

Defence Instructions and Notices (Not to be communicated to anyone outside HM Service without authority)	
Title:	Documentation to be provided to a person in custody in accordance with Regulation 6(3) of the Armed Forces (Custody Without Charge) Regulations 2009
Audience:	Commanding Officers and those with delegated custody powers
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Content:	Information to be provided to a person in custody in accordance with Regulation 6(3) of the Armed Forces (Custody Without Charge) Regulations 2009
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Introduction

1. This DCI is concerned with the documentation provided to a person in Service custody in accordance with Regulation 6(3) of the Armed Forces (Custody without charge) Regulations 2009 by the Commanding Officer or those exercising delegated custody powers.
2. Regulation 6 of the Armed Forces (Custody without Charge) Regulations 2009 provides that where it is intended to retain a person in custody, the authorising officer shall, as soon as practicable, provide to that person the information, in writing, specified in regulation 6(2). Regulation 6(3) provides that at the same time as providing the information specified in regulation 6(2), the authorising officer shall provide to the person in custody a copy of any document required by the Defence Council to be given to a person in custody.

Documents to be provided

3. The documents from the custody record which the Defence Council requires to be copied and given to a person in custody in accordance with regulation 6(3) of the Armed Forces (Custody without Charge) Regulations 2009 are as follows:

- a. A record of any delegation of the Commanding Officer's functions made under regulation 3(1) of the Armed Forces (Custody without Charge) Regulations 2009;
 - b. a record of any revocation or variation of any such delegation;
 - c. a record of any restriction on the exercise of functions delegated imposed by the Commanding Officer under regulation 4 of the Armed Forces (Custody without Charge) Regulations 2009;
 - d. any written report by a person exercising delegated powers to the commanding officer detailing how those powers have been exercised made under regulation 5(a) of the Armed Forces (Custody without Charge) Regulations 2009;
 - e. a copy of any representation made by the person in custody;
 - f. a record of any action taken in accordance with regulation 9 of the Armed Forces (Custody without Charge) Regulations 2009 on receipt of a representation;
 - g. a record of any comment the person makes in relation to the details of the arrest and alleged offence and any comment made in respect of the decision to place him in custody; and
 - h. any other record or certificate contained in the custody record resulting from decisions made with regard to custody without charge including but not limited to the authorisation of custody without charge, any order for the release of the person, any authorisation and review of continued custody and any application to a judge advocate for extended custody.
4. A copy of this DCI is to be included in JSP 830, the Manual of Service Law, and its terms may be communicated to persons outside HM Services.