



HQ AIR COMMAND

RAF Personnel Secretariat
(Service Conditions 4)

Building 2, Room 15
Royal Air Force
High Wycombe
Buckinghamshire
HP14 4UE

Mr Paul Ashby (by e-mail)
Request-25719-f3c16618@whatdotheyknow.com

20100223-SC/FOI/Ashby

23 February 2010

Dear Mr Ashby

Following my email to you dated 27 January regarding RAF Officers Court Martials, it has now come to our attention that some information provided to you was incorrect.

A corrected list of RAF Officer Courts Martial can be found at Annex A, but I have summarised the amendments below:

1. The details of one entry for a Flight Lieutenant in 2008 was incorrectly listed as "3 charges of Neglect in Performing a Duty, 2 charges of Sexual Assault on a Child under 13, and 1 charge of failing to make an entry in an official document with the intent to deceive", this should have read "1 charge of prohibited low flying contrary to Regulation 5(3)(e) of the Rules of the Air Regulation 2007", the outcome for this entry has also been corrected.
2. In 2005, the Flying Officer's plea had been recorded as Guilty, this should have read Not Guilty.
3. An additional case in 2006 has been included at Annex A, this relates to 5 charges of Failed to Attend.

Please accept my apologies for these mistakes; the information that you had requested was supplied from a database, which is regularly updated from Court Martial case notes, and not directly from Court Martial files. Some information provided from the database had been mistakenly recorded; in order to ensure that all other details are correct, the remaining charges and sentences since 2004 have been double-checked and cross-referred with the case files, and I can confirm that all other details previously provided are correct. Case files are not routinely held for longer than 6 years, therefore, cases prior to 2004 have not been cross-referred with the Court Martial files.



As with the original document sent to you, in accordance with the Data Protection Act 1998 (DPA 98), section 2(g) and 2(h), the names of individuals have been withheld as this type of information is classed as third party personal data. As such, under section 40 of the FOI Act (Information that constitutes personal data of which the applicant is not the data subject), the RAF is not permitted to release this information as it would contravene the Data Protection Principles set out in the Schedule to the DPA 98.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other reuse, for example commercial publication, would require the permission of the copyright holder. Most documents supplied by the Ministry of Defence will have been produced by government officials and will be Crown Copyright. You can find details on the arrangements for re-using Crown Copyright from the Office of Public Sector Information at: <http://www.opsi.gov.uk/click-use/index.htm>.

Information you receive which is not subject to Crown Copyright continues to be protected by the copyright of the person, or organisation, from which the information originated. You must ensure that you gain their permission before reproducing any third party (non Crown Copyright) information.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. The MOD therefore will be simultaneously posting the information you requested, together with any related information that will provide a key to its wider context, in our online FOI Disclosure Log at <http://www.foi.mod.uk>.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Once again, please accept my apologies for this mistake and for any inconvenience that this may have caused you.

Yours sincerely
RAF Service Conditions 5



FOI REQUEST – RAF OFFICER COURTS MARTIAL 2000 – 2009

“Please state the name of any Royal Air Force officer Court Martialled in the last 10 years. Please state name, ranks, offence, and outcome of the Court Martial.”

In respect of the above mentioned FOI request, based upon data held by the RAF, we are able to provide the following information:

2000

RANK	OFFENCE	PLEA	OUTCOME
Flight Lieutenant	1 x s.70 (1) of Air Force Act 1955 (AFA 55) – Theft contrary to s.1(1) of the Theft Act 1968	Not Guilty	Found Not Guilty
Flight Lieutenant	1 x s.70(1) of AFA 55 – False Accounting contrary to s.17(1)(a) of the Theft Act 1968. 1 x Negligently Performing a Duty contrary to s.29a(b) of AFA 55.	Not Guilty	1 x Not Guilty 1 x Guilty – 2 years forfeiture of seniority.*
Squadron Leader	7 x making a False Entry in an Official Document contrary to s.62(1)(b) of AFA 55. 1 x s.70(1) of AFA 55 – deception contrary to s.15 of the Theft Act 1968.	Guilty	Dismissed from HM Service
Flight Lieutenant	10 x s.70(1) of AFA 55 – Theft contrary to S1(1) of the Theft Act 1968.	Guilty	84 days Imprisonment. Dismissed from HM Service.
Flight Lieutenant	1 x AWOL contrary to s.38(a) of AFA 55.	Not Guilty	£2000 Fine. Severe Reprimand.
Flying Officer	1 x s.70(1) of AFA 55 – Battery contrary to s.39 of the Criminal Justice Act 1988	Not guilty	3 Years loss of seniority.

2001

RANK	OFFENCE	PLEA	OUTCOME
Flight Lieutenant	2 x Disobedience to Standing Orders contrary to s.36(1) of AFA 55	Not Guilty	£1200 Fine. Severe Reprimand.

Annex A

Flight Lieutenant	1 x Using Threatening, Abusive, Insulting or Provocative Words likely to cause a Disturbance contrary to s.43A(b) of AFA 55	Not Guilty	Found Not Guilty
Flight Lieutenant	4 x Negligently Performing a Duty contrary to s.29A(b) of AFA 55 3 x s.70(1) of AFA 55 – False Accounting contrary to s17(1)(a) of the Theft Act 1968 1 x s.70(1) of AFA 55 – False Accounting contrary to s.17(1)(b) of the Theft Act 1968	Guilty	5 months Imprisonment. Dismissed from HM Service.
Flight Lieutenant	1 x Disobedience to Standing Orders, that is to say, Being in Charge of a Vehicle when under the Influence of Alcohol	Not Guilty	£2000 Fine. Severe Reprimand.
Pilot Officer	4 x s.70(1) of AFA 55 – Common Assault contrary to s.39 of the Criminal Justice Act 1988	Not Guilty	Severe Reprimand
Flight Lieutenant	1 x Doing Acts tending, and intended, to Pervert the Course of Public Justice contrary to s.70(1) of AFA 55	Not Guilty	£400 Fine. Reprimand.
Flight Lieutenant	1 x s.70(1) of AFA 55 – Furnishing False Information contrary to s.17(1)(b) of the Theft Act 1968	Not Guilty	Found Not Guilty

2002

RANK	OFFENCE	PLEA	OUTCOME
Squadron Leader	2 x s.70(1) of AFA 55 – Indecent Assault contrary to s.14(1) of the Sexual Offences Act 1956	Not Guilty	Found Not guilty
Flight Lieutenant	2 x Disobedience to Standing Orders, that is to say, Proxy Purchase of Motor Vehicles contrary to s.36(1) of AFA 55. 2 x s.70(1) of AFA 55 – Forgery contrary to s.1 of the Forgery and Counterfeiting Act 1981.	Guilty	Dismissed from HM Service.
Flight Lieutenant	1 x AWOL contrary s.38(A) of AFA 55	Not Guilty	£1500 Fine. Severe Reprimand.
Pilot Officer	1 x Failing to Report an Accident contrary to s.36(1) of AFA 55 1 x Dangerous Driving contrary to s.36(1) OF AFA 55. 1 x Wasting Police Time by Making False Statement contrary to s.69 of AFA 55	Not Guilty	1 x Not guilty 2 x Guilty – Dismissed from HM Service.*

2003

RANK	OFFENCE	PLEA	OUTCOME
Flight Lieutenant	2 x Causing Loss of Life contrary to s.49 of AFA 55. 1 x Negligently Performing a Duty contrary to s.29A(b) of AFA 55	Not Guilty	Found Not Guilty
Squadron Leader	1 x Drink Driving contrary to s.36(1) of AFA 55	Not Guilty	£750 Fine.
Squadron Leader	1 x s.70(1) of AFA 55 – Theft contrary to s.1(1) of the Theft Act 1968	Not Guilty	£1000 Fine. Severe Reprimand.
Flight Lieutenant	1 x s.70(1) of AFA 55 – Indecent Assault contrary to s.14(1) of the Sexual Offences Act 1956. 1 x Drunk contrary to s.43(1) of AFA 55	Not Guilty	Found Not Guilty
Wing Commander	12 x s.70(1) of AFA 55 – False Accounting contrary to s.17(1)(a) of the Theft Act 1968. 1 x s.70(1) of AFA 55 – Using a Copy of a False Instrument contrary to s.4 of the Forgery and Counterfeiting Act 1981	Guilty	Dismissed from HM Service. Stoppages of pay amounting to £1025.13.
Flight Lieutenant	1 x Disobedience to Standing Orders contrary to s.36(1) of AFA 55 – Drink Driving	Not Guilty	£750 Fine.

2004

RANK	OFFENCE	PLEA	OUTCOME
Flight Lieutenant	2 x s.70(1) of AFA 55 – Possession of Indecent Photographs of Children contrary to s.160(1) of the Criminal Justice Act 1988.	Not Guilty	Found Not Guilty
Squadron Leader	11 x s.70(1) of AFA 55 – Making Indecent Photographs of Children contrary to s.1(1)(a) of the Protection of Children Act 1978. 2 x s.70(1) of AFA 55 – Showing Indecent Photographs of Children contrary to s.1(1)(b) of the Protection of Children Act 1978.	Guilty x 13	1x Not Guilty 12 x Guilty – Dismissed from HM Service with disgrace. 2 months Imprisonment. Placed on Sex Offenders' Register for 7 years.*
Flight Lieutenant	1 x s.70(1) of AFA 55 – Obtaining a Money Transfer by Deception contrary to s.15A of the Theft Act 1968.	Not Guilty	Dismissed from HM Service.

Annex A

2005

RANK	OFFENCE	PLEA	OUTCOME
Flying Officer	2 x s.70 AFA 55: 1x Battery contrary to s.39 of the Criminal Justice Act 1988. 1x AOABH contrary to s.47 of the Offences Against the Person Act 1961	Not Guilty	£1000 Fine. Reprimand.
Flight Lieutenant	1 x s.70(1) of the AFA 55 - indecent assault contrary s.14(1) of the Sexual Offences Act 1956.	Not Guilty	Found Not Guilty
Squadron Leader	1x Unlawful low flying contrary to s.51 of the AFA 55. 1x Negligently causing damage to an aircraft belonging to Her Majesty contrary to s.44(1)(d) of the AFA 55	Guilty	£2500 Fine. Severe Reprimand.
Flight Lieutenant	2 x s.36(1) AFA 55 - Carrying civilian passengers without appropriate approval, and flying a helicopter below 250ft whilst carrying civilian passengers without the appropriate approval. 2 x s.62(1) AFA 55 - Making a false entry in an official document.	2 x Guilty 2 x Not Guilty	1 x Not Guilty 3 x Guilty – Reprimand.*

2006

RANK	OFFENCE	PLEA	OUTCOME
Flight Lieutenant	1 x s.70(1) of AFA 55 - Racially Aggravated Common Assault contrary to s.29(1)(C) of the Crime and Disorder Act 1998	Not Guilty	Found Not Guilty
Flight Lieutenant	5 x Failed to Attend	Not Guilty	8 Months Imprisonment. Dismissed from HM Service.
Flight Lieutenant	2 x Possessing a controlled drug contrary to section 5(2) for the Misuse of Drugs Act	Not Guilty	Found Not Guilty

2007**

RANK	OFFENCE	PLEA	OUTCOME
Flight Lieutenant	Theft	Guilty	£250 Fine. Stoppages of pay amounting to £639.29. Reprimand.

Annex A

Flight Lieutenant	Child Pornography	Guilty	2 years Imprisonment – half on license. Dismissed from HM service with disgrace. Placed on Sex Offenders' Register for 10 years.
Squadron Leader	11 x Obtaining money by deception.	Not Guilty	Dismissal ordered to pay compensation of £3255.60.

2008

RANK	OFFENCE	PLEA	OUTCOME
Flight Lieutenant	2 x Obtaining services by deception. 1 x Obtaining a money transfer by deception.	Not Guilty	Found Not Guilty
Flight Lieutenant	1 x Sexual Assault.	Not Guilty	Found Not Guilty
Flight Lieutenant	1 x Prohibited low flying contrary to Regulation 5(3)(e) of the Rules of the Air Regulation 2007.	Guilty	£1500 Fine. Severe Reprimand.
Flight Lieutenant	1 x Possessing ammunition/explosives. 6 x Using a false instrument (Forgery Act). 1 x Conduct to the prejudice of good order and military discipline.	Not Guilty	3 months Imprisonment. Dismissed form HM Service.

2009

RANK	OFFENCE	PLEA	OUTCOME
Flight Lieutenant	Perjury	Not Guilty	Case dismissed.

* It has not been possible to ascertain which charges individuals were found Guilty/Not Guilty to.

**Details from 2007 onwards are not held in the same format as those recorded from 2000 – 2006.