to Deceased Officers.

Sponsor: SP Pol Pay & Charges

The balance of pay, allowances and any other sums due to an officer who dies or whose death is presumed or who is declared missing or insane will be disposed of by the MOD. Any application from a relative or dependant of an officer declared missing should be forwarded to the MOD and the applicant informed of the action taken. Accounting procedures are contained in AP 3392, Vol 2, Leaflet 2106.

SECTION 4 - RECOVERIES FROM OFFICERS

2389. General.*Sponsor: PMA(PAC)*

- (1) Recoveries from officers fall into four categories:
- (a) Fines and stoppages imposed under the AFA.
 - (b) Compensation orders made under Section 147 of the AFA.
 - (c) Administrative recoveries in respect of over issues of emoluments or the like, or repayments for goods or services received.
 - (d) Voluntary payments under Para **2392**.

Recoveries under sub-clause (a) are punishments awarded under Section 71(1)(h) or (k) or 79(5)(b) or (d) of the AFA and arise from the commission of offences. Compensation orders made under sub-clause (b) do not necessarily involve the commission of an offence but, nevertheless, involve some wrongful act or neglect on the part of the person responsible for the loss occasioned. Administrative recoveries under sub-clause (c) on the other hand do not imply an offence or wrongful act or neglect but merely a legally enforceable obligation to the Crown (public claims), to a mess or other Service institution (Service claims), or to the NAAFI. Payments under sub-clause (d) must be absolutely voluntary in character, no pressure of any sort being brought to bear upon an officer to make them. Any dissent or protest against the recovery, either in principle or amount, precludes recovery under this heading. Further, such payments can only be made where allowed by Para **2392**.

(2) Notwithstanding that an officer is undergoing deductions from pay, he must, to satisfy the requirements of Section 144(5), AFA, remain in receipt of pay at not less than a prescribed minimum rate. The prescribed minimum rates in the case of an officer are:

- | | |
|---|---------------------|
| (a) Officers in Marital Status emoluments | 75% of relevant net |
| Categories, 1 2 and 3 only | |
| (b) Officers in Marital Status emoluments | 50% of relevant net |
| Categories 4 and 5 | |

For the purpose of sub-clauses (a) and (b), relevant emoluments means pay as a member of the Regular Air Force, (including for this purpose all forms of additional pay), together with any separation allowance, less any income tax, national insurance contributions and (where applicable) widow's pension contribution.

- (c) For compulsory maintenance deductions and legal orders see Para 2734.

2390. Deductions by Way of Fines, Stoppages, and Compensation Orders.*Sponsor: PMA(PAC)*

- (1) Deductions from an officer arising from the imposition of a fine or stoppages can be

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ordered only by a court-martial or (in the case of officers below the rank of group captain) by an authority dealing summarily with a charge under Section 76B and Section 76C of the AFA. Compensation orders may be made only by the Defence Council or an officer authorized by them, under Section 147 of the AFA. Paras 1193A and 1073(5) state the maximum amounts which may be awarded as fines by a court-martial or an authority dealing summarily with an officer under Section 76B of the AFA. When the offence of which the officer is convicted has occasioned any expense, loss or damage, "stoppages" may be ordered, i.e. recovery by deductions from the pay of an offender of a specified sum by way of compensation, for the loss etc caused. Such compensation, which may be ordered either in addition to or without any other punishment, is not confined to loss, etc of public or Service property. Compensation orders under Section 147, AFA, may however only be ordered by the Defence Council, or authorized officer, in respect of the loss of, or damage to, public or Service funds or property.

(2) The deductions referred to in clause (1) are to be put in force immediately they are ordered. Although expressed as deductions from pay, they may, in consequence of Section 144(7), AFA, be recovered also from any sums due to the officer other than allowances which are payments in lieu of issues in kind.

(3) When the sentence of court-martial includes the punishment of a fine, or an authority dealing summarily with an offence under Section 76B and Section 76C, AFA, has imposed such a punishment, the officer may either pay the full amount immediately by handing a cheque, or the cash, to the OC Accounts Flight of his unit, or, if he so wishes, the full amount may be recovered from his pay by PPPA (I). Where the full amount is in excess of seven days' pay (i.e. gross basic pay including any increments and any additional pay which is payable on a continuous basis) the recovery rate will be determined by the sentencing authority subject to the requirements of Para 2389 (2).

(4) Stoppages ordered by court-martial or by an authority dealing summarily with an officer under Section 76B and Section 76C, AFA, should normally be recovered by instructing the officer to hand a cheque to the OC Accounts Flight of his unit. When the stoppages are in respect of public funds or property, RAF PMA (DPMA (Pol)) is to be notified of the cash account or accounts in which recovery has been effected. When the stoppages are in respect of property other than MOD property, the OC Accounts Flight is to remit the amount forthwith to the person, institution or department entitled to receive it unless compensation is due from the Claims Commission (see Appx 36) or is otherwise payable from public funds. In such cases the amount recovered is to be retained as a credit to public funds.

(5) Deductions ordered by the Defence Council or an authorized officer in the MOD under the provisions of Section 147, AFA, are normally to be recovered by instructing the officer to forward a cheque to RAF PMA (DPMA (Pol)). Such an order is to be complied with immediately, notwithstanding any further appeal that may be made.

(6) Subject to clauses (2) to (5), the procedure to be followed as regards notification, rates of recovery, etc, is to be the same as laid down in Para 2391 for administrative recoveries. (See Para 2656(2), as to forfeiture of pay under Section 145, AFA.)

2391. Administrative Recoveries.

Sponsor: D SP Pol Pay & Allowances)

(1) Over issue of Emoluments.

(a) Over issues of pay and allowances, excluding BSEA (See JSP 752 Chapter 9), made through PPPA (I) except as provided at sub-sub-clauses (i) and (ii) below, are to be notified direct to the officer concerned, through his CO, as soon as they are discovered and proposals for recovery put to him. Where an amount is expressed in terms of day's pay, the definition of a day's pay is the basic daily rate published in AP 3392, Vol 2, Chap 18. Subject to

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the provisions of Para 2389(2) and sub-clause (c) below an officer will be expected to repay the over issue as follows:

(i) When an over issue is caused by an occurrence notification being received too late to be processed by PPPA (I) in the month in which it is effective, but in time for adjustment in the following month, recovery will be made in full, subject to the provisions of Para 2389(2), from that month's pay e.g., if a cessation of Local Overseas Allowance with effect from 10 November is not advised to PPPA (I) in time for processing with pay for November, the over issue for 10-30 November will be recovered in full from pay for December. In all other cases, recovery will be instituted in accordance with (a)(ii) or (iii) below.

(ii) Sums equivalent to or less than one day's pay will be automatically recovered in full from the next month's pay and a record of the recovery will be shown on the officer's pay statement.

(iii) Over issues which exceed the equivalent of one day's pay will be recovered in one sum or, if exceeding the prescribed minimum drawing rate, by instalments of the minimum drawing rate. In either case the proposed rate of recovery will be notified in advance to the officer, who is to be offered the alternatives of repaying the over issue by cash or cheque so that his regular pay may remain undisturbed or, in cases of financial hardship, requesting that the rate of repayment be reduced. Where a request for reduced rate of repayment is received, the CO if satisfied that genuine hardship would otherwise result, may order recovery at a lower rate but not less than the equivalent of one days pay per month (see also clause (2) below).

Any arrears of emoluments falling due during the period of recovery may be used to offset any outstanding over issue. The officer will be advised accordingly.

(b) If the officer agrees to the recovery arrangements proposed, his consent is sufficient authority and no formal Defence Council authority is necessary. In the absence of an appeal within 28 days of being notified by his CO, his consent to recovery as proposed will be assumed and steps taken to commence recovery. Once recovery action has commenced requests to vary the rate of recovery, outside of clause (1)(a)(iii) above and clause (2) below, will only be permitted in exceptional circumstances and when the CO is satisfied that genuine financial hardship would otherwise result.

(c) Where an over issue is due to relinquishment of acting rank following a change in establishment of the post occupied by the officer, he will not be called upon to repay any over issue in respect of the period prior to the date on which he was informed in writing of the revised establishment.

(d) The principles outlined above also apply to over issues of emoluments issued other than by PPPA (I).

(2) ***Appeals Procedure.***

(a) If the officer considers that there are grounds for appealing against the proposed recovery, as notified under clause (1)(a), his appeal is to be submitted in writing to the CO. Appeals are to be considered by the Authority empowered to write-off the whole over issue. The appeal, which may be against the rate of recovery proposed, the amount, or a combination of both, may be based on the grounds of financial hardship or that the sum was received in good faith. An appeal based on hardship is to give full information of total current income and necessary expenditure, expressed either on an annual or monthly basis.

(b) On receipt of an appeal, the CO is to take action to suspend further recovery by notifying PPPA (I) by signal. If the officer is proceeding on terminal leave the CO is to notify PPPA (I) who will temporarily restrict the officer's emoluments in accordance with clause (3)(b)(i). The CO, having regard for the provisions of Government Accounting, Chapter 35, is then to investigate the circumstances and where the amount in question is within his powers of write-off he may either order the officer to repay the over issue or, write-off the amount or a part thereof, if necessary seeking the prior advice of the Command Secretary. In all other cases the CO is to refer the matter to the Command Secretary, presenting the full facts together with his comments and recommendation. Where the over issue arises as a result of an apparent error by the paying authority, the CO is invariably to obtain a report on the circumstances from PPPA (I) before taking further action. If the amount is beyond the delegated write-off powers of the Command Secretary, he is to add his comments and refer the case to the next higher authority for decision or submission to the appropriate Budget Holder.

(c) If write-off is authorized of the whole or any part of an over issue which appears on a PPPA (I) computer pay account, full details are to be forwarded to PPPA (I) by the officer authorizing write-off.

(d) If the officer is not willing to repay the sum deemed to be fair and reasonable after any appeal has been considered, Defence Council authority will be sought, through RAF PMA (P1 Casework), for a deduction to be made under Para 7. However, officers are reminded that they should not lightly disregard the ruling of higher authority.

(e) The principles laid down above also apply to over issues of emoluments issued other than by PPPA (I) but appeals are to be considered by the authority empowered to write-off the over issue.

(3) ***Recovery from Emoluments.***

(a) Over issues of pay and allowances may be recovered from any pay, additional pay or continuous allowances which remain in issue, or from any arrears thereof.

(b) (i) Subject to the provisions of Para 2389(2) recovery of over issues is to be made if necessary from emoluments during terminal or invaliding leave.

(ii) Any debt outstanding after the maximum possible

recovery has been effected under sub-clause (a), is, where possible, to be recovered from Gratuity, Resettlement Grant, Reserve Pay and/or pension or by any other means open.

(4) **Repayment for Goods or Services.** Recoverable claims arising at the officer's station are to be dealt with by the OC Accounts Flight (see AP 3222 Leaflet 715) unless reference to JPAC PACC or to the Air or other OC is required by regulation. The OC Accounts Flight is normally to present the claim to the officer in writing and is to request that he settle the matter by direct payment, or, if he has already proceeded on terminal leave, notify him that in the absence of an objection, recovery will be effected through his pay account.

(5) **Settlement of Claims.** Any claim which is not settled within two months of the date of presentation is to be reported by the OC Accounts Flight to the CO who is to obtain an explanation from the officer and where appropriate instruct him to settle the claim. If the debt is not paid within a further month it is to be reported to RAF PMA (PAC) for recovery, (see procedures contained in AP 3222 Leaflet 715).

(6) **Recovery of Loss due to Fraud or Theft.**

(a) An officer who has been found guilty of fraud or theft, or who has derived personal gain from a loss may, after due process of law, be required to repay the full amount of the loss. Where the punishment awarded, either summarily or by court-martial, does not include recovery of the full amount of the loss and debars further recovery of the outstanding balance under Section 147 of the AFA(1955), the facts are to be notified to the Principal Finance Officer (through HQ PTC (CS(PA))) who will decide whether or not to pursue recovery of this sum through the civil court. In such cases, after advice of a summary award or of a sentence by court-martial, a CO is to report the following details to HQ PTC (CS(PA)):

- (i) Service details of the officer concerned.
- (ii) Details of the offences on which a finding of guilty was recorded.
- (iii) The total amount of loss occasioned by the offences at (ii).
- (iv) The amount being recovered through punishment awarded.
- (v) The balance outstanding.
- (vi) Where the punishment included dismissal from the Service, details of the officer's current whereabouts, if known.

(b) Where the Principal Finance Officer elects to pursue recovery of the outstanding sum through the civil court, he is to inform the CO who is to arrange, where possible, for the officer to be interviewed, advised of the proposed action and given the opportunity to make voluntary repayment. The CO is to notify the officer's decision to the Principal Finance Officer who will then act accordingly.

- (c) In cases where a balance remains outstanding and there is no bar to action under Section 147, AFA(1955), the case is to be reported to PMA (P1 Casework)(RAF).

2392. Voluntary Payments.*Sponsor: PMA(PAC)*

When an air or other OC receives the proceedings of a board of inquiry or unit inquiry into, or other report on, any loss of, or damage to, public or Service property, he may if he considers an officer under his command responsible, allow him to make a voluntary payment to make good the loss or damage, provided that:

- (a) He pays voluntarily and not to avoid a court-martial or proceedings under Section 76B and Section 76C AFA.
- (b) He is not suspected of theft or fraud or connivance thereat.
- (c) The payment covers the full amount of the loss or damage (but see Para 1726(9)).
- (d) The air or other OC has the power to convene a court-martial for the trial of the officer or to dispose of the proceedings against him under Section 76B and Section 76C, AFA, and would normally take this action should it be necessary in respect of any act of neglect occasioning the loss or damage.

2393. (Omitted)**SECTION 5 - PAY AND ALLOWANCES FOR AIRMEN****2394. General.***Sponsor: DDP(P&A)(RAF)*

- (1) Detailed regulations on the accounting for an issue of pay and allowances to regular airmen are contained in JSP 752 and JSP 754.
- (2) Regulations covering the issue of pay and allowances to airmen of the Reserve Forces are contained in the following publications:

RAF Reserve & Royal Auxiliary Air Force
JSP 752 and JSP 754

AP 3392, Vol 7,

Royal Air Force Volunteer Reserve (Training Branch)

AP 1919

- (3) Pensions are assessed by the MOD and issued by the Paymaster General's Department or the MOD see Para 3130.

2395. Assessment and Issue of Emoluments.*Sponsor: PMA(PAC)*

- (1) Pay accounts of all airmen are maintained at PPPA(I). Entitlements to pay and

allowances are assessed by reference to MOD directives and periodic inputs from units.

(2) Net entitlements to pay and allowances are normally issued by PPPA(I) monthly in arrears on the last working day of each month by credit to an airman's bank account. However, for certain airmen net entitlements are issued in cash or to a bank account by units.

(3) Each month, every airman is issued with a pay statement showing gross entitlements, authorized deductions and amounts paid (See AP 3392, Vol 2 Leaflet 2501 for emoluments not subject to income tax). Disbursement of salaries is made directly by PPPA(I) to a bank account or in exceptional circumstances through local paying authorities. Airmen are to check their pay statements and satisfy themselves that entitlements, deductions and amounts paid are correct; failure to do so will not be accepted as a reason for waiver of recovery should an over issue occur. A discrepancy or non-receipt of a pay statement is to be reported in the first instance to the OC PSF of the airman's accounting unit.

2396-2399 *Omitted*

SECTION 6 - PAYMENT OF AIRMEN

2400. Payment of Airmen.

Sponsor: PMA(PAC)

(1) Payment of airmen may be made by any of the following methods:

- (a) Cash issues made from detachment and semi-permanent sub-imprest (other than flight sub-imprest).
- (b) Casual payment.
- (c) Credit to bank accounts.
- (d) Cheque, Giro cheque, or Payable Order.
- (e) Postal Orders when no other method is possible.
- (f) Witnessed pay parades (emergency situations only).

Full details of the methods at sub-clauses (a) to (e) are contained in AP 3392, Vol 2, Leaflets 2124 and 2125. In the case of sub-clause (f), specific instructions will be issued by the MOD.

(2) When payment is made in Flights and Sections by means of acquittance rolls under the detachment pay roll procedure set out in AP 3392, Vol 2, Leaflet 2125, every effort is to be made to ensure that all airmen included on the acquittance rolls are paid, in order to reduce to the minimum the number of casual payments necessary in the Accounts Flight.

(3) Advances of pay are not to be made to airmen beyond their entitlement except as laid down in AP 3392, Vol 2, Leaflet 2128.

(4) Except as provided in clause (3), payment in excess of entitlement is forbidden. If

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such excess payments are made, the officer responsible may be liable, in respect of any resultant loss to the public funds, to stoppages under Section 71(1)(k), AFA, if tried and convicted by court-martial, or under Section 79(5)(d), AFA, if dealt with summarily, as part of the punishment imposed. Even if not dealt with by court-martial or summarily, or if no stoppages are imposed as part of the punishment, paying officers may be liable under Section 147 AFA, to be ordered by the Air Force Board, or officers authorized by them, to compensate public funds for the loss.

(5) Notwithstanding that an airman is undergoing deductions from pay, he must, to satisfy the requirements of Section 144(5), AFA, remain in receipt of pay at not less than a prescribed minimum rate. The prescribed minimum rate for all RAF warrant officers, NCOs and airmen are intended to cover all living expenses and are:

Airmen in Marital Status Categories 1, 2 and 3 only. 75% of relevant net emoluments.

Airmen in Marital Status Categories 4 and 5. 50% of relevant net emoluments.

In this context, relevant net emoluments means pay as a member of the Regular Air Force, (including for this purpose all forms of additional pay), together with any separation allowance, less any income tax, national insurance contributions and (where applicable) widow's pension contribution. (For compulsory maintenance deductions and legal orders paid under private arrangements, see Para 2734.)

2401 Payment of Airmen in Hospital.

Sponsor: PMA(PAC)

Subject to the consent of the MO cash advances may be issued to airmen, in hospitals. Detailed accounting instructions are given in AP 3392, Vol 2, Leaflet 2126.

2402. (Omitted)

2403. Settling-in Advances of Pay and Allowances for Certain Airmen Serving Abroad.

Sponsor: PMA(PAC)

An advance of pay and allowances may be made to an airman serving abroad who is accompanied, or about to be accompanied, by his family and who has to occupy private accommodation. In certain circumstances an advance may also be made to single and married unaccompanied airmen occupying private accommodation. The advance is to assist in meeting settling expenditure of a type which does not arise when Service quarters are available. The maximum permissible advances and conditions of issue and recovery are contained in AP 3392, Vol 2, Leaflet 2140. These advances are admissible in addition to those provided for in Para 2400(3). These arrangements do not apply to airmen posted to Attaché Adviser Staffs for whom alternative provision is made.

2404. (Omitted)

2405. Fines.

Sponsor: PMA(PAC)

(1) Fines awarded against an airman by court-martial, or by a CO, will automatically be recovered through the pay account. Cash issues will be restricted accordingly, subject to the provisions of Para **2400(5)**, unless the airman pays the full amount, in which case his account will receive a corresponding credit to offset the debit.

(2) Fines awarded by a civil court are dealt with in Para 1061.

2406-2407. (Omitted)

2408. RAF Benevolent Fund.

Sponsor: PMA(PAC)

An airman may authorize PPPA(I) to debit one eighth of a day's pay, rounded down to the nearest penny and excluding additional pay, from his pay account in May, August, November and February of each year as a subscription to be paid to the RAF Benevolent Fund on his behalf. Details are given in AP 3392, Vol 1, Leaflet 1201 and accounting instructions in AP 3392, Vol 2, Leaflet 2401.

2408A. RAF Dependants Fund and RAF Dependants (Income) Trust. *Sponsor: PMA(PAC)*

An airman may authorize PPPA(I) to debit his pay account, monthly in arrears, with contributions due to the RAF Dependants Fund and the RAF Dependants (Income) Trust. Full details are given in AP 3392, Vol 2, Leaflets 2405 and 2406.

SECTION 7 – ALLOTMENTS

2409-2418. (Omitted)

SECTION 8 - RECOVERIES FROM AIRMEN

2419. Deductions by Way of Fines, Stoppages and Compensation Orders.

Sponsor: PMA(PAC)

(1) These deductions, authorized by the AFA to be made from the pay of an airman, fall into three categories:

(a) A court-martial dealing with an airman, an appropriate superior authority dealing summarily with a warrant officer, or a CO dealing summarily with an airman other than a warrant officer may, under the powers given respectively by Section 71(1)(h) and 76C(2)(b), 76C(3)(b), AFA, impose the punishment of a fine (see paras 1193A, 1073(7) and 1067(4)(a)).

(b) When the offence has occasioned any expense, loss or damage, these authorities can under the powers given by Sections 71(1)(k), 76C(3)(d), and 76C(2)(d) AFA, either in addition to or without any other punishment, order "stoppages", i.e. recovery by deductions from the pay of the offender of a specified sum by way of compensation.

(c) Deductions from the pay of an airman may also be ordered by the Defence Council or an officer authorized by them under Section 147, AFA

by way of compensation orders. However, action under this Section may only be taken in respect of loss or damage to public or Service property occasioned by the wrongful act or negligence on the part of the airman.

(2) The deductions referred to in clause (1) are to be put in force immediately they are ordered. Although expressed as deductions from pay they may in consequence of Section 144(7), AFA, be recovered also from any sums due or becoming due to the airman as a member of the regular air force, other than allowances which are payments in lieu of issues in kind. The airman's pay account is always to be debited, net entitlements to pay and allowances being restricted, subject to the conditions of Para 2400(5). The airman may, if he wishes, pay the full amount to the OC Accounts Flight by cheque or by cash; if he does, the pay account is then to be credited to offset the automatic debit action, and restrictions on the net entitlements to pay and allowances in respect of the deductions are to be lifted. Where the deduction has been imposed by the Defence Council or an authorized officer, the RAF PMA (PAC 1) is to be notified when recovery has been effected. When stoppages are in respect of property other than MOD property, the OC Accounts Flight, on recovery of the amount (by restriction of net entitlements to pay and allowances or by payment by the airman), is to remit it to the person, institution or department entitled to receive it unless compensation is due from the Claims Commission (see [Appendix 36](#)) or is otherwise payable from public funds. In such cases the amount recovered is to be retained as a credit to public funds.

(3) Subject to clause (2), the procedure to be followed as regards notification, rates of recovery, etc, is to be the same as laid down for over issues of emoluments in Para 2420. (See [Para 2707](#) as to forfeiture of airmen's pay.)

2420. Administrative Recoveries.

Sponsor: PMA(PAC)

(1) *Over issue of Emoluments.*

(a) Over issues of pay and allowances, excluding BSEA (see [AP 3392 Vol 3 Leaflet 140](#)), made through PPPA(I) except as provided at sub-sub-clauses (i) and (ii) below, are to be notified to the airman concerned, through his CO, as soon as they are discovered and proposals for recovery put to him. Where an amount is expressed in terms of days' pay, the definition of a days' pay is the basic daily rate published in [AP 3392, Vol 2, Chapter 18](#). Subject to the provisions of Para 2400(5) and sub-clause (c) below an airman will be expected to repay the over issue as follows:

(i) When an over issue is caused by an occurrence notification being received too late to be processed by PPPA(I) in the month in which it is effective, but in time for adjustment in the following month, recovery will be made in full, subject to the provisions of Para 2400(5), from that month's pay e.g., if a cessation of Local Overseas Allowance with effect from 10 November is not advised to PPPA(I) in time for processing with pay for November, the over issue for 10-30 November will be recovered in full from pay for December. In all other cases, recovery will be instituted in accordance with (a)(ii) or (iii) below.

(ii) Sums equivalent to or less than one day's pay will be automatically recovered in full from the next month's pay and a record of the recovery will be shown on the airman's pay statement.

(iii) Over issues which exceed the equivalent of one

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day's pay will be recovered in one sum or, if exceeding the prescribed minimum drawing rate, by instalments of the minimum drawing rate. In either case the proposed rate of recovery will be notified in advance to the airman, who is to be offered the alternatives of repaying the over issue by cash or cheque so that his regular pay may remain undisturbed or, in cases of financial hardship, requesting that the rate of repayment be reduced. Where a request for reduced rate of repayment is received, the CO if satisfied that genuine hardship would otherwise result, may order recovery at a lower rate but not less than the equivalent of one days pay per month (see also clause (2) below).

Any arrears of emoluments falling due during the period of recovery may be used to offset any outstanding over issue. This will apply in addition to the rate of recovery instituted in accordance with (1)(a)(iii) above, and will also apply if the recovery of normal instalments has been suspended pending any appeal under clause (2)(b) below. The airman will be advised accordingly.

(b) If the airman agrees the recovery arrangements proposed, his consent is sufficient authority and no formal Defence Council authority is necessary. In the absence of an appeal within 28 days of being notified by his CO, his consent to recovery as proposed will be assumed and steps taken to commence recovery.

(c) When an over issue is due to relinquishment of acting rank following a change in establishment of the post occupied by the airman, he will not be called upon to repay any over issue in respect of the period prior to the date on which he was informed in writing of the revised establishment.

(d) Over issues of allotments which are not recovered from the payee may be notified for recovery from pay. They will be dealt with in accordance with sub-paragraph (a) above.

(e) The principles outlined above also apply to over issues of emoluments issued other than by PPPA(I).

(2) *Appeals Procedure.*

(a) If an airman considers that there are grounds for appealing against the proposed recovery, as notified under clause (1)(a), his appeal is to be submitted in writing to the CO. Appeals are to be considered by the Authority empowered to write-off the whole over issue. The appeal which may be against the rate of recovery proposed, the amount, or a combination of both, may be based on the grounds of financial hardship or that the sum was received in good faith. An appeal based on hardship is to give full information of total current income and necessary expenditure, expressed either on an annual or monthly basis.

(b) On receipt of an appeal, the CO is to take action to suspend further recovery by notifying PPPA(I) by signal. If the airman is proceeding on terminal leave the CO is to notify PPPA(I) who will temporarily restrict the airman's emoluments in accordance with clause (3)(b)(i). The CO, having regard for the provisions of Government Accounting, Chapter 35, is then to investigate the circumstances and where the amount in question is within his powers of write-off he may either order the airman to repay the over issue or,

write-off the amount or a part thereof, if necessary seeking the prior advice of the Command Secretary. In all other cases the CO is to refer the matter to the Command Secretary, presenting the full facts together with his comments and recommendation. Where the over issue arises as a result of an apparent error by the paying authority, the CO is invariably to obtain a report on the circumstances from PPPA(I) before taking further action. If the amount is beyond the delegated write-off powers of the Command Secretary, he is to add his comments to the case and refer the case to the next higher authority for decision or submission to the appropriate Budget Holder.

(c) If write-off is authorised of the whole or any part of an over issue which appears on a PPPA(I) computer pay account, full details are to be forwarded to PPPA(I) by the officer authorizing write-off.

(d) If the airman is not willing to repay the sum deemed to be fair and reasonable after any appeal has been considered, Defence Council authority will be sought, through RAF PMA (P1 Casework), for a deduction to be made under Para 7. However, airmen are reminded that they should not lightly disregard the ruling of higher authority.

(e) The principles laid down above also apply to over issues of emoluments issued other than by PPPA(I), but appeals are to be considered by the authority empowered to write-off the over issue.

(3) ***Recovery from Emoluments.***

(a) Over issues of pay and allowances may be recovered from any pay, additional pay or continuous allowances which remain in issue, or from any arrears thereof.

(b) (i) Subject to the provisions of Para **2400**(5) recovery of over issues is to be made if necessary from emoluments during terminal or invaliding leave.

(ii) Any debt outstanding after the maximum possible recovery has been effected under sub-clause (a) is, where possible, to be recovered from Gratuity, Resettlement Grant, Reserve Pay and/or Pension or by any other means open.

(4) ***Repayment for Goods or Services.*** Recoverable claims arising at the airman's station are to be dealt with by the OC Accounts Flight (see AP 3222 Leaflet 715) unless reference to RAF PMA(PAC) or to the Air or other OC is required by regulation. The OC Accounts Flight is normally to present the claim to the airman in writing and is to request that he settle the matter by direct payment, or, if he has already proceeded on terminal leave, notify him that in the absence of an objection, recovery will be effected through his pay account.

(5) ***Settlement of Claims.*** Any claim which is not settled within two months of the date of presentation is to be reported by the OC Accounts Flight to the CO who is to obtain an explanation from the airman and where appropriate instruct him to settle the claim. If the debt is not paid within a further month it is to be reported to RAF PMA(PAC) for recovery (see procedures contained in AP 3222 Leaflet 715).

(6) Recovery of Loss due to Fraud or Theft.

(a) An airman who has been found guilty of fraud or theft, or who has derived personal gain from a loss may, after due process of law, be required to repay the full amount of the loss. Where the punishment awarded, either summarily or by court-martial, does not include recovery of the full amount of the loss and debars further recovery of the outstanding balance under Section 147 of the AFA(1955), the facts are to be notified to the Principal Finance Officer (through HQ PTC (CS(PA))) who will decide whether or not to pursue recovery of this sum through the civil court. In such cases, after advice of a summary award or of a sentence by court-martial, a CO is to report the

following details to HQ PTC (CS(PA)).

- (i) Service details of the airman concerned.
- (ii) Details of the offences on which a finding of guilty was recorded.
- (iii) The total amount of loss occasioned by the offences at (ii).
- (iv) The amount being recovered through punishment awarded.
- (v) The balance outstanding.
- (vi) Where the punishment included dismissal from the Service, details of the airmen's current whereabouts, if known.

(b) Where the Principal Finance Officer elects to pursue recovery of the outstanding sum through the civil court, he is to inform the CO who is to arrange, where possible, for the airman to be interviewed, advised of the proposed action and given the opportunity to make voluntary repayment. The CO is to notify the airman's decision to the Principal Finance Officer who will then act accordingly.

(c) In cases where a balance remains outstanding and there is no bar to action under Section 147, AFA(1955), the case is to be reported to RAF PMA (DPMA (Pol)) and RAF PMA (P1 Casework).

2420A. Voluntary Payments.

Sponsor: ACOS Pers Pol (RAF)

(1) When, an Air or other OC receives the proceedings of a Service or Unit inquiry, or other investigation into the loss or damage to public or Service property, he may if he considers an airman to be responsible, allow him to make a voluntary payment to make good the loss or damage, provided that:

- (a) He pays voluntarily and not to avoid a court-martial or summary hearing.

(b) He is not suspected of theft or fraud or connivance thereat.

(c) The payment covers the full amount of the loss or damage (but see Para 1726(9))

and

(d) In the case of an airman other than a warrant officer, the CO may accept the offer of a voluntary payment (see Para 1286(1)). In the case of a warrant officer the offer of a voluntary payment may only be accepted by the higher authority and ref to QR1286. The voluntary payment may be made in cash or may be debited to the airman's pay account, net entitlements to pay and allowances being restricted at a suitable rate, subject to the provisions of Para 2400(5). When the payment is in respect of property other than MOD property the OC Accounts Flight, on receipt of the total amount, whether in cash or through the airman's pay account, is to remit it to the entitled recipient unless compensation is due from the Claims Commission (see **Appendix 36**) or is otherwise payable from public funds. In such cases the amount recovered is to be retained as a credit to public funds.

2421. (Omitted)

SECTION 9 - COMPULSORY DEDUCTIONS FROM PAY TO MEET JUDGEMENT DEBTS

2422. General.

Sponsor: PMA(PAC)

(1) Section 151A AFA, 1955 permits the Defence Council or an officer authorized by them to order that a deduction be made from pay of an officer or airman to meet a Judgement Debt (i.e. a judgement made by a Civil Court requiring an individual to make payments to satisfy a civil claim, including a judgement enforceable by the Enforcement of Judgements Office (Northern Ireland)).

(2) Under Section 151A(2) AFA, the Defence Council or an authorized officer may vary or revoke such an order.

(3) The limits within which pay may be stopped under the above-mentioned provisions of the AFA are set out in **Para 2422B**. Pay which has been ordered to be so stopped will be known as a "Judgement Debt Compulsory Deduction".

(4) The following paragraphs applying to Compulsory Maintenance Deductions are also to apply to Judgement Debt Orders as appropriate:

(a) **2735.** Allocation between Entitled Persons.

(b) **2736.** Payments.

(c) **2737.** Calculation of Pay.

(d) **2740.** Absence without leave.

(5) Unit action on receipt of a court Judgement Order is to be taken in accordance with Para **2422A.**

(6) Complaints relating to debts in respect of which no judgement has been made are to be dealt with under Para 1010A.

2422A. Authorized Officers.

Sponsor: PMA(PAC)

(1) The Defence Council have delegated the power to order Judgement Debt Compulsory deductions as follows:

(a) **Officers.**

(i) The Chief of Staff of the Air Member for Personnel, or

(ii) The Deputy Director of Personnel Management Agency (Support) (RAF).

(b) **Airmen.**

(i) Airmen - the Deputy Director of Personnel Management Agency (Support) (RAF) or the appropriate Commanding Officer not being below the rank of wing commander or squadron leader if in command of a station, or if there is no officer of that rank, the person's superior officer not below the rank of wing commander.

All Judgement Debts will be sent to AFPAA (Inns) AIS22 (Court Orders section) which, in the case of airmen serving at home, will allocate them to the authorized officer concerned.

(2) When a Judgement Order of the nature referred to in **2422(1)** is received in respect of an airman, the CO is at once to interview the airman and bring the Order to his notice. If the airman is unable or unwilling to make arrangements to comply with the terms of the Order the CO, having reviewed the airman's circumstances, should consider enforcement of the Order, under Section 151A AFA, through the commencement of a Judgement Debt Compulsory Deduction on Form 282 (Order for Deduction from Pay).

(3) When a Judgement Debt Compulsory Deduction is varied or revoked by the authorizing officer concerned, a notification of the variation or revocation together with a brief explanation, is to be sent to the official or other person to whom payments are normally made.

2422B. Limitation of Amount.

Sponsor: PMA(PAC)

The initial rate for Judgement Debt Compulsory Deductions will normally be the full amount payable against the balance remaining after deducting from relevant net emoluments the prescribed minimum rates of pay (set out in Para **2389(2)** for officers and **2400(5)(a)** for airmen) and any compulsory maintenance deductions which may be in force under Sections 150, 150A and 151 of the AFA. An individual's rate of pay is not to be reduced below the statutory minimum drawing rate as a result of a Judgement Debt Compulsory Deduction (see also Para **2422C**).

2422C. Public or Service Debts.

Sponsor: PMA(PAC)

Before making deductions under s.151A of the AFA, authorizing officers are to take into consideration any outstanding debts due to the public or the Service and are to determine priorities for settling such debts. Normally public or Service debts are to be given priority.

2422D. Forfeiture of Pay - Effect on Judgement Debt Compulsory Deductions.

Sponsor: PMA(PAC)

(1) A Judgement Debt Compulsory Deduction is not to be deducted when pay is forfeited for absence in accordance with s.145(1)(a) AFA . The order is to be held in suspense pending return to a rate of pay which will allow the compulsory deduction to be recommenced.

(2) If forfeiture of pay has been incurred in consequence of the finding or sentence of a court-martial or the finding or award of the appropriate superior authority or commanding officer, the forfeiture will apply only to as much of the individual's pay as remains after Judgement Debt Compulsory Deductions have been recovered. (See Section 152(2) AFA.)

(3) In all other cases of forfeiture where Section 152(2) AFA does not apply and pay is forfeited completely, e.g., as a result of the sentence of a civil court, Judgement Debt Compulsory Deductions are to be revoked in accordance with Section 151A(2).

SECTION 10 - MISCELLANEOUS SERVICES - PAYMENTS AND RECEIPTS

2423. *(Omitted)*

2424. Safeguard Against Wrong Payments.

Sponsor: Air CG CRT

(1) Before a bill is paid or passed to another paying authority for payment, the Account Operator (OC Accounts Flight) is to satisfy himself that it is properly certified, that the charges are in accordance with the terms of the contract, etc, that computations are correct and that payment has not previously been made. The certifying officer is to insert on the bill, both in words and figures, the final amount authorised for payment.

(2) An erasure or alteration of any of the figures on the bill relative to the amount of cash or the quantity of stores concerned is to be signed and dated by the certifying officer.

2425-2432. *(Omitted)*

SECTION 11 - PUBLIC ACCOUNTS FOR WHICH OFFICERS OTHER THAN ACCOUNTS TRAINED MEMBERS OF THE ADMINISTRATIVE BRANCH ARE RESPONSIBLE

2433. Performing Full Accounting Duties.

Sponsor: Air CG CRT

Under Para **2346(4)**, any officer may be called upon to carry out the full duties of an OC Accounts Flight

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at a self accounting unit. In such an event he is to comply with the regulations laid down in JSP 891.

2434. Sub-Imprest Account Holder.

Sponsor: Air CG CRT

- (1) Any officer may be required to carry out cash accounting duties as a sub-imprest account holder responsible to the Account Holder (Stn Cdr).
- (2) He/she is to comply with the regulations laid down in JSP 891, Chapter 8, which describes the various types of sub-imprest accounts which he/she may be called upon to operate. Sufficiently adequate instructions to enable the holder of a sub-imprest account to carry out his duties in a satisfactory manner are to be provided by the OC Accounts Flight of the parent unit.
- (3) He is to keep a record of his receipts and disbursements and is to submit a copy of the transactions together with all the necessary supporting vouchers to the Account Operator (OC Accounts Flight) in accordance with his/her instructions.
- (4) When a public bank account is maintained in connection with the imprest, the general procedures laid down in paras **2358** and **2359** are to be complied with. The opening of a public banking account may not be practicable (e.g. in the case of an imprest holder of a formation in the field) or may not be necessary when the public expenditure is small.
- (5) Funds sufficient only to meet immediate foreseeable requirements are to be held; the sub-imprest holder is personally responsible for the safe custody of cash and accounting documents relating to the sub-imprest account.
- (6) The CO of the parent station is to make suitable arrangements for the supervision of the sub-imprest account (see Para 76(1)), having regard to the circumstances in which the account is operated. Wherever possible the balances held by a sub-imprest account holder are to be checked in association with any checks of the balances held by the parent OC Accounts Flight under paras 76 or 2344 (see also Para 76(4)).

2435-2438. (Omitted)

SECTION 12 - TRANSFER OF PRIVATE MONEY BY PERSONNEL SERVING ABROAD

2439. Use of Airmen's Pay Accounting Channels.

Sponsor: PMA(PAC)

The attention of airmen serving abroad is drawn to the facilities provided in AP 3392 Vol 2 for transfer of money from his pay account by AFPAA (Inns) AIS to a payee in the UK, i.e.:

- (a) Fixed monthly deductions to a bank account.
- (b) Casual payments from accumulated credit to a bank account, savings account or private address (except for the settlement of private debts).
- (c) Deposits in a National Savings bank account.

- (d) Payments of life assurance premiums.
- (e) Payments to a Building Society.
- (f) Voluntary allotments.

2440. *(Omitted)*

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CHAPTER 34

SECURITY, OFFICIAL INFORMATION AND PUBLIC RELATIONS**SECTION 1 - GENERAL****J2441. Official Secrets Acts.***Sponsor: Policy Staffs, HQ RAFP*

Every officer is responsible for ensuring that all persons under his command are acquainted with the provisions of the Official Secrets Acts 1911-1989, and with the need for strict compliance with those provisions. All personnel are to be reminded annually of their responsibilities under the Acts.

J2442. Restrictions on Travel to Certain Countries.*Sponsor: Policy Staffs, HQ RAFP*

Instructions on the restrictions on travel to certain countries is contained in JSP 440. On leaving the Service, all individuals are to be reminded that these restrictions apply to them and a copy of MOD Form 138 - Security Reminder on Travel to Certain Countries - is to be included with his discharge (or equivalent) papers.

J2443. Disclosure of Official Information.*Sponsor: Policy Staffs, HQ RAFP*

(1) It can be an offence against the Official Secrets Act for a person to divulge, whether during or after a period of service with the Armed Forces, official information acquired by such a person during such service unless expressly authorised to do so. All personnel are forbidden to communicate any official information, including information about to be made public, to any person other than one to whom they are authorised to communicate it or one to whom it is their official duty to communicate it. The use of such information for personal controversy or for any private purpose during or after completion of service without due authority may be a breach of the Official Secrets Acts. Information acquired in an official capacity by anyone seconded for service with another Government Department is not to be disclosed without the express permission of that Department.

(2) Any information of a professional or technical nature that all members of the Armed Forces may acquire in the performance of their duty, or in the course of his official studies, is the property of the Crown and is not to be published in any form without the prior approval of the MOD.

J2444. Restrictions on Use of Official Documents.*Sponsor: Policy Staffs, HQ RAFP*

(1) Official reports, correspondence or magnetic media of whatever description, whether protectively marked or not, are the property of the Crown. The only legitimate use which personnel may make of official documents, or information derived from them, is for the furtherance of the public service in the performance of their duty.

(2) All official publications and documents produced in the course of official duty are Crown copyright, including correspondence, drawings, maps, photographs and musical and other artistic works. Photographs taken with official equipment or material whether or not for authorized purposes are also Crown copyright. Permission for reproduction, in whole or in part, for any non-official purpose must be obtained from the Controller Copyright TSol, in whom Crown copyright is vested, or from a person holding his delegated authority. Applications should be referred to MOD Crown Copyright Section, RM 202, 315 Great Scotland Yard, London SW1A 2HW, copy to DPR(RAF)).

J2445 Security of Official Documents.*Sponsor: Policy Staffs, HQ RAFF*

Instructions governing the security of official documents and in particular their protective marking, custody, handling and transmission are contained in JSP 440.

J2446. Visitors.*Sponsor: Policy Staffs, HQ RAFF*

A CO or Head of Establishment is to be satisfied that proper arrangements are made and orders issued to control the admission of visitors, and is to ensure that MOD instructions governing visits to ships, units and establishments of persons not in HM Service are carefully observed. These instructions are contained in JSP 440.

J2447. Police and other Civilian Authority Reports.*Sponsor: Policy Staffs, HQ RAFF*

Officers who seek the assistance of civilian authorities or organizations (e.g. the police or welfare organizations) to deal with problems concerning members of the Armed Forces are reminded that all reports for such authorities are to be treated as "in confidence" whether they are so marked or not. These reports must not be quoted verbatim nor their source disclosed except to another Service authority whose attention is to be drawn to their confidential nature.

J2448. Disclosure of Official Information to Courts.*Sponsor: ACOS Pers Pol (RAF)*

Instructions regarding the disclosure of official information (either oral or documentary) to Courts or in arbitration proceedings, and the giving of evidence by expert witnesses, are contained in Para J965 and AP 3207 (Manual of Flight Safety).

J2449. Enquiries from Members of Parliament.*Sponsor: RAF Pers Sec Svc Cnds 1*

(1) All official enquiries made by Members of Parliament are to be referred to the MOD for reply. When exceptionally an immediate answer is necessary, e.g. where a Member of Parliament requests factual information in order to allay relatives' anxiety, reference should be made in office hours to the appropriate Minister, if possible before a reply is given, otherwise as soon as possible afterwards. Urgent enquiries out of office hours are to be reported to the Resident Clerk of the MOD HQ who will notify the appropriate Private Secretary.

(2) Written communications on official matters from Members of Parliament or from persons who state that they are prospective Parliamentary candidates must be acknowledged and the writer informed that the matter is being referred to the MOD for consideration and reply. The letter, or a full account of a conversation if applicable, together with a detailed report, is to be forwarded without delay to the appropriate Minister's office in accordance with current instructions.

(3) In this regulation, the term "Members of Parliament" means members of both Houses of the UK Parliament, and of any other legislature, including devolved United Kingdom, European Union, foreign and commonwealth legislatures.

J2450. The Data Protection Act 1984.*Sponsor: CIS12(RAF)*

(1) The Data Protection Act 1984 requires that all computer systems on which personal data is held must be registered with the Data Protection Registrar. The Act also states that an individual is entitled to be told whether personal data is held of which he is the subject, and that if so he is entitled to be given a copy of the data and, where appropriate, to have such data corrected or erased.

(2) The Act applies to any computer system, however small, that contains information on personnel, whether the system has been purchased from official funds or by individuals.

(3) It is the responsibility of the holder of personal data on any computer system operated within the RAF to ensure that the system is notified to the MOD Data Protection Officer, ICS(Pol) CDMG, DGICS, Minerva House, Delta Office Park 800, Swindon, Wiltshire SN5 7XQ (Tel 01793 555430)

(4) Full instructions are contained in JSP 406.

2451. *(Omitted)*

SECTION 2 – ACTIVITIES INVOLVING THE USE OF OFFICIAL INFORMATION OR EXPERIENCE

J2452A. Purpose

Sponsor: DMC

This chapter sets out the arrangements that all Service personnel must follow if they wish to have contact with, or exposure to the media, or write or speak in public on Defence or related matters. These procedures have been put in place to ensure that national, operational and personal security is upheld, and that standards of political impartiality and public accountability are met at all times.

J2452B. Applicability

Sponsor: DMC

1. These regulations apply to all members of the Armed Forces:
 - all members of the regular Armed Forces;
 - all members of the Volunteer Reserve Forces;
 - members of the Regular Reserves undertaking Service duties;
 - cadets when on duty;
 - Crown Servants within the Reserve Forces and Cadets Associations and their Council;

It covers all public speaking, writing or other communication, via any channel, including the internet and other online sharing technologies, on issues relating to an individual's official business or experience or otherwise related to Defence.

J2452C. Introduction

Sponsor: DMC

1. Within the obvious security constraints, the MOD and the Armed Forces operate a policy of openness about their activities. It is important that the Armed Forces and MOD are able to explain their roles and Government policies and decisions relating to Defence. The MOD must also comply with relevant legislation, such as the Freedom of Information Act 2000. All members of the Armed Forces are encouraged to engage with the public about what they do. However, such contact must be properly authorised to ensure that it is appropriate and worthwhile, as well as to protect individuals against possible misreporting. Members of the Armed Forces must exercise honesty in all their engagements and should not undertake any activity which might call into question their political impartiality or Service or Departmental reputation.

2. All contact with the media or communication in public by members of the Armed Forces must be authorised in advance, where this relates to an individual's official business or experience or is

otherwise related to Defence. Unauthorised disclosure or leaking of information causes damage to the Department and the single Services and corrodes the trust between Ministers, the Armed Forces and the Civil Service. Engaging in such activities without obtaining relevant authorisation at the appropriate level as detailed in these regulations is likely to result in administrative or disciplinary action being taken. It could be regarded as a serious disciplinary breach and in the most serious cases this could ultimately lead to an individual being removed from post, dismissed or discharged. Also, individuals who do not act to prevent breaches by others could be subject to disciplinary measures

J2453. Effective Communication*Sponsor: DMC*

1. Presenting and explaining Defence business to improve public understanding of what we do is an integral part of the work of the Ministry of Defence and of the Armed Forces. Defence personnel are encouraged to look for opportunities in line with the procedures set out in these regulations to communicate the roles and achievements of the Armed Forces and MOD – whether through face-to-face engagement, via briefings, in written responses to enquiries, or via new digital formats/channels.
2. Before considering engagement with the news media or otherwise communicating in public the following factors should be taken into consideration:
 - What is the desired effect and how will it be measured?
 - Does the benefit justify the time, cost and effort?
 - Is there a risk to operational security or of disclosure of official or protectively marked Crown property, capabilities or information or personal details?
 - Would Service or Departmental reputation be compromised?
 - Are there any national security (of the UK or allies) or international relations implications?
 - Would this call into question political impartiality?
 - Are there any commercial, patent or copyright implications?

J2454A. Contact with the News Media*Sponsor: DMC*

1. DMC (specifically, DMC-News Press Office) are the Department's professional advisers on communicating with the news media and are the officially sanctioned channel for dealing with them. The guiding principle is that all contact with (including the acceptance of hospitality from) the news media must be referred, through the line manager/chain of command, to the appropriate DMC-News Press Office team. Activities covered by this include:
 - contact with journalists;
 - contact with individuals with known links to the media (such as commentators in academia, industry or think-tanks, lobby groups etc);
 - writing letters to newspapers;
 - contributing to online debates or otherwise commenting on online items;
 - participating in radio or television programmes (including discussion shows or phone-ins) on any topic related to Defence matters;
 - contact with the media when attending outside events, e.g. at conferences and seminars; and
 - issuing invitations to media representatives to speak at briefings, courses, study days or other Service or Departmental events.
2. Any member of the Armed Forces approached by a journalist or a third party with known links to the news media (including former serving personnel) on any Defence matter should note the request and refer the matter to the relevant Service or TLB media staff or DMC News Press Office team as soon as possible. Under no circumstance should they divulge any Defence information regardless of whether it seems uncontentious or might be thought to be already in the public domain. Where a journalist requests information under the terms of the Freedom of Information Act 2000 (or other information access legislation and regulations), or requests are received for potentially contentious information from any source, the DMC-News Press Office team must be consulted. If it is necessary to telephone a journalist who has submitted an FOI request in order to clarify or refine its terms, care should be taken to keep the conversation focused on the matter at hand. A note of the conversation should be made immediately and passed to the DMC News Press Office.
3. Some members of the Armed Forces might from time to time have contact with journalists or others who are active in the news media. This can include those working for lobby groups, the

defence industry or academics who have links to the news media. Contact could stem from previous official duties or through social or family connections. Individuals are reminded that regardless of previous contact or authorisation, any request for information from a journalist or other persons with news media connections (however innocuous), must be referred immediately to DMC-News Press Office or Service or TLB media staff. Where a journalist is embedded with the Armed Forces in operational theatres, the scope and nature of the contact permitted will be agreed in advance with DMC.

4. Where approval is given to communicate with the media the range of topics that can be covered, and the terms of the engagement (e.g. whether it is a background briefing, or 'on the record'), will be agreed at the time of authorisation. Individuals should not comment on or disclose official information beyond that agreement. Following contact with the media the individual involved should report back to the DMC-News Press Officer nominated for that contact. This helps to protect individuals in the event of any subsequent misreporting and allows appropriate follow-up action.

5. Contact with the national news media is always handled by DMC-News Press Office. DMC-News Press Office also handle contact at the regional level as do Service and TLB media staff and others with a specific DMC delegation to do so. These delegations are rare, but where an individual is granted a delegation, they may engage with specified media outlets without recourse to DMC, subject to the following caveats:

- all delegations are recorded in agreed formal job descriptions or terms of reference; and
- that any issue that is judged to be novel, contentious or of strategic importance is referred as soon as possible to DMC-News Press Office via the chain of command.

Individuals with a delegation must ensure they keep records and inform the DMC-News Press Office of all contact with the media and the information communicated. Requests for delegations should be sought from DMC- Head of News.

6. Where casualties have occurred, the names of the persons killed or injured are not in any circumstances to be divulged until it is definitely known that the next-of-kin have been informed. The authority for the release of names of casualties rests solely with MOD.

7. Personnel who are in any doubt about the nature of a request are to speak to their line manager or chain of command, Command Media Operations branch, or to the DMC News Press Office directly.

J2454B. Communicating in Public

Sponsor: DMC

1. DMC staff are also the Department's professional advisers on wider communication and engagement with the public. Members of the Armed Forces must seek formal authorisation if they wish to speak, write or otherwise communicate in the public domain on Defence issues. Permission must be obtained before an individual can enter into any commitment.

2. Examples of communicating on Defence Issues in public are:

- Publishing material (for example books, articles, academic papers, or any other text, audio, still images, video or other content) or submitting material with the intention or likelihood of publication, in any medium (print or electronic) available outside Government;
- Self-publishing or otherwise releasing material on the internet or via online sharing technologies, for example through a blog, podcast or other shared text, audio or video, including through mobile devices;
- Speeches and presentations at conferences or other events where the public or media may be present;
- Completing external questionnaires, taking part in external surveys, polls or contributing to external studies or research projects;
- Contributing on defence issues to any online community or shared electronic information resource available outside Government, for example a bulletin board, newsgroup, wiki, online social network, multiplayer game or other information-sharing application.

3. In all cases, the impact of the communication must be considered carefully, both in terms of the

effect on its intended audience but also on any unintended audience through subsequent coverage by the media. It is the responsibility of all personnel to minimise the scope for misreporting and misrepresentation, and to avoid straying beyond the issues on which they have been approved to speak.

J2454C. Online Communication*Sponsor: DMC*

1. Members of the Armed Forces are encouraged to explain their work, but within certain limits to protect security, reputation and privacy for themselves and the MOD. Social media (such as social networking sites, blogs and other internet self publishing channels) are recognised as important channels to enable personnel to keep in touch with family and friends. The MOD Online Engagement guidelines provide advice on the effective use of online channels and further guidance is available on how to use security settings on the most popular social media sites. When using these, personnel must:

- Follow the same high standards of conduct and behaviour online as would be expected elsewhere;
- Always protect personal information and operational security;
- Get authorisation from their chain of command when appropriate;
- Ensure they are familiar with the MOD Online Engagement guidelines.

2. Armed Forces personnel do not need to seek clearance when communicating online about non-Defence matters or general information about their role but must seek authorisation from their chain of command before publishing any information relating to their work which:

- Relates to operations or deployments;
- Offers opinions on wider Defence and Armed Forces or Allied activity; or
- Attempts to speak, or could be interpreted as speaking, on behalf of their Service or the MOD.

J2454D. Authorisation for Contact with the News Media and Communicating in Public*Sponsor: DMC**DMC*

1. **Senior Personnel (1-star and above)** All personnel of 1* rank must seek approval from DMC before accepting any invitation to speak or write publicly on Government or Defence matters – whether through the media or some other channel - unless they have a specific delegation. Requests should be submitted at least 10 working days in advance of the intended communications activity to DMC-Sec Strat Plans Coord.

All requests from personnel of 2* rank and above and civilian equivalents require Ministerial approval. In practice this will be considered at a weekly planning meeting, chaired by the Director of Media and Communications, which will advise if a formal submission to Ministers is required. Personnel of 3* rank and above and civilian equivalents should be aware that records of their contact with the media including any hospitality accepted will be published on a regular basis in-line with Cabinet Office procedures. Personnel should also ensure that all hospitality is recorded and reported in accordance with Departmental or Service arrangements. Requests should be submitted at least 14 days in advance of the intended communications activity to DMC-Sec Strat Plans Coord to allow time for due consideration, and, if necessary, a formal submission to Ministers. For requests at this level DMC will often require advance sight of a speaker's proposed text or the proposed article.

2. **Below 1-star - News Media.** All other personnel below 1* level must first go through their line manager/chain of command (Commanding Officer (CO) or Head of Department or Division), and consult local TLB or Service media staff, unless they have a specific exemption granted by DMC. The authorisation process is as follows:

(a) For contact with regional and local news media.

Commanding Officers of the rank of Colonel and below (and equivalents) may speak to regional or local media on routine matters relating specifically to their own area of responsibility. They should not comment on other Government or Defence issues. A record should be kept of this contact, and either local Service or TLB media staff or the DMC News Press Office should be kept informed. Contact with regional/local media on issues outside the scope of an individual's own responsibilities or on any issue which maybe considered novel and contentious requires prior authorisation in the usual way via Service or TLB media staff or DMC-News Press Office.

For all other regional or local news media cases, Service and TLB media staff have delegated powers of authorisation from DMC. Service or TLB media staff will refer contentious issues to the DMC-News Press Office and where there is a risk of a regional/local issue becoming a national issue, DMC-News Press Office will take over the lead.

(b) National news media.

DMC-News Chief Press Officers are responsible for authorising all contact with the national news media, including both proactive and reactive media handling. DMC-News will seek advice as necessary from the single Service Assistant Heads in DMC-Ops PR, and will judge whether Ministers need to be consulted before engagement with the news media takes place. Only a DMC-News Chief Press Officer, DMC-Head of News or DMC-Director Media Communication can approve engagement with the national news media.

(c) International media or contact with media abroad.

DMC News, in conjunction with PJHQ, is responsible for authorising contact with international media in operational theatres. Outside operational theatres, there are a number of events which include interaction between members of the Armed Forces and MOD civilians and the foreign media. Where this occurs or is expected at a local or regional media level, it is normally sufficient for permission to be granted by the relevant Service Command media staff or Defence Attaché. Where there is the potential for foreign national media contact, DMC-News Press Office should be informed. The procedure for authorising contact with international media in the UK is the same procedure as for contact with the UK national news media.

(d) Communicating in Public through non-news media.

The term 'non-news media' refers to media channels such as magazines, books and non-news TV and radio programmes and documentaries. For guidance on communicating via online channels see above. DMC-Head of Op Comms is ultimately responsible for authorising all contact for the non-news media to ensure appropriate arrangements are in place as described in JSP579. DMC-Head of Op Comms and PR teams will seek advice as necessary from DMC News and Service or TLB Command staff and will judge whether Ministers need to be consulted before initiating contact with or responding to approaches from the non-news media. The following channels should be used to obtain authorisation to engage with the non-news media:

- Navy personnel through their chain of command to DMC-Ops PR(Navy).
- Army Personnel through their chain of command to DMC-Ops PR(Army).
- RAF Personnel through their chain of command to DMC-Ops PR(RAF).
- Civilians through their management chain to DMC-Head of Sec and New Media

All personnel should bear in mind that what could appear to be a single Service issue can have implications for the reputation of all three Services and the wider MOD.

(e) Speaking in Public.

For public speaking, members of the Armed Forces below 1* level should go through the line manager/chain of command to ensure the provisions above have been appropriately addressed. If so, the line manager/chain of command (Commanding Officer (CO) or Head of Department or Division) may authorise the speaking activity. Where there is potential for controversy, media or national interest, advice must be taken from the relevant TLB or Service media team or Secretariat and referred to the DMC contacts listed above in section e.

(f) Defence medical and healthcare topics

Material on Defence medical and healthcare matters should be cleared by the chain of command or line management in the first instance. All medical papers for publication and public presentations from within Joint Medical Command (JMC) should be sent to Medical Director (Med Dir), JMC for clearance and capture in Surgeon General's Research Compendium. Papers pertaining to specific single Service medical issues should be directed through the chain of command to the appropriate single Service Medical Director. Med Dir JMC and the single Service Medical Directors will correspond with HQ SG (Hd of Secretariat) to clear any particularly sensitive papers and presentations. Hd of Secretariat, HQ SG will then confirm or withhold clearance with Med Dir or the single Service Medical Directors and, when appropriate

to do so, forward it with his recommendation to DMC. Details about the Surgeon General's policy on media and those in the care pathway can be found in JSP 950 (Medical Policy) Leaflet 1-2-5 available on the Defence Intranet or from HQ Surgeon General.

3. Where authorisation to speak in public or publish written material outside MOD is granted (in-line with the provisions in paras 34-37) this permission will only apply to the material as submitted and cleared. Further permission is required if alterations of fact or opinion are made. The granting of permission to publish does not confer official endorsement of the material (either of its factual content or the opinions or views expressed) and this should be made clear to publishers. Articles or notices for in-house MOD or single Service publications on non-controversial and unclassified topics can be submitted direct to in-house editors through the chain of command or line management. However, the same guiding principles apply. It is important to remember that editors of internal publications with an external readership (e.g. if they are available on subscription or on the internet) must follow the procedures for external clearance as detailed above and must ensure that no classified material is inadvertently released.

J2455. Operational Security

Sponsor: DMC

Experience shows that our adversaries take a close interest in information put into the public domain by members of the Armed Forces and look for opportunities to use it to their advantage. All personnel are reminded of the paramount requirement to protect operational security. They must also avoid actions that might damage relations with other nations or harm the security or other interests of partner nations. Personnel must not pass on any classified or other information that has not been authorised for release, including to friends and family. Members of the Armed Forces wishing to speak or write about their recent experience in an operational theatre or about operations that are continuing must consult PJHQ Media Operations staff regardless of whether they are still serving in that theatre or elsewhere.

J2456. Personal security

Sponsor: DMC

There are inherent personal security risks to communicating in public, which have been heightened by the growing use of online communication channels. Social media in particular can present risks to operational and personal security unless users take appropriate steps to safeguard their information. Unsafe use of these channels, most likely through the deliberate or inadvertent posting of private information or details, could compromise both personal and operational security. The threats are diverse and can range from organised crime to espionage to terrorism. The risk is highest if the mass of information in the public domain can be used to link Service information with personal details. Once online, information is permanently available and can be replicated on other media channels with no means of removal and could be used by those who wish to target members of the Defence community. Personnel should follow security guidance, and they should at all times seek to protect their personal information and be wary about the details they share online. Personnel should be aware of the risks and exercise judgement in all public communication. The amount of risk will vary from individual to individual, but it will invariably relate to that person's military role.

J2457. Payment for Speaking to the Media and Public Speaking and Writing *Sponsor: DMC*

1. The overarching principle regarding the payments to serving members of the Armed Forces is that they are paid once by the Crown for their work. It is a normal part of the duties of serving Service personnel to explain their work in public and this should not attract additional personal payment. Serving military personnel must not accept payment, royalty or fee for any activity which would, or could be perceived to, involve the disclosure of official information or draw on official experience. This includes all contact with the media such as interviews, articles or briefings, and any other public disclosure (e.g. books, public speaking, conferences etc) relating to the person's work. Where an organisation offering payment insists on making a donation to charity, the choice of charity must lie with the organisation offering the payment to avoid any potential conflict of interest.

2. Payment to an individual for information or speaking engagement or interview may only be authorised if the subject matter falls entirely outside their MOD work or experience, does not use

official information and has been prepared in an individual's own time, without using any MOD resources. Commanding Officers/Head of Department or Division should be consulted in the first instance to ensure this is the case. If in doubt they should take advice from TLB or Service Media and/or Secretariat staff who should in turn consult DMC-Head of Sec and New Media if uncertain. If authority to proceed is given it is incumbent on individuals to make it clear that they are not acting in an official capacity.

32. Where members of the Armed Forces are invited to speak or participate in an event, conference or seminar in an official Defence capacity and that event is being run as a commercial activity – the individual concerned should seek advice from their relevant Command Secretary or Director of Resources about whether the MOD should request a payment for their participation. JSP 368 – The MOD Guide to Repayment outlines the procedures that should be followed.

33. Serving academics who believe they may have a case for being paid for academic research must first seek approval from their Commanding Officers/Heads of Division. If content that there is a potential case for exemption, the Commanding Officer/Head of Division should contact DMC-Head of Sec and New Media before giving approval to proceed.

J2458. DMC Contact Points*Sponsor: DMC*

DMC Points of Contact		
Strategic Planning Co-ordinator	Mil: 9621 82125	Civ: 020 721 82125
	Email: DMC-SecStratPlansCoord	
DMC-Sec Policy Secretariat	Mil: 9621 89228	Civ: 020 721 89228
	Email: DMC-Sec Policy Secretariat	
Head of Secretariat and New Media	Mil: 9621 87670	Civ: 020 721 87670
	Email: DMC-HeadofSecandNewMedia	
Head of Operational Communications	Mil: 9621 89459	Civ: 020 721 89459
	Email: DMC-HeadofOpComms	
DMC News Press Office		
Chief Press Officer Personnel	Mil: 9621 82906	Civ: 020 721 82906
	Email: DMC-NewsCPOPersonnel	
Chief Press Officer Operations	Mil: 9621 84677	Civ: 020 721 84677
	Email: DMC-NewsCPOOperations	
Chief Press Officer Equipment	Mil: 9621 82586	Civ: 020 721 82586
	Email: DMC-NewsCPOEquipment	
DMC News Regional Co-ordinator		
DMC News Regional Co-ordinator	Mil: 9621 83704	
	Email: DMC-NewsRegionsandPersonnel	
For Single-Service issues		
Assistant Head of PR – Navy	Mil: 9621 87903	Civ: 020 721 87903
	Email: DMC-OpsPRNavy	
Assistant Head of PR – Army	Mil: 9621 84385	Civ: 020 721 84385
	Email: DMC-OpsPRArmy	
Assistant Head of PR – RAF	Mil: 9621 87905	Civ: 020 721 87905
	Email: DMC-OpsPRRAF	

SECTION 3 - PUBLIC RELATIONS

J2459A. Public Relations - General. *Sponsor: CPO Plans 3(RAF)*

While observing the need for security and the confidentiality of many Service transactions, members of the Armed Forces have a responsibility for maintaining good relations with the public and the Media. 'Media' includes print, broadcast and electronic media, including newspapers, periodicals, television, film, radio, the Internet and all other information media.

J2459B. Visits by Press Representatives. *Sponsor: DCC(RAF)*

COs must ensure that instructions governing the admission of Press representatives to Service ships, units and establishments and the facilities to be granted in connection with such visits are carefully observed. If in any doubt whatsoever, early contact is to be established with DCC(RAF).

J2459C. Incidents liable to cause Parliamentary or Media Comment. *Sponsor: DCC(RAF)*

(1) In general the preceding regulations deal with the control of information and the release of it to the Press. It is equally important, however, that CinCs and Senior Officers and, as appropriate, officers in command of detached units should provide the MOD (Defence Press Office) with the earliest possible official information of any incidents or occurrences in which the RN, or the Army or the RAF is involved and which may be liable to form the subject of comment in Parliament or in the Press as defined in Para **J2459A**.

(2) When it is impossible for a full account of any incident to be rendered before the facts have been thoroughly examined, an incomplete account should be sent at the earliest moment, followed in due course by any detailed report considered necessary.

(3) Where such an incident occurs in a detached unit, the CO is to inform the MOD direct by immediate signal, as well as the CinC and such other authorities as may be laid down in local orders.

J2459D. Defence Press and Broadcasting Advisory Committee (DPBAC). *Sponsor: DCC(RAF)*

DA Notices are addressed to national and provincial newspaper editors, to radio and television organizations, and to some publishers of periodicals and books on defence and related subjects. (DA Notices are issued and amended on the authority of the DPBAC). The Secretary of the DPBAC is available at all times to advise on questions that arise as to the application of a DA Notice to some particular set of circumstances. Any advice requested by the Press as a whole on the publication of items of information which appear to come within the scope of a DA Notice should be referred to the Secretary DPBAC whose office is in Room 2235, MOD Main Building and whose telephone number is Main Building 82206.