THE QUEEN'S REGULATIONS FOR THE ARMY

1975

Reserve Forces Act 1982. Under the provisions of the Reserve Forces Act 1982 all references in these regulations to the Territorial and Army Volunteer Reserve (TAVR) are to be construed as references to the Territorial Army (TA).

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HER MAJESTY THE QUEEN has been graciously pleased to approve the following revised ‘The Queen's Regulations for the Army' and to command that they be strictly observed on all occasions.

They are to be interpreted reasonably and intelligently, with due regard to the interests of the Service, bearing in mind that no attempt has been made to provide for necessary and self-evident exceptions.

Commanders at all levels are to ensure that any local orders or instructions that may be issued are guided and directed by the spirit and intention of these Regulations.

By Command of the Defence Council

Ministry of Defence
March 1996

THE QUEEN'S REGULATIONS FOR THE ARMY 1975
(Amendment No 26)

PREFACE

1. The Queen's Regulations lay down the policy and procedure to be observed in the command and administration of the Army. They provide commanding officers with direction on the command and administration of their units, on the efficiency of which depends the effectiveness of the Army as a whole.

2. All general matters concerned with a commanding officer's responsibilities have been grouped in one chapter - Chapter 5 - Unit Command, Control and Administration. Chapters 1 to 4 set out the framework of command and administration above the unit level.

3. Subjects such as Manning and Conditions of Service, Legal Matters and Ceremonial are, however, large enough to merit separate chapters, and these have been placed after Chapter 5. There are also further chapters, of a general nature, common to all three services and already as joint Service chapters, for example the Press and Public Information.

4. The letter **'J'** preceding a paragraph number indicates that the paragraph in identical form (apart from the number and from necessary differences in relation to ranks, cross-references, *etc*.) is published normally in The Queen's Regulations for each of the three Services. In the case of the Army certain of these paragraphs appear not in The Queen's Regulations but in other specialized regulations, and appropriate references are made in The Queen's Regulations for the Army to those publications. The text of 'J' paragraphs may not be amended without inter Service agreement.

5. In general, abbreviations are not used in these regulations, except when referring to Ministry of Defence Directorates. Any other abbreviation used, unless its meaning is obvious, is shown in brackets after the term to which it applies, on its first appearance.

6. Unless the contrary intention appears, words importing the masculine gender include the feminine.

CHAPTER 1

Government, Command and Composition of the Army

Government and Command of the Army

J1.001. The government and command of each of the fighting Services is vested in Her Majesty The Queen, who has charged the Secretary of State with general responsibility for the defence of the Realm and established a Defence Council having command and administration over Her armed forces.

J1.002. The **Defence (Transfer of Functions) Act 1964** transferred to the Secretary of State the statutory functions of the previous Secretaries of State for War and Air and (except for certain specified functions relating to command and administration) of the former Board of Admiralty. The Act transferred to the Defence Council the statutory functions of the former Army Council and Air Council and corresponding statutory functions (including the excepted functions referred to above) of the former Board of Admiralty.

J1.003. The Letters Patent of the Defence Council are produced in **Annex A(J)** to this Chapter. The Council are given the prerogative functions of the former Board of Admiralty, Army Council, and Air Council, are given administrative functions, are given command of all members of the forces and are directed to set up an Admiralty Board, Army Board, and an Air Force Board.

J1.004. The Directions of the Defence Council setting out the composition and duties of the Army Board are at **Annex B** to this Chapter. The Board have, under the Defence Council, command over the officers and soldiers of the Army; subject to the orders and directions of the Defence Council, they are charged with the administration of matters relating to the Army.

J1.005. The **Defence (Transfer of Functions) Act 1964** empowers the Army Board to discharge the statutory functions of the Defence Council, subject to any Directions of the Council. The effect of the above Directions is to confine this power, in the main, to statutory functions relating to the military forces. Certain prerogative functions under Orders in Council relating to the Royal Navy and Royal Marines were transferred to the Secretary of State who in practice is advised on such matters by the Admiralty Board. The Army and Air Force Boards have been empowered by Royal Warrant to exercise concurrently certain prerogative functions.

Composition of the Army

1.006. The Army is composed of officers and soldiers of various arms and services as follows:

a. The Regular Army Forces, whose composition is shown in **para 8.001** (table, serials 1-24).

b. The Reserve Forces, comprising:

(1) The Regular Army Reserve of Officers.

(2) The Army Reserve.

(3) The Long Term Reserve.

(4) Army Pensioners.

(5) The Territorial Army.

1.007. The corps shown in **para 8.001** are divided into units, which are defined as those elements having a separate Establishment (*see* **para 1.008**). Thus the term ‘unit' may apply to a battalion or any equivalent lieutenant colonel's command; to an independent smaller body, commanded by an officer of the rank of major or below (normally referred to as an ‘independent sub unit'); to a depot or to a training establishment. Any headquarters above the unit level is, for the purposes of administration, regarded as being itself a unit. The Gibraltar Regiment is also a unit for the purposes of this regulation.

1.008. Individual units and headquarters of the Army are organized according to specific establishments which lay down authorized strengths by ranks and trades, and numbers of vehicles, weapons and animals. There are three types of organization:

a. *Deployable Component (DC) Organizations.* DC is that required to deploy away from the home base on the more likely routine operations, capable of self-sufficient combat without augmentation. If the organization is given a category of DC it means that it permanently exists within the hierarchy, and may receive augmenting CC positions (*see* below). The default category for an organization will be DC. It is to be used for Regular and TA Army Establishment Tables. It will also apply to those units that are likely to deploy, and those establishments that will never deploy as an organization (*e.g*. MOD Central Staffs, HQLF).

b. Contingent Component (CC) Organizations. CC is that required to augment the DC organization to provide for the additional requirements of the most demanding operations. If an organization is given a category of CC it means that it only exists within the hierarchy for the most demanding operations, and will comprise solely of CC positions and materiel. There are few instances where CC organizations will occur – it is likely to be where Regular units receive entire organizations as CC at Large Scale Direct Intervention (LSDI).

c. Enabling Component (EC) Organizations. EC is that required to enable the unit to deploy on operations by providing for home base support. It comprises two elements – the unit Rear Party to cater for the administration of the unit's home base and welfare support for unit families, and the Infrastructure element which is required to provide security and maintenance support. An organization is only given the category of EC if it solely fulfils the role of enabling component for the most demanding operations. An EC organization should only have EC positions attached to it.

1.009 - 1.999. Reserved.

ANNEX A(J) TO CHAPTER 1
LETTERS PATENT CONSTITUTING THE DEFENCE COUNCIL

(PARA **J1.003** REFERS)

Elizabeth The Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith.

To all to whom these Presents shall come Greeting.

Whereas We did by Our Letters Patent under the Great Seal of Our Realm bearing date the fourth day of May in the forty-second year of Our Reign constitute and appoint the persons therein named to be Our Defence Council to exercise on Our behalf the functions of Our Prerogative as therein mentioned And Whereas We are desirous of changing the constitution of Our said Defence Council Now therefore Know Ye that We do revoke with effect from the fifth day of November in the forty-eighth year of Our Reign Our Letters Patent bearing date the fourth day of May in the forty-second year of Our Reign aforesaid And Further Know Ye that We do constitute and appoint as from the said fifth day of November the following persons in place of those constituted and appointed by Our Letters Patent aforesaid that is to say Our Principal Secretary of State for Defence the Minister of State for the Armed Forces the Minister of State for Defence Procurement the Parliamentary Under Secretary of State for Defence the Chief of the Defence Staff the Permanent Under Secretary of State of the Ministry of Defence the Chief of the Naval Staff and First Sea Lord the Chief of the General Staff the Chief of the Air Staff the Vice Chief of the Defence Staff the Chief of Defence Procurement for the Ministry of Defence the Chief Scientific Adviser of the Ministry of Defence the Chief of Defence Logistics and the Second Permanent Under Secretary of State of the Ministry of Defence to be Our Defence Council to exercise on Our behalf the functions of Our Prerogative which have heretofore on Our behalf been exercised by Our Defence Council constituted and appointed by Our Letters Patent aforesaid and in particular to administer such matters pertaining to Our Naval Military and Air Forces as We shall through Our Principal Secretary of State for Defence direct them to execute And to have command under Us of all Officers and Ratings Soldiers and Airmen of Our Naval Military and Air Forces And Further Know Ye that Our Principal Secretary of State for Defence (or in his absence one of Our Ministers of State aforesaid) shall be Chairman of Our Defence Council so constituted and for the business of which he shall be responsible to Us and to Parliament And the said Permanent Under Secretary of State of the Ministry of Defence shall be the Secretary of Our Defence Council Provided that Our Defence Council may appoint such other person or persons to act as Secretary or Secretaries in addition to the said Permanent Under Secretary of State as Our Defence Council may think fit And We do empower and direct Our Defence Council to establish an Admiralty Board an Army Board and an Air Force Board to be charged with the administration of such matters relating to Our Naval Military and Air Forces as Our Defence Council shall direct And to have command under Us and Our Defence Council of all Officers and Ratings Soldiers and Airmen whom Our Defence Council shall place under their command And we do grant Our Defence Council authority to give and dispose of all such Offices places and employments in Our Naval Military and Air Forces as shall become or be made vacant And We enjoin all such Officers and all others whom it may concern to be obedient to Our Defence Council and to the Boards established by Our Defence Council by virtue of these Presents in all things as becometh And Further Know Ye that the powers of Our Defence Council and of the Boards so appointed may be exercised and their duties performed by any two of their members and any document may be signed on behalf of Our Defence Council or of any of the said Boards by any two of their members or by the Secretary or person acting as Secretary of Our Defence Council or of that Board And We Do further direct that the arrangements for the administration and government of Our Naval Military and Air Forces described in these Our Letters shall come into effect on the said fifth day of November in the forty-eighth year of Our Reign In Witness whereof We have caused these Our Letters to be made Patent Witness Ourself at Westminster the fifth day of November in the forty-eighth year of Our Reign.

By Warrant under The Queen's Sign Manual

PHILLIPS

ANNEX B TO CHAPTER 1
DIRECTIONS OF THE DEFENCE COUNCIL AS TO THE ARMY BOARD

(PARA **J1.004** REFERS)

The Army Board Directions 2012

The Defence Council, in exercise of the powers conferred upon them by the Letters Patent of Her Majesty dated 29 November 2011, and by section 1(5) of the **Defence (Transfer of Functions) Act 1964**, give the following directions:

Commencement, Citation, Revocation and Interpretation

1(1). These directions shall come into operation forthwith and may be cited as 'The Army Board Directions 2012'.

1(2). The Army Board Directions 2009 are hereby revoked, without prejudice, however, to the validity of anything done by virtue of those Directions.

1(3). Any document referring to the Army Board Directions 2009 or to any provision of them shall, so, far as may be necessary for preserving its effect, be construed as referring to these Directions or, as the case may be, to the corresponding provision of them.

1(4). The **Interpretation Act 1978** shall apply for the purpose of interpreting these Directions as it applies for the purpose of interpreting an Act of Parliament.

The Army Board

2(1). The Army Board shall consist of the holders for the time being of the following offices:

The Secretary of State for Defence

The Minister of State for the Armed Forces

The Parliamentary Under Secretary of State and Minister for Defence Equipment Support and Technology

The Parliamentary Under Secretary of State and Minister for International Security Strategy

The Parliamentary Under Secretary of State and Minister for Defence Personnel Welfare and Veterans

The Parliamentary Under Secretary of State and Lords Spokesman on Defence

The Second Permanent Under Secretary of State for the Ministry of Defence

The Chief of the General Staff

The Commander Land Forces

The Adjutant General

The Commander Force Development and Training

The Quartermaster General

The Master General of the Ordnance

The Director of Resources(Army)[1]

The Assistant Chief of the General Staff

The Team Leader for Army 2020 (*lifed until December 2012*)

2(2). The Secretary of State for Defence shall be Chairman of the Army Board; but in his absence the Minister of State for the Armed Forces, the Parliamentary Under Secretary of State and Minister for Defence Equipment and Technology, the Parliamentary Under Secretary of State and Minister for International Security Strategy, the Parliamentary Under Secretary of State and Minister for Defence Personnel Welfare and Veterans, the Parliamentary Under Secretary of State and Lords Spokesman on Defence or such other person as the Secretary of State shall designate, may act as Chairman.

2(3). The Secretary of the Army Board shall be the Second Permanent Under Secretary of State of the Ministry of Defence provided that the Army Board may appoint such other person or persons to act as Secretary or Secretaries in addition to the Second Permanent Under Secretary of State of the Ministry of Defence as the Board may think fit.

1 Normally known as Command Secretary (Army)

Duties of the Army Board

3(1). The Army Board shall under the Defence Council have command over the officers and soldiers of Her Majesty's military forces.

3(2). The Army Board is hereby charged with the administration of all such matters relating to the military forces as may be administered by the Defence Council; subject always, however, to any further orders or directions given by the Defence Council.

Directions as to Statutory Functions

4. The functions under enactments conferred on the Defence Council by the operation of section 1 of the **Defence (Transfer of Functions) Act 1964** which are to be exercisable by the Army Board shall, subject to any further directions which may be given by the Defence Council, not include functions which were before the coming into effect of the Act not exercisable by the Army Council.

Dated this 2nd Day of April 2012

PHILIP HAMMOND
Her Majesty's Principal Secretary of State for Defence

U. BRENNAN
Permanent Under Secretary of State, Ministry of Defence

CHAPTER 2
Command Within the Army

PART 1 - HIGHER COMMAND

Definition of Command

2.001. The term 'Command' is used in different ways in these regulations and it is therefore necessary to explain how these may apply according to the context in which they appear. The different uses of this term are:

a. As a military order by any person whose rank, position, appointment or duty entitles him to give it.

b. As applied to the authority of an officer, warrant officer or non-commissioned officer (NCO) deriving from his military status. This is normally expressed as 'power of command'.

c. To describe a geographical area, of given boundaries, in which troops are stationed. It may contain districts, areas, or further subdivisions. In practice this covers those units and formations grouped together under a commander in chief (CinC) or general officer commanding (GOC) who is himself not subordinate to another general officer. In peace time geographical commands should not be referred to as 'theatres' (which is an abbreviation for 'theatres of war').

d. To refer to a body of troops over which an individual has direct authority, *e.g.* in the case of a battalion commander, his unit.

Higher Commanders

2.002. Under the existing organization, the higher commanders of the Army are as follows:

a. *CinCs*. General officers who in conjunction with their other duties are operationally responsible to the Defence Council for the command of all British Army personnel in their area. For administrative matters, they are responsible through the Army Board. In certain respects, as members of a commanders in chief committee, they are directly responsible to the Chiefs of Staff.

b. *GOCs*. GOCs corps, divisions and districts, responsible to a superior commander.

c. *Commanders*.

(1) Commanders (general or other officers) of independent overseas commands, responsible to the Army Board.

(2) General and other officers, commanding British Army or multi-Service staffs in certain overseas territories, who are responsible directly to the Defence Council, such as Commander British Forces Cyprus.

(3) Officers, not above the rank of brigadier, in command of brigades, field forces, groups, areas or garrisons normally responsible to a GOC.

Unified Command

J2.003. Unified commanders normally command all British forces allocated to their operational area, subject to the terms of any directives which may be issued to them. The single Service commanders in the area exercise command of the allocated naval, land and air forces under the overall command of the unified commander. Single Service commanders are normally responsible direct to their respective Boards for matters of single Service administration and finance, but the commander of the unified command is nonetheless expected to exercise the oversight and co-ordination necessary to ensure the most efficient functioning of the command and maximum economy in its administration.

Command within the United Kingdom and Overseas

2.004. The command of all regular and reserve units and formations is exercised through the Commander in Chief Land Forces (CinC LF). In addition some units with a wider defence role come under command of the Vice Chief of the Defence Staff (VCDS). These commanders then delegate powers of command to subordinate commanders within operational and functional areas of responsibility.

Subordinate Commanders

2.005. Division and/or district commanders exercise administrative command directly over all regular and reserve independent units and sub units within their division and/or district. Where units or independent sub units form part of a formation outside the division and/or district, operational command will be exercised through formation headquarters. Local administration for all units and sub units within a division and/or district is the direct responsibility of the GOC.

2.006. In the particular case of London District the GOC is the Major General, Household Division, who has under his command for all purposes all units of the Household Division and Establishments peculiar to them in London District, and the Kings Troop, Royal Horse Artillery. These include all units of the Household Division at Windsor, Pirbright and Caterham. In respect of the units of the Household Division and Kings Troop, Royal Horse Artillery, the Major

General will be considered an independent commander under the Ministry of Defence. (*See* **paras 13 – 21 of Annex A** to this Chapter.)

2.007. Command of Ministry of Defence controlled units and establishments comprising units of the static training organization, central administrative installations and establishments controlled by the Master General of the Ordnance will be governed by the principles implicit in **para 2.005**. The GOC of the division and/or district in which they are located will be their local military commander.

Command in other Independent Overseas Commands

2.008. Commanders of independent commands overseas, responsible to VCDS, command directly the formations or independent units within their area of command. Responsibilities to, and relationships with, the civil authority (HM Representative) (*see* **para J11.003***b*) vary between commands, and are laid down specifically in the directive for each of the commanders concerned.

2.009 - 2.015. Reserved.

PART 2 - LOWER COMMAND

Command of Units *(see* **Manual of Service Law (MSL) Chapter 2***)*
2.016.

a. An officer appointed to command a unit, is (*see also* **para 1.007**), irrespective of seniority, to exercise command over all personnel serving therein.

b. An officer holding an authorized appointment of second in command of a unit is, irrespective of seniority, to exercise command over all personnel therein except the officer appointed to command that unit. Appointment as second in command of a unit in no way implies that the officer will be appointed to command the unit permanently if the appointment of commanding officer becomes vacant.

c. In the absence of both the officer appointed to command a unit and the officer appointed second in command of that unit the senior officer present of the arm or service of which the unit forms part (normally other than a late entry commissioned officer) is to exercise command over all personnel serving therein. A late entry commissioned officer appointed second in command will normally assume command in the absence of the officer appointed to command that unit.

Command of Sub Units
2.017. Command of sub units (companies, platoons, sections and equivalents) is to be exercised by the person appointed to command or, in his absence, by the senior member of that sub unit belonging to the arm or service concerned.

Command in Special Circumstances
2.018.

a. In relation to command of medical and dental units *see* **MSL**, Vol 1, Ch 2, para 15.

b. For embarked forces *see* **MSL**, Vol 1, Ch2, para 21-23.

c. In circumstances where the exercise of command is not covered by the preceding paragraphs, command is to be exercised by the most appropriately qualified senior officer, warrant officer or NCO present, but during operations is not to be exercised by medical and dental officers or chaplains, except over personnel of medical and dental units and patients.

d. For the avoidance of doubt, the commanding officer of the Gibraltar Regiment exercises disciplinary powers of command over all personnel serving in or attached to the Regiment.

e. For command in custody *see* **MSL**,Vol 1, Ch 2, paras 11 -14.

Special Considerations
2.019.

a. When units or detachments of different corps are employed together on any duty, each unit and detachment is, subject to the orders of the officer commanding the whole body, to act under the immediate authority of its own commander in matters of purely regimental character.

b. When officers or soldiers become prisoners of war the ordinary military relations of superior and subordinate, and the military duty of obedience, remain unaltered. Any such prisoner who is guilty of insubordination or any breach of discipline in respect of his superior will be required to answer for his conduct when released (*see also* **Part 21 of Chapter 5**).

c. The situation with regard to command when members of two or more Services are serving together is dealt with in **paras 2.041 – 2.043**.

Command in Relation to Her Majesty's Army Vessels
2.020.

a. In this paragraph ‘qualified officer' means an officer who holds a command certificate issued by the Director of Transport and Movements (Army) (DTM(A)) and ‘vessel' means any of Her Majesty's Army Vessels.

b. When two or more vessels are in company the senior qualified officer present will exercise command in respect of all matters relating to the manoeuvring and safety of the vessels as a formed squadron. He is responsible for their tactical control and is particularly to ensure that all vessels keep their correct station.

c. Command over a vessel is to be exercised by the qualified officer appointed captain. He is responsible at all times for the safety and proper navigation of his vessel and for this purpose commands all persons on board. In the absence of the captain, command is to be exercised by the senior officer or warrant officer present who holds a Watch Keeping Certificate issued by the Director of Transport and Movements (Army).

d. Subject to any orders which he may receive from the captain, the officer of the watch is responsible for the safety of the vessel in all its aspects. In the performance of his duties he may exercise command over all persons other than the captain, the first lieutenant and any qualified officer senior to the captain.

e. An officer who is not a member of a vessel's company and who is not a qualified officer is not to exercise any command in relation to the navigation, manoeuvring or safety of any vessels or vessel. In relation to these matters he is under the authority and command of the captain of the vessel.

Command in Relation to Army Department Vessels Military Manned
2.021.

a. This paragraph applies to vessels other than Her Majesty's Army Vessels and in this paragraph the expression ‘qualified' means an officer or soldier who has been qualified by the Army School of Transport to command a vessel.

b. Command over a vessel is to be exercised by the qualified officer or soldier appointed captain. He is responsible at all times for the safety and proper navigation of his vessel and for this purpose commands all persons abroad. In the absence of the captain, command is to be exercised by the senior qualified officer or soldier present.

c. When two or more vessels are in company the senior qualified officer or soldier present will exercise command in respect of all matters relating to the manoeuvring and safety of the vessels in a formed squadron. He is responsible for their tactical control and is particularly to ensure that all vessels keep their correct station.

Authority of Masters of Royal Fleet Auxiliaries
2.022.

a. When officers and soldiers are embarked on Royal Fleet Auxiliaries (RFAs) they are to comply with any instructions given to them by, or with the authority of, the Master, for the proper working or management of the ships.

b. Commanding officers are to bring this regulation to the attention of all officers and soldiers concerned, and reference to it is to be made in the standing orders for parties embarked on RFAs.

2.023 - 2.030. Reserved.

PART 3 - RANK AND PRECEDENCE

General Principles
2.031.

a. Officers holding substantive rank are to take precedence over all those holding acting or local rank of the same grade. They are to take precedence among themselves according to their date of promotion to that rank.

b. Officers of the TA or Regular Officers on Home Service Part Time terms of service holding brevet rank are, when employed outside their regiment or corps, to take precedence with officers holding substantive rank of the same grade, according to date of promotion. When serving regimentally they are to take precedence within their regiment or corps in accordance with the date of their promotion to substantive rank.

c. Officers holding acting rank are to take precedence over all those holding local rank of the same grade and are to take precedence among themselves according to the date of their appointment to acting rank.

d. Officers holding local rank are to take precedence among themselves according to the date of their appointment to that local rank.

e. Precedence among warrant officers and NCOs is to follow the principles in sub-paras *a*, *c* and *d* above but is to be governed also by the precedence of corps (*see* **para 8.001**) and in some cases by the appointment held. This aspect is dealt with in detail in **Chapter 9, Part 3**.

General Officers, Brigadiers and Substantive Colonels
2.032.

a. The seniority of officers promoted to the substantive rank of general and lieutenant general is to be determined by the Chief of the General Staff. On promotion to the substantive rank of lieutenant general relative seniority will normally be that which pertained in the rank of major general, but if any antedate is given it will not exceed one year.

b. Officers promoted to the substantive rank of major general are to take seniority among themselves as shall be determined by No 1 Selection Board.

c. Officers promoted to the substantive rank of brigadier or colonel are to take seniority among themselves as determined by No 2 Selection Board. (*See also* **para 9.010**.)

Regimental Officers
2.033.

a. All regimental officers serving in units, other than commanding officers and seconds in command where appointed, are to take rank according to their dates of appointment to that rank, except in cases (other than those of voluntary exchange or transfer) in which the Defence Council may give officers special precedence.

b. All officers serving together with officers of other branches are to take rank according to their respective dates of appointment to that rank in the Army. (*See* current **Army List, Part 1**.)

Equivalent Ranks of Chaplains
2.034. The equivalent ranks of Chaplains of the RAChD are as follows:

Chaplain General	- Major General
Deputy Chaplain General	- Brigadier
Chaplain	
1st Class	- Colonel
2nd Class	- Lieutenant Colonel
3rd Class	- Major
4th Class	- Captain

Relative Precedence - Regular and TA
2.035.

a. Officers of the regular forces are, except as stated in sub-para *b* below, to take precedence over officers of the TA of the same rank.

b. Officers of the regular forces on the posted strength of a unit of the TA are, subject to the provisions of **para 2.031**, to take precedence in accordance with their date of promotion to that rank with TA officers of the same rank on the posted strength of, or attached to, that unit.

c. Officers of the TA who have previous service with the regular forces, are to take precedence, in accordance with their date of promotion to that rank, over those TA officers of the same rank who do not have previous service.

2.036. Officers of the TA are to take rank and precedence among themselves as laid down in Territorial Army Regulations 1978 (TA Regs) (**AC 14955**). For the particular case of TA officers holding brevet rank (*see* **para 2.031***b*).

Honorific Colonels

2.037.

a. Regimental Governance. Regiments and Corps select Honorific Colonels to exercise internal governance. Honorific Colonels are variously known as Masters, Colonels Commandant and Colonels of Regiment. In addition the Royal Armoured Corps, the Infantry and the Divisions of Infantry also have Colonels Commandant. Honorific Colonels are not part of the chain of command from the Defence Council.

b. Access. The Adjutant General is the normal conduit for Colonels to the Army Command Group and the Executive Committee of the Army Board. However Colonels retain the right of direct access to the Chief of the General Staff as a safeguard to ensure the integrity of the regimental system.

c. Purpose and Subordinate References. The functions of honorific Colonels are: to cultivate the soul and ethos of the Regimental/ Corps family; to maintain esprit de Corps; and to promote Regimental/Corps interest. Further details can be found in: **MS (Hons) Notes for Colonels and Colonels Commandant of Regiments, Divisions of Infantry and Corps**; and the Promotion and Appointments Warrant (**PAW**) 09. As Colonels are performing a duty function they may reclaim travel and subsistence from the public purse within the limits laid down in **JSP 752.**

2.038 - 2.040. Reserved.

PART 4 - NAVAL, MILITARY AND AIR FORCES ACTING TOGETHER

Command over Members of other Services

J2.041. Under the provisions of the **Armed Forces Act 2006**, when members of one Service are co-operating with one or both of the other Services they enjoy like power of command over members of another Service as the members of that Service of 'corresponding rank' insofar as power of command depends upon rank or rate. The expression 'corresponding rank' is defined in the Act by reference to The Queen's Regulations. Thus when members of different Services are acting together the superior officers of one Service become, in accordance with the scale of corresponding ranks prescribed by these Regulations at the Table in **para J2.042**, superior officers of members of the other Services of lower corresponding rank or less seniority and can, consequently, give lawful commands to them. These provisions and these circumstances do not, however, bestow upon any member of one Service the power or right to assume command over any body of Her Majesty's forces or over any ship, aircraft, unit, formation or establishment of another Service unless it is specifically placed under his command.

Corresponding Ranks

J2.042. The corresponding ranks, solely for purposes of command, of the three Services are:

NATO Code(3)	**RN**(2)	**Military** *including RM and QARANC(1)*	**Air Force** *including PMRAFNS(1)*
OF-10	Admiral of the Fleet	Field Marshal	Marshal of the Royal Air Force
OF-9	Admiral	General	Air Chief Marshal
OF-8	Vice-Admiral	Lieutenant General	Air Marshal
OF-7	Rear-Admiral	Major General	Air Vice-Marshal
OF-6	Commodore	Brigadier	Air Commodore
OF-5	Captain	Colonel	Group Captain
OF-4	Commander	Lieutenant Colonel	Wing Commander
OF-3	Lieutenant-Commander	Major	Squadron Leader
OF-2	Lieutenant	Captain	Flight Lieutenant
OF-1	Sub-Lieutenant *(but junior to military and air force ranks)*	Lieutenant	Flying Officer
	Midshipman *(but junior to military and air force rank)*	Second Lieutenant	Pilot Officer Acting Pilot Officer *(but junior to second lieutenant)*
OR-9	Warrant Officer	Warrant Officer Class 1	Warrant Officer Master Aircrew - Master Signaller Master Engineer Master Air Electronics Operator Master Air Loadmaster
OR-8		Warrant Officer Class 2	
OR-7	Chief Petty Officer	Staff Corporal Staff Sergeant Colour Sergeant, RM	Flight Sergeant(4) Chief Technician(4)
OR-6 OR-5	Petty Officer	Corporal of Horse Sergeant	Sergeant
OR-4	Leading Rating *(but junior to military ranks of corporal and bombardier)*	Corporal Bombardier	Corporal

NATO Code(3)	**RN**(2)	**Military** *including RM and QARANC(1)*	**Air Force** *including PMRAFNS(1)*
OR-3		Lance Corporal Lance Bombardier	
OR-2	Able rating	Marine	Junior Technician
OR-2	Ordinary rating	Private Class 1-3 however described, including: - Trooper Gunner Sapper Signaller Guardsman Fusilier Kingsman Rifleman Airtrooper Craftsman	 Senior aircraftman/woman Leading aircraftman/woman Aircraftman/woman
OR-1		Private Class 4	

Notes:

(1) In the performance of their duties in wards, nursing personnel are to use professional titles, *e.g.* nurse, sister (charge nurse in respect of male nurses), senior sister, matron *etc*..

(2) The special position of the Queen Alexandra's Royal Naval Nursing Service is defined in **para J2.043**.

(3) NATO Rank Codes in accordance with STANAG 2116 - *See* **AGAI 22**.

(4) A qualified RAF Musician appointed to the post of Drum Major retains his normal rank while holding the appointment.

Queen Alexandra's Royal Naval Nursing Service

J2.043. Because of its differing rank titles, the Queen Alexandra's Royal Naval Nursing Service is not included in **para J2.042** but is shown separately below equated with ranks in the Royal Navy. The two tables should be read in conjunction with one another for equivalent ranks in the other Services.

Royal Navy	**QARNNS**
Rear Admiral	
Commodore	Commandant Nursing Officer
Captain	Principal Nursing Officer
Commander	Chief Nursing Officer
Lieutenant Commander	Superintending Nursing Officer
Lieutenant	Senior Nursing Officer
Sub-Lieutenant	Nursing Officer
Warrant Officer	Warrant Officer
Chief Petty Officer	Chief Petty Officer Registered General Nurse/Enrolled Nurse (General)
Petty Officer	Petty Officer Registered General Nurse/Enrolled Nurse (General)
Leading Rating	Leading Registered General Nurse/Enrolled Nurse (General)
Able Rating	Student Nurse/Enrolled Nurse (General)

2.044 - 2.999. Reserved.

ANNEX A TO CHAPTER 2
THE HOUSEHOLD DIVISION

(REFERRED TO IN PARAS **2.006** AND **8.051**)

The following extracts from the revised edition of Her Majesty's Regulations for the Household Division issued by Command of Her Majesty The Queen with effect from 12 August 1989 are published for information.

Composition

1. The Household Division is composed of the Household Cavalry and the Foot Guards.

2. The full titles of the seven Regiments of the Household Division are:

a. *The Household Cavalry*.
The Life Guards.
The Blues and Royals (Royal Horse Guards and 1st Dragoons).
In addition, there is the Household Cavalry Mounted Regiment, a composite Regiment comprising one squadron of the Life Guards and one squadron of the Blues and Royals.

b. *The Guards Division*.
The First or Grenadier Regiment of Foot Guards.
The Coldstream Regiment of Foot Guards.
The Scots Regiment of Foot Guards.
The Irish Regiment of Foot Guards.
The Welsh Regiment of Foot Guards.

Definitions

3.

a. The term 'Household Division' means the above seven Regiments.
b. 'Guards Division' is a collective term for all five Regiments of Foot Guards.
c. A Guards Brigade is a Brigade in the normal order of battle of which includes two major units of the Household Division.

4. The term 'Household Troops' means the Household Division and The King's Troops, Royal Horse Artillery.

5. A Guards General is a General Officer promoted to the rank of Major General or above who has previously held command of a Regiment or Battalion within the Household Division.

6. The expression 'Royal Family' or 'Foreign Royal Family' includes only those Members who are styled 'Majesty' or 'Royal Highness' of Reigning Royal Families.

The Sovereign

7. Her Majesty Queen Elizabeth II is Colonel-in-Chief of each of the seven Regiments of the Household Division.

Colonels of Regiments

8. Each of the seven Regiments has an officer appointed by The Queen as Colonel of the Regiment.

Senior Colonel Household Division

9. The Colonel who has been in office for the longest time in the Household Division normally holds the appointment of Senior Colonel Household Division. A Colonel of a Regiment transferred as Colonel to another Regiment of the Household Division counts his service as Colonel of his former Regiment toward his seniority.

10. The Senior Colonel presides at the Senior Colonel's Conference of Colonels. He also acts as the Senior Officer present on other occasions when some, or all, of the Colonels of the Household Division are together at a parade or other function. On such occasions when the Senior Colonel is not present, his place will be taken by the next most senior Colonel present.

11. It is the duty of the Senior Colonel to advise the Sovereign on matters of policy concerning the Household Division, taking into account the advice of the Colonels of Regiments, and the Major General.

The Gold Stick

12. The two Colonels of Household Cavalry hold the office of Gold Stick and are in waiting in alternate months. The name of the Gold Stick in Waiting is published each month as a Gold Stick Order. The duties of the Gold Stick are to protect the person of the Sovereign, and to receive from the Sovereign orders relating to the Household Cavalry, and to pass them through the proper channels for promulgation.

The Major General

13. The executive command of the Household Division is vested in the Major General Commanding the Household Division, who must be a Guards General. He is appointed by The Queen.

14. All units of the Household Division in the London District, which includes Windsor are under the Major General's command for all purposes. The Regiment of Household Cavalry stationed at Windsor is normally under the

administrative command only of the Major General. The Major General will inspect or visit all units of the Household Division wherever they are at least once a year.

15. The Major General has certain responsibilities towards all units of the Household Division wherever they are stationed. These responsibilities include matters concerning personnel and their postings, and subjects peculiar to the Household Division.

16. The Major General has certain responsibilities concerning barracks and accommodation in the London District, which are the traditional stations of units of the Household Division and The King's Troop, Royal Horse Artillery, and can use these as he thinks fit.

17. The Major General will be considered an Independent Commander under the Ministry of Defence in respect of units of the Household Division and The King's Troop, Royal Horse Artillery, to which he has direct access on subjects peculiar to them.

18. All units brought into the London District at any time to carry out Public Duties or other ceremonial in aid of, or in the absence of, units of the Household Division come under the Major General's command for all purposes.

19. The Major General has sole responsibility for the Service aspects of State and other ceremonial occasions in London. On these subjects the Major General will communicate directly with the Private Secretary to The Queen, The Lord Chamberlain's Office, the Ministry of Defence and any others concerned, including the Defence Services Secretary.

20. The Major General is to nominate a senior officer of the Household Division to command in his absence.

Communication between the Major General and The Queen

21. Matters of policy concerning the Household Division or part of it which are out of the usual routine and require The Queen's approval or decision, will, when practical, be conveyed to Her Majesty by the Major General (in consultation with the Gold Stick in Waiting in the case of the Household Cavalry, and the Senior Colonel in the case of the Guards Division).

22. While the Household Cavalry enjoy the special privilege of direct access to The Queen, through the Gold Stick in Waiting, the normal channel of communication is through the Major General.

23. On matters relating to the Household Division out of the usual routine, and more especially on anything which may be concerned with the duties and privileges established by The Sovereign, the Major General is to seek The Queen's pleasure.

Command and Control of Regiments

24. Headquarters Household Cavalry is commanded by a Colonel who must have served in one of the two Regiments. He is addressed as the Lieutenant Colonel Commanding Household Cavalry. He is assisted by a Retired Officer who holds the title and position of Regimental Adjutant.

25. Headquarters Foot Guards controls the management of the five Regiments of Foot Guards and overseas the military functions of the individual Regimental Headquarters. It is commanded by a Lieutenant Colonel. He is addressed as Lieutenant Colonel Foot Guards and is assisted by a small staff and the Regimental Adjutants of Foot Guards, in their separate Regimental Headquarters. The Regimental Adjutants are all Retired Officers.

26. Each Regiment of Foot Guards is controlled, for Regimental affairs, by a senior serving or recently retired officer, of at least the rank of Colonel. He is addressed as the Regimental Lieutenant Colonel. He is assisted by a Regimental Adjutant. The Colonel of the Regiment together with the Regimental Lieutenant Colonel may decide to appoint a Regimental Council, comprising present and past members of the Regiment who are best able to advise on regimental affairs. The Regimental Lieutenant Colonels are to be selected by the Regiment, confirmed by the Major General Commanding The Household Division and approved by The Queen. They are to serve for three years, which can be increased by one year at a time to a maximum of six years. Regimental Lieutenant Colonels may not serve in that capacity beyond the age of sixty five.

27. The maintenance of Regimental integrity in the Foot Guards is of paramount importance. To that end:

a. The Regimental Lieutenant Colonels are responsible to the Major General Commanding The Household Division for ensuring that their Regiments, Battalions, Squadrons and Companies maintain the standards, traditions, customs and privileges of their Regiments. They are to visit them at least once a year by arrangement with the local formation commander.

b. Regimental Lieutenant Colonels are responsible for the initial selection of officers and the financial affairs of their Regiments.

c. Regimental Adjutants remain responsible for the administration and efficiency of their Regimental Bands and Regimental Headquarters Staff.

28. The Brigade Major will chair their regular meetings of Regimental Adjutants, including the Household Cavalry, to discuss matters affecting the whole Household Division. The Lieutenant Colonel Foot Guards will be invited to attend. The Lieutenant Colonel Foot Guards will take account of the views of the Regimental Lieutenant Colonels when appropriate.

Command of Troops of the Household Division

29. A General or other officer under whose command the Household Division, or any portion of it, may at any time be serving, is not to make any alteration in the system established for the Household Division, without referring the matter

to the Major General Commanding the Household Division who in turn will refer it to The Queen through the Senior Colonel or the Gold Stick in Waiting as appropriate.

The Major General's Staff

30. The Chief of Staff London District is always to be an officer of the Household Division, and is to assume the duties of the Major General during his absence.

31. The principal staff officer of the Household Division is the Staff Officer Grade 1 G1, Headquarters Household Division (who is referred to, by his original title, as the Brigade Major). The Brigade Major is responsible to the Major General for the day to day running of the Public Duties and Household Division matters worldwide. He is the Major General's assistant.

32. The Staff Officer Grade 2 Foot Guards, Army Personnel Centre Glasgow, acts as the Major General's Military Secretary for the whole Household Division, including those parts of the Division stationed outside London District. The Major General is entitled to see the confidential reports of all officers of the Household Division.

Communications with the Ministry of Defence on Household Division Matters

33. In general, Headquarters Household Division are to correspond direct with the Ministry of Defence on behalf of the Household Division as a whole.

34. The Commander Household Cavalry is to deal direct with the appropriate branches of the Ministry of Defence on subjects peculiar to the Royal Armoured Corps, on the Arms Plot for the Household Cavalry, and on all Records Office matters. However, the Commander is to consult with the Major General about policy concerning the Household Cavalry.

The Silver Stick

35. The Commander Household Cavalry holds the office of Silver Stick in Waiting, an appointment in the Royal Household.

36. In the absence of the Gold Stick in Waiting he assumes his duties and precedence at any State Ceremony or Function.

37. Through the authority of Gold Stick Orders he details Regiments of the Household Cavalry and individuals to carry out duties.

38. The Silver Stick in Waiting is to be in general charge of all duties found by the Household Cavalry for The Queen in London and Windsor, and elsewhere when ordered. When he rides in carriage processions his place is close behind the Gold Stick. In the absence of the Gold Stick he rides by the right rear wheel of The Queen's carriage.

39. The Silver Stick in Waiting is to be in attendance on the Sovereign on the following occasions:

a. The State Opening of Parliament.
b. During a procession from Windsor Castle and in St George's Chapel following a Chapter of the Garter.
c. When troops of the Household Cavalry are on duty for The Queen.

He will also attend the Proclamation Council after the demise of a Sovereign.

Lieutenant Colonel Foot Guards

40. Lieutenant Colonel Foot Guards commands Headquarters Foot Guards and controls the management of the five Regiments of Foot Guards. He oversees the military functions of the Regimental Headquarters. In the event that the Chief of Staff Headquarters London District is not a Foot Guards Officer, then Lieutenant Colonel Foot Guards will hold the appointment of Field Officer in Brigade Waiting.

The Field Officer in Brigade Waiting

41. The Field Officer in Brigade Waiting holds an appointment in the Royal Household. He performs his duties at State Ceremonies under the authority of the Lord Great Chamberlain, the Lord Chamberlain and the Earl Marshal.

42. The Field Officer in Brigade Waiting is to be in attendance on the Sovereign on the following occasions:

a. When the Sovereign drives in State to Open or Prorogue Parliament.
b. During a procession from Windsor Castle and in St George's Chapel following a Chapter of the Garter.
c. When Guards of Honour are mounted by the Guards Division, the Field Officer in Brigade Waiting is to be in attendance to receive The Queen's commands for the Foot Guards.

43. The Field Officer in Brigade Waiting is to command The Queen's Birthday Parade.

44. The Field Officer in Brigade Waiting is appointed by the Major General and is normally the Chief of Staff London District. When he is not available or is not a Foot Guards Officer, the Lieutenant Colonel Foot Guards is to assume the appointment. Commanding Officers of Battalions may also be taken for this duty. The Field Officer in Brigade Waiting for The Queen's Birthday Parade will normally be the Commanding Officer of the Battalion finding the Escort.

Ceremonial Duties of Her Majesty's Household Cavalry

45. The Household Cavalry are only to provide Escorts for The Queen and Members of the Royal Family, and on such other occasions as The Queen may command.

46. The Household Cavalry are not to provide troops, whether mechanized, horsed, or on foot, other than Regimental Bands, for parades, processions or for similar occasions unless such attendance conforms with tradition and long established practice, or unless prior approval under **para 47** or **48** has been obtained.

47. When an application is made for the attendance of Household Cavalry, approval for which would constitute a precedent, the Commander Household Cavalry must refer the matter to the Major General. The Major General will seek The Queen's pleasure.

48. Applications for State Trumpeters will be made to the Silver Stick in Waiting.

49. The Regiments of the Household Cavalry are to furnish the following:

a. The Queen's Life Guard.
b. Guards of Honour.
c. Sovereign's Escort.
d. Captain's Escort with Standard.
e. Captain's Escort without Standard.
f. Prince of Wales's Escort.
g. Escorts for other Members of the Royal Family.
h. Travelling Escorts (with or without Standard).
i. Regalia Escort.
j. Other Escorts as The Queen may command.
k. Dismounted Party for the Staircase at the House of Lords.
l. Dismounted Party to line the roadway to St George's Chapel, Windsor Castle, on the occasion of a Chapter of the Garter.
m. Staircase Parties for State Visits, Investitures and other Court functions.
n. Certain duties at the Coronation, the Burial of a Sovereign, or at State Funerals.
o. Street Duties.
p. Such other duties as The Queen may from time to time decide.

Ceremonial Duties of Her Majesty's Regiments of Foot Guards

50. Subject to overriding operational commitments it is The Queen's wish that the Foot Guards shall:

a. Mount the Public Duties in London and Windsor.
b. Find the Guards of Honour in London and Windsor on the occasion of:
(1) State Visits.
(2) The State Opening of Parliament.
(3) Informal visits by Heads of State.
c. Provide Street Liners for all State Occasions in London or at Windsor.
d. Provide the Guards for The Queen's Birthday Parade in London.
e. Provide Warrant and Non Commissioned Officers for duty at Garden Parties at Buckingham Palace.
f. Perform certain duties at the Coronation, the Burial of the Sovereign and at State Funerals.
g. Perform such other duties as The Queen may from time to time decide.

Ranks of Non Commissioned Officers

51. By long established custom all full Corporals within the Household division are, from the time of their promotion to the rank of Corporal, appointed Lance Corporal of Horse or Lance Sergeant, and are dressed accordingly. As such, they are full members of the Warrant Officers' and Non Commissioned Officers' Mess or the Sergeants' Mess, on the same basis as a full Corporal of Horse or full Sergeant.

Standards and Colours, Royal Guards and Compliments

52. Each of the two Regiments of Household Cavalry have a Sovereign's Standard and three Squadron (or Union) Standards. In addition The Blues and Royals have a Regimental Guidon.

53. The three Senior Regiments of Foot Guards each have State Colours which, in the case of the Grenadier Guards, is the Queen's Company Colour, The Royal Standard of the Regiment.

54. Each Battalion has a Queen's Colour and a Regimental Colour.

55. The rules for the carrying and bearing of Standards and Colours are laid down in 'Her Majesty's Regulations for the Household Division' which also include the rules for The Queen's Life Guard, The Queen's Guard, The Windsor Castle Guard and the compliments to be paid on all occasions by members of the Household Division.

CHAPTER 3
Duties of Commanders

General Responsibilities

3.001. Common to all levels of command from independent sub units upwards is the responsibility of the commander for:

a. The command, training, safety, security, discipline, maintenance of Army Values and Standards[1], education, health, welfare, morale and general efficiency of the troops under command.

b. The efficient administration of his command.

c. Ensuring that mobilization plans are prepared and that all ranks know and are trained for their duties on mobilization.

d. The general welfare of the families of personnel under command, or the families of personnel on detached service elsewhere where the personal circumstances of these families bring them within the regimental or geographical area of responsibility of the commander concerned.

e. The maintenance of friendly and courteous relations with the civil authorities and the local populace, and the prevention of trespass or nuisance by troops in his command.

f. Reporting immediately to higher authority all cases in which troops under his command are engaged in riots or disturbances, either among themselves or when civilians have been concerned, and reporting the result of his inquiries into the circumstances and the action taken.

3.002. A commander at any level from independent sub unit upwards may issue standing orders for his command. Standing orders may also be issued in relation to any corps or regiment.

Special Responsibilities

3.003. CinCs, commanders of independent commands overseas, and division and/or district commanders in the United Kingdom, are responsible to the Defence Council for exercising the financial powers given to them by regulations but may as permitted by regulations delegate such powers to subordinates. The discretion as to delegation rests with the CinC or commander, who will in any event retain the ultimate responsibility. On behalf of the Defence Council he is to ensure that:

a. The money voted by Parliament is not expended without due authority under the rules laid down by Parliament and the Treasury.

b. The money is not diverted to purposes other than those contemplated by Parliament.

c. The sums allotted to him under the various subheads of the votes are not deliberately exceeded.

d. Losses and unremunerative expenditure generally are not written off contrary to regulations.

e. Public funds are not used to finance private transactions without prior approval of the Ministry of Defence.

3.004.

a. The powers conferred on commanders at various levels and on certain other officers to authorize the write off of losses, together with the procedures for exercising such powers, are shown in **AGAI 134**. Write off action should be taken in respect of stores losses in cases being handled by the Ministry of Defence (Directorate of Business Resilience, Common Law Claims & Policy (DBR CLCP) but without regard to any recovery which may or may not be made.

b. It must be stressed, however, that Ministry of Defence (Army) sanction is required for all gifts of stores, charitable grants, payments of compensation and ex gratia or fruitless payments. Commanders have no powers to pay compensation, nor to abandon claims, in cases falling within the jurisdiction of the Ministry of Defence (DBR CLCP), as set out in **Annex A** to this Chapter.

3.005. Overseas, CinCs and commanders of independent commands are responsible for recruiting within their commands. In the United Kingdom the responsibility rests with division and/or district commanders.

3.006. CinCs and commanders of independent commands overseas are responsible for ensuring that each major and minor unit in the Regular Army, and each independent unit in the Territorial Army, completes the unit Measurement of Fighting Power (MFP) twice each year and submits them through the approved chain of command. Detailed instructions for the completion of MFP are contained in **AGAI 2**, para 2.291 *et seq*.

3.007. The CinC, GOC or commander in a command where a civil secretary or command secretary is appointed (*see* **para 4.008**) is responsible that the latter is kept in close touch with all questions of general policy.

3.008. Divisional and field force or equivalent commanders will be responsible, under direction of superior headquarters, for the matters listed in **para 3.001** specifically for the training of their troops for operations.

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1 The most recent version (June 2012) of Values and Standards of the British Army (**AC 63813**) is replicated at **Annex B**.

3.009. Division and/or district commanders are also responsible for:

a. Direction, control and co-ordination of all recruiting and liaison agencies in their divisions or districts, ensuring that policy instructions and technical directions from the Ministry of Defence (Army Recruiting and Training and Division (ARTD)(Comd Recruiting Gp)) are carried out by the recruiting and liaison staff under their command.

b. Quartering.

c. Implementations of resettlement policies as advised by the Ministry of Defence (DETS(A)).

3.010.

a. The responsibility for placing towns, areas and premises out of bounds rests with the local commander, who does so upon the advice of his medical and provost advisers. All places put out of bounds are to be notified to the next higher formation headquarters, who are to inform the other two Services where this would be applicable.

b. Out of bounds areas and establishments are not to be marked or identified unless ordered by the higher formation commander but all out of bounds areas and establishments are to be notified in all formation and unit orders at frequent intervals.

c. Areas placed out of bounds to the other two Services should also be out of bounds to all members of the Army but agreement on the particular areas is to be achieved by the higher Army formation commander with the other Service commanders.

3.011. Reserved.

3.012. The appointed garrison commander, station commander or other local area commander is in all cases held responsible for the maintenance of discipline and order within his area of responsibility. The exercise of disciplinary powers remains with the disciplinary chain of command.

3.013.

a. The commandants of Army and arms or service schools are responsible for interpreting the policy for instruction laid down by the Ministry of Defence (Army) in the charter for their school or, in the case of ARTD schools, in the ARTD Business Plan. In addition to their purely training commitment they may, subject to a previously agreed level of funding between themselves and the relevant sponsor, be required to:

(1) Review existing tactical doctrine in the light of developments in their equipment and techniques and advise the director of their arm or service accordingly (this does not, however, apply to the Commandant Royal Military College of Science, to whom specific instructions on this subject are given in his directive);

(2) Carry out liaison with other Services, departments, establishments, schools, training colleges and formation headquarters;

(3) Prepare, edit and comment on training pamphlets, as appropriate, as the Subject Matter Experts (SME);

(4) Carry out trials or evaluation projects ordered by the Ministry of Defence (Army);

(5) Advise on the requirements for, and the supervision of, the production of training aids, films and film strips.

b. In particular, the Commandant of the Royal School of Artillery is responsible for the technical supervision of artillery training at all practice camps, military establishments and manoeuvre areas; and the Commandant, Royal School of Signals is responsible for maintaining on behalf of the Ministry of Defence (Army) close liaison with schools and training establishments of other arms and services in the United Kingdom which are concerned in signal training, with a view to ensuring the preservation of a common signal doctrine throughout the Army.

Commanding Officer of a Unit

3.014. The responsibilities of the commanding officer of a unit are set out in **Chapter 5**.

3.015 - 3.999. Reserved.

ANNEX A(J) TO CHAPTER 3
DIRECTORATE OF BUSINESS RESILIENCE, COMMON LAW CLAIMS & POLICY (DBR CLCP)

(REFERRED TO IN PARAS **3.004**, **J7.045** AND **J7.046**)

Head of Common Law Claims and Policy

Constitution

1. The Head of Common Law Claims and Policy (Hd of CLCP) and his staff act on behalf of the Secretary of State and are the sole authority responsible for the investigation, negotiation and settlement of claims for compensation on a legal liability basis and in line with common law principles, by and against the Ministry of Defence (MOD). Claims officers have delegated financial authority to pay compensation which may only be delegated to others with the agreement of the Hd of CLCP.

Duties

2. DBR CLCP or their contracted claims handlers deal with claims at common law made by or against the MOD arising out of:

a. Traffic accidents involving MOD owned and leased vehicles, excluding those occurring in the United Kingdom which are dealt with by a commercial claims handling organization.

b. Death of, illness or personal injury to Service personnel, dependants and other entitled patients as a result of clinical negligence.

c. Incidents involving death or personal injury to on duty Service personnel occurring since the repeal of Section 10 **Crown Proceedings Act** on 15 May 1987 and before 1 July 1996 when such claims became the responsibility of the insurers acting as claims handlers for the MOD.

d. MOD aircraft activity, including crashes but excluding claims arising out of the participation of Service aircraft in air displays, tattoos, *etc*., which are covered by the MOD's non core third party aviation liability insurance.

e. Maritime accidents including salvage, collisions, damage to fishing gear, *etc*..

f. Hovercraft accidents.

g. Accidents involving death or injury to civilian employees of the MOD in the United Kingdom (UK) and those involving United Kingdom Based Civilians (UKBC) overseas which are handled under the MOD's employer's liability claims handling arrangement by contracted claims handlers. Claims by Locally Employed Civilians (LEC) are handled by the Area Claims Officer (ACO). Where there is no ACO, claims should be referred to DBR CLCP.

h. Common law claims by and against the Visiting Forces based in the UK which are dealt with under Section 9 of the **Visiting Forces Act** and Article V111, para 5, **NATO Status of Forces Agreement**. Overseas ACOs deal with claims covered in international agreements governing the status of United Kingdom Forces and the civilian component and advises on claims matters in connection therewith (*See* **Appendix 1** to this Annex).

i. Miscellaneous occurrences involving the death or injury or loss or damage of the property of other third parties.

j. Overseas only:

(1) Damage to lands, buildings, crops, private roads not leased or under contract and public roads during training and manoeuvres or at other times.

(2) Off duty incidents in which Service personnel, members of the civilian component and staff of sponsored organizations are involved and the claims are of a tortuous nature.

3. Other duties of the Hd of CLCP and his staff include:

a. Preparing financial estimates, Short Term Financial Plans, Management Plans, Claims Annual Report, *etc*..

b. Giving advice to, and on behalf of, the MOD on matters relating to insurance and indemnities, except on contractual or lands matters.

c. Advising on policy relating to ex gratia claims for compensation from MOD civilian and Service personnel from the loss of or damage to personal property.

d. Managing the MOD's commercial claims handling arrangements in the UK in respect of third party motor and employers' liability risks.

e. Managing the MOD's non-core business commercial aviation insurance arrangements in respect of third party risks in respect of:

(1) Civilian/Private use of MOD airfields.

(2) Fare paying passengers.

(3) Participation by MOD aircraft in air displays, tattoos, *etc*., worldwide.

(4) Search and rescue training and observation flights with civilian organizations.

4. DBR CLCP does not deal with claims made by or against the MOD arising out of:

a. Damage to land, crops, buildings and roads caused during training and manoeuvres on land in the UK.

b. Requisitions, hirings, purchases or other contracts.

c. Royal Warrants or certain other departmental regulations.

5. Financial powers necessary for settling claims which fall within DBR jurisdiction have been delegated to the Hd of CLCP and his staff. None of the claims described in **para 2** may be settled by any other person or body.

6. The address of DBR CLCP is:

Ministry of Defence
DBR CLCP
Level 1, Spine 3, Zone J
Main Building
Whitehall
LONDON SW1A 2HB

Tel: Military – 9621 78741 / 86323. Civilian 0207 807 8741 / 0207 218 6323

7. DBR CLCP staff deploy, as required, with operational civil secretariats and on major overseas exercises. The addresses of permanent Claims representatives are shown in **Appendix 1** to this Annex.

APPENDIX 1 TO ANNEX A(J) TO CHAPTER 3
GEOGRAPHICAL RESPONSIBILITIES AND ADDRESSES OF CLAIMS OFFICES

Geographical Responsibility	Address	Telephone Number
(a)	(b)	(c)
Austria *Belgium* *Czech Republic* *Denmark* *France* *Germany* *Hungary* *Luxembourg* *Netherlands* *Norway* *Poland* *Switzerland*	Area Claims Officer North West Europe HQ UKSC(G) BFPO 140	Mil: 94872 3020 Civ: 0049-2161-472-3020
Canada	Office of the DND/CF LA 10th Floor, Constitution Bldg 305 Rideau Street Ottawa Ontario K1A 0KA	Civ: 011 613 992 8503 Fax: 011 613 995 2242
Cyprus	Area Claims Officer Cyprus BFPO 53	Mil: 94120 3406 Civ: 00357 2596 3406
South Atlantic Islands	Command Secretary HQ British Forces Falkland Islands BFPO 655	Mil: 94130 6485 / 6175 Civ: 00500 76485 76175
Afghanistan	SO2 Claims J8 Civ Sec Op HERRICK BFPO 715	Mil: 926096 7286 Fax: 926096 2935
USA	Service Manager Defence Business Services BDS-US British Embassy Washington DC, BFPO 2	Tel: 001 202-588 6848 Fax: 001 202-588 7888
Morocco	British Embassy Rabat 28 Avenue SAR Sidi Mohammed Soussi 10105 (BP 45) Rabat	Tel: 00212 537 633333 Fax: 00212 377 58709
Other Areas	Ministry of Defence DBR CLCP PLT Level 1, Spine 3, Zone I & J Main Building Whitehall LONDON SW1A 2HB	Mil: 9621-80380 / 89943 Civ: 0207 218-0380 / 9943 Fax: 9621-86481 (0207 218-6481)

Offices of the Sending States (NATO)

Where the United Kingdom is the 'Sending State'' in the context of Article VIII of the NATO Status of Forces Agreement claims by and against the Ministry of Defence will, in the first instance, be investigated by the 'Host Nation' and then forwarded to the following:

Canada	British Defence Liaison Staff (Army), British High Commission, 80 Elgin Street, Ottawa, Ontario, K1P 5K7.
Denmark	Defence Attaché, British Embassy, Copenhagen.
Greece	Military Attaché, British Embassy, Athens.
Italy	Naval Attaché, British Embassy, Rome.
Portugal	Naval Attaché, British Embassy, Lisbon.
Turkey	Air Attaché, British Embassy, Ankara.
USA	British Defence Staff, Washington, British Embassy, Washington DC 20008.

ANNEX B TO CHAPTER 3
VALUES AND STANDARDS OF THE BRITISH ARMY[1]

Foreword by the Chief of the General Staff

"*The British Army has a worldwide reputation for excellence, a strong reflection of its soldiers and officers. This reputation derives from, and depends upon, unequivocal commitment, self-sacrifice and mutual trust. Our Values and Standards are vital to operational effectiveness - they are the lifeblood that sustains the Army. They have to be more than just words, we must believe in them and live by them. Therefore, it is the effective and coherent translation of these Value and Standards into actions that must penetrate every command and organization until they are instinctive.*

Commanders create their command ethos and must ensure that Values and Standards are at the centre of it, through personal example and by educating and training their subordinates. The responsibility of commanders to be at the heart of this process cannot be delegated, and I hold you all accountable for it. The Values are about character and spirit: the Standards define our actions and behaviour: I expect everyone in the Army to abide by these Values and Standards."

Chief of the General Staff[2]

Introduction

1. The reputation of the British Army is extremely high. This tradition of excellence - and the public support it engenders - depends in large part on the operational effectiveness of the Army that results from the high standards of professionalism, individual behaviour and self-discipline of the British soldier, both on and off operations. These qualities cannot be taken for granted and are only possible if they are underpinned by a robust and clearly understood framework of Values and Standards. It requires all of us to understand and live by them; and for all commanders – from the most senior to the most junior - to show emphatic leadership.

2. Land operations are complex, dangerous and demanding - both physically and mentally. Soldiers have the responsibility and legal right to use lethal force, and may be required to lay down their own lives and risk those of their comrades. It is operational effectiveness that requires the Army to have values and standards that are different from society - 'need to be different' not right to be 'different'. However, the Army is not immune from changes in society, and this is reflected in the attitudes and behaviour of those who enlist. Therefore we must explain why our Values and Standards are more demanding of the individual; and why such demands are equally necessary on and off duty.

3. The Army's Values and Standards are not abstract concepts whose origins lie solely in the demands of battle. Values are the moral principles - the intangible character and spirit - that should guide and develop us into the sort of people we should be; whereas Standards are the authoritative yardsticks that define how we behave and on which we judge and measure that behaviour. They reflect, and are consistent with, the moral virtues and ethical principles that underpin any decent society. It is important that they are explained within that wider context, for it is vital that soldiers understand these Values and Standards and are able to apply them in today's complex operations. To that end, the articulation of these Values and Standards needs to be accompanied by a continuous and appropriate example; by all commanders, junior and senior alike. Our Values and Standards apply at all times: whether on operations, in barracks, in our homes or off duty.

The Operational Imperative

4. For the Army, the consequences of winning or losing on operations are profound, for the Nation, the Army and for the individual. Consequently British Military Doctrine states that operational effectiveness is the standard by which the Army will be judged, and defines it in terms of fighting power. Within the hierarchy of fighting power it lays emphasis on the moral component: the ability to get people to fight. For the Army, this is achieved in the Land environment where operations are at their most complex.

5. Soldiers are required to close with the enemy, possibly in the midst of innocent bystanders, and fight; and to continue operating in the face of mortal danger. This is a group activity, at all scales of effort and intensities. Soldiers are part of a team, and the effectiveness of that team depends on each individual playing his or her part to the full. Success depends above all else on good morale, which is the spirit that enables soldiers to triumph over adversity: morale linked to, and reinforced by, discipline.

6. Morale consists of many factors, including confidence in equipment, good training and sound administration; but ultimately it is the confidence between commanders and subordinates and between individual soldiers. Such confidence is a product of leadership and comradeship. High morale cannot be created overnight, but requires the forging of close bonds of professional and personal trust, which will withstand the stresses imposed by the demands of operations. It requires commitment and self-sacrifice and to put the interests of the team and the task ahead of one's own.

1 The Commanders' version of Values and Standards of the British Army - **AC 63813**. This is the text of the most recent version (June 2012).

2 Foreword- January 2008 – by the then CGS, General Sir Richard Dannatt.

7. Values and Standards directly contribute to the Army's ethos and to fighting power. They are a moral requirement and have functional utility. Upholding them is the collective responsibility of all members of the Army. They are the foundations of teamwork, and are interdependent. If any one of them is lacking, the team and the mission are threatened. They are fostered and enhanced by good leadership, training and man-management, throughout the chain of command.

'The military virtues are not in a class apart; "they are virtues which are virtues in every walk of life ... none the less virtues for being jewels set in blood and iron." They include such qualities as courage, fortitude and loyalty. What is important about such qualities as these ...is that they acquire in the military context, in addition to their moral significance, a functional significance as well. The essential function of an armed force is to fight in battle. Given equally advanced military techniques a force in which the qualities I have mentioned are more highly developed will usually defeat a stronger force in which they are less. Thus while you may indeed hope to meet these virtues in every walk of life and a good deal of educational effort is spent on developing them as being generally desirable, in the profession of arms they are functionally indispensable. The training, group organizations, the whole pattern of life of the professional man at arms is designed in a deliberate effort to foster them, not just because they are morally desirable in themselves, but because they contribute to military efficiency.'

"The Profession of Arms" - The 1962 Lees Knowles lectures,

Lt Gen Sir John Hackett

Values

Courage

8. All soldiers must be prepared to use lethal force to fight: to take the lives of others, and knowingly to risk their own. They may need to show restraint, even when doing so involves personal danger. They may witness the injury or death of their comrades but still continue with the task in hand. This requires physical courage, and soldiers will depend on each other for it. Moral courage is equally important. That is the courage to do what is right even when it may be unpopular, or risk ridicule or danger, and to insist on maintaining the highest standards of decency and behaviour at all times. This earns respect and fosters trust. Courage - both physical and moral - creates the strength upon which fighting spirit and success on operations depend. It is a quality needed by every soldier, but it is especially important for those placed in positions of authority, because others will depend on their lead and respond to it.

Discipline

9. To be effective on operations, the Army must act as a disciplined force: commanders' orders carried out, everybody confident that they will not be let down by their comrades. Discipline is the primary antidote to fear and maintains operational effectiveness: it is supported by team loyalty, trust and professionalism. Discipline instils self-control and breeds self-confidence. Good discipline means that all soldiers will obey orders, under the worst conditions of war, and to do so with imagination and resource. The best discipline is self-discipline: innate, not imposed. The Army expects self-discipline from every soldier, and training aims to strengthen it. Discipline requires clearly understood rules and a military legal system to enforce it. This discipline system must be fairly applied both on and off duty by all those in positions of authority.

Respect for Others

10. Respect for others is a hallmark of the British Army: it comes from the duty to put others first and means that there is no place for prejudice or favouritism. Like loyalty, respect for others goes both up and down the chain of command and sideways among peers. The Army's recruiting motto 'Be the Best' can only have meaning if all members of it have equality of treatment and opportunity.

11. Respect for others also extends to the treatment of all human beings, especially the victims of conflict, the dead, the wounded, prisoners and civilians, particularly those we have deployed to help. All soldiers must act within the law and the nature of modern, complex, land based operations makes it essential that they maintain the highest standards of decency and fairness at all times, even under the most difficult of conditions. This includes behaviour when off duty including towards family members. External scrutiny, including intense media interest, is now an attendant part of all aspects of military life. Soldiering is about duty: so soldiers should be ready to uphold the rights of others before claiming their own.

Integrity

12. Soldiers must be welded into strong and robust teams in order to achieve success on operations, where individual needs and desires are subordinated to those of the team, however unpalatable or dangerous. Therefore, integrity has a unique significance to soldiering, it is essential to trust: soldiers must have complete trust in each of their comrades for their lives may ultimately depend on it. Integrity means being honest and truthful. All forms of deceit and dishonesty constitute a lack of integrity: they call into question whether an individual can be relied upon, damaging the team and

therefore operational effectiveness. All commanders are responsible for defining and maintaining standards of personal behaviour in the Army by example, direction and education. Integrity also demands that those who are in positions of authority, at whatever level, set the highest standards and are fair and consistent to their subordinates. A leader's example in personal behaviour is vital, and this responsibility increases with rank.

Loyalty

13. Loyalty binds all ranks of the Army together: it goes both up and down. It turns individuals into teams, creating and strengthening the formations, units and sub-units of which the Army is composed. The Nation, the Army and the chain of command rely on the continuing allegiance, commitment and support of all who serve: that is, on their loyalty. Equally important is that all soldiers, and their families, must be confident that the Army and the Nation will treat them with loyalty and fairness. The Army's loyalty to the individual is expressed in the Military Covenant - it manifests itself in justice, fair rewards, and life-long support to all soldiers.

14. Those in authority must be loyal to their subordinates: representing their interests faithfully, dealing with complaints thoroughly and developing their abilities through progressive training. Subordinates must be loyal to their leaders, their team, and their duty. Being loyal to ones' leaders or subordinates does not mean that wrong-doing should be condoned or covered up: this is misplaced loyalty and questions a soldier's integrity. Loyalty, though expected, must be earned through commitment, self-sacrifice, courage, professionalism, decency and integrity. These qualities are required both on and off duty as they are enduring characteristics that cannot be turned on and off at will.

Selfless Commitment

15. The British Army is structured and trained for operations, not for the convenience of administration in barracks. On joining the Army soldiers accept a commitment to serve whenever and wherever they are needed, whatever the difficulties or dangers may be. Such commitment imposes certain limitations on individual freedom, and requires a degree of self-sacrifice. Ultimately it may require soldiers to lay down their lives. Implicitly it requires those in positions of authority to discharge in full their moral responsibilities to subordinates. Selfless commitment is reflected in the wording of the Oath of Allegiance which is taken on attestation. In it, soldiers agree to subordinate their own interests to those of the unit, Army and Nation, as represented by the Crown:

"I swear by almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors and that I will as in duty bound honestly and faithfully defend her Majesty, her heirs and successors in person, crown and dignity against all enemies and will observe and obey all orders of her Majesty, her heirs and successors and of the generals and officers set over me."[3]

16. Irrespective of private beliefs, this Oath embodies the context within which the British Army fights and operates. It expresses the loyalty of every soldier to the Sovereign as Head of State. These relationships find expression in the Colours, Standards and other emblems of Regimental and Corps spirit, which derive from the Sovereign. Personal commitment is the foundation of military service. Soldiers must be prepared to serve whenever and wherever required and to do their best at all times. This means putting the needs of the mission and of the team before personal interests.

Standards

The Army's Standards

17. The Values outlined above underpin the ethos of the Army and contribute directly to achieving operational effectiveness. In sustaining these Values, every soldier must strive to achieve and maintain the highest professional and personal standards. It is impractical to identify here every standard required in every aspect of a soldier's professional and private life. The Army's Standards are designed to ensure that all behaviour is lawful; appropriate; and totally professional. Domestic abuse and domestic violence is not tolerated by the Armed Forces. Commanders have to understand the context and set out the Standards in sufficient detail required by the situation; clear communication on what is expected and why is essential. Officers and soldiers must avoid behaviour that risks degrading their professional ability or which may undermine morale by damaging the trust and respect that exists between individuals who depend on each other. For this reason the Army takes a different and more demanding approach towards certain types of behaviour and relationships that might, in society, be regarded as a matter of individual choice or morality, and of no concern to the wider community.

Lawful

18. All soldiers are subject to the criminal law of England wherever they are serving, and they have a duty to uphold it. In that respect they are no different from other citizens, and all civil offences have been fully embraced within military law.[4] When deployed on operations soldiers are subject to international law, including the laws of armed conflict and

3 Those who do not believe in God "*I solemnly, sincerely and truly declare and affirm that …*"

4 s70 of **Army Act 1955** and from Jan 09 s42 of the **Armed Forces Act 2006**.

the prescribed rules of engagement, and in some cases local civil law. Taken together, such laws establish the baseline for the standards of personal conduct of the soldier as a citizen.

19. The Role of Officers. Leadership is the principal duty of all officers; those holding Commissions, Warrants and non-commissioned officers. Commissioned officers in the British Army have a special responsibility for leadership. The Queen's Commission means that it is always the duty of a commissioned officer to take moral responsibility for the task and those subordinate in rank, whether they are in his or her direct chain of command or not. This includes setting an example both on and off duty. In the heat of battle, and in an environment sometimes dominated by high emotion and the pernicious effects of boredom and complacency, officers should have a strong enough moral compass and sufficient backbone to avoid over-familiarity and favour. They are required to prevent breakdowns in standards, ethics and the law; or simply to grip a deteriorating situation, failures in battlefield discipline, dress or bearing. The pressures or achievements of operations should not be used as an excuse to ignore or tolerate poor discipline or low professional standards. That would be a failure of moral courage and professional obligation and a breach of trust.

"You are, in such manner and on such occasions as may be prescribed by us, to exercise and well discipline in their duties such officers, men and women as may be placed under your orders from time to time and use your best endeavours to keep them in good order and discipline…in pursuance of the Trust hereby reposed in you."[5]

20. All soldiers have the right to live and work in an environment free from harassment, unlawful discrimination and intimidation. Any unjustifiable behaviour that results in soldiers being unfairly treated is fundamentally incompatible with the ethos of the Army, and is not to be tolerated. Discrimination and harassment may also contravene civil and criminal law: any form of discrimination or harassment undermines trust and confidence, especially in those in positions of authority.

21. Operational effectiveness requires the Army to be physically robust and, when necessary, to display controlled aggression: this requires rigorous and demanding training. However, the use of physical strength or the abuse of authority to intimidate or victimize others, or to give unlawful punishments is unacceptable and will undermine trust and respect. It is also illegal. It is the responsibility of commanders to protect others from physical and mental bullying, and to deal with it promptly.

Appropriate Behaviour

22. The operational imperative to sustain team cohesion and to maintain trust and loyalty between commanders and those they command imposes a need for a standard of social behaviour more demanding than those required by society at large. This is equally necessary both on and off operations, on and off duty. It is important to acknowledge in the tightly knit military community the need for mutual respect and the requirement to avoid conduct that offends others.

23. Social misbehaviour can undermine trust and cohesion and, therefore, damage operational effectiveness. It is not practicable to list every type of conduct or relationship that may constitute social misbehaviour[6], but it includes: unwelcome sexual attention; over-familiarity with the spouses or partners of other Service personnel; displays of affection which might cause offence to others; behaviour which damages or hazards the marriage or personal relationships of Service personnel or civilian colleagues within the wider defence community; and taking sexual advantage of subordinates. The seriousness with which misconduct will be regarded will depend on the individual circumstances that prevail at that time and the potential for adversely affecting operational effectiveness. Nevertheless, misconduct involving abuse of position, trust or rank, or taking advantage of an individual's separation will be viewed as being particularly serious.

Total Professionalism

24. It is accepted that all soldiers must exercise the highest standards of professionalism, as befits their rank and appointment, at all times to both safeguard operational effectiveness and also the Army's reputation.

25. Members of the Army are not permitted to disclose Service information or express views on official matters or experiences to any media organization without prior approval from the Ministry of Defence, sought through the chain of command; this includes leaking official information to the media. Besides being contrary to regulations, it is unprofessional and can damage the reputation and interests of the Ministry of Defence and the Armed Forces and, whether intentional or not, undermines the Army's apolitical position.

26. The effects of excessive drinking are severe: impaired judgement, endangered health, degraded performance and are the major cause of ill discipline. It generates a loss of self-control, which can lead to unacceptable behaviour accompanied by criminal violence. Personnel under the influence of alcohol cannot be relied upon to perform their duties competently; putting their own lives and those of others at risk. Excessive alcohol consumption is not to be tolerated; drunkenness is a military offence. Commanders are to ensure that social functions take place in a controlled environment, where alcohol is consumed responsibly and that there is no degeneration into excessive drinking. They

5 Extract from the Queen's Commission (to all commissioned officers).

6 Greater detail can be found in Annex B to **AGAI 67** - the Armed Forces Code of Conduct.

must also set an example through their own moderation. Failure to do so will call into question their self-discipline and moral courage, and their ability to exercise the responsibilities of their rank. Help will be offered to those willing to reform, but those who do not respond to rehabilitation will be considered for discharge. Driving under the influence of alcohol is a particularly serious offence that endangers others and displays a lack of judgement and self-discipline: a conviction will almost certainly affect an individual's employment and career in the Army.

27. Drug misuse is not only illegal, it poses a significant threat to operational effectiveness. Drug misusers are a liability to themselves and to their colleagues: their judgement is impaired; their health damaged; and their performance degraded. In short, they can be neither trusted nor relied upon. The Army's policy for those who commit a drug offence is based on dismissal.

28. Those entrusted with public and non-public funds must adhere to, unswervingly, the appropriate financial regulations. Dishonesty and deception in the control and management of these funds is not a 'victimless crime' but show a lack of integrity and moral courage which have a corrosive affect on operational effectiveness through the breakdown in trust.

29. Officers and soldiers also are expected to manage their own financial affairs responsibly. Such matters are usually regarded as personal, but where the Army becomes involved, administrative or disciplinary action may be taken. Unmanageable or irresponsible indebtedness displays a lack of judgement and self-discipline. It may create an administrative burden, and could lead to an individual becoming a security risk. Cases involving those in a position of responsibility are particularly serious because they call into question their ability to manage the welfare of subordinates and public funds. Whilst the Army will counsel and advise personnel who are in debt, irresponsible indebtedness is likely to affect an individual's employment and career.

Application

30. Inculcating and maintaining the Army's Values and Standards is the responsibility of all commanders. It requires more than a single period of instruction (MATT 6) per year; it must pervade all training activity, career development and be the focus of all leaders on what example their subordinates also should concentrate. As with mission command, commanders must give direction, delegate and then supervise. Where the 'bottom line' is not profit and loss, but the death or maiming of people including comrades, all soldiers must understand why they have to behave in a particular way, rather than following a set of rules blindly. Although Values and Standards can be imposed and regulated through discipline, it is self-discipline that will encourage all ranks to adhere to the Values and Standards, recognizing the inherent value of such qualities and conduct.

31. Commanders must recognize that this is challenging, requiring them to provide leadership and example. Therefore, all commanders must lead by example: they are responsible for explaining, instilling and ensuring that these Values and Standards are understood and adhered to by their subordinates. Effective and timely communication between commanders and subordinates is crucial to this process.

The Service Test

32. The Service Test applies to everyone in the Army, at all times (both on and off duty) regardless of rank. Individuals who fail to uphold the Values and Standards should have their failings made clear to them and issues such as lack of moral courage or integrity should be reported as characteristics in mid-year and annual appraisals. More serious failures may be subject to disciplinary or administrative action. Unacceptable conduct requires prompt and positive action to prevent damage: timely advice and informal action can often prevent a situation developing to the point where it could impair the effectiveness of a unit. A decision on what action is taken and the extent of that action will depend on the circumstances of each case, measured against the Service Test outlined below. In assessing whether to take action, commanders must establish the seriousness of the misconduct and its impact on operational effectiveness, and, in turn the appropriate and proportionate level of sanction. In particularly serious cases, or where an individual persists with, or has a history of acts of misconduct, commanders should consider the termination of service.

33. When considering possible cases of misconduct, and in determining whether the Army has a duty to intervene in the personal lives of its soldiers, commanders at every level must consider each case against the following Service Test:

"Have the actions or behaviour of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Army (unit)?"

Administrative Action is not taken to impose one person's morality on another: simple disapproval is not enough to justify Administrative Action; an Originating Officer must state and a Deciding Officer must be satisfied, on a balance of probabilities, of a real or potential impact on efficiency or operational effectiveness.

34. Commanders are required to make a judgement of actions, set against the context of character and circumstances based on objective fact. Implicit in this is that in order to make a judgement, a commander's commitment to Values and Standards must be beyond reproach and he or she must play a dynamic role in the adherence to Values and Standards in his or her command.

Conclusion

35. The Army's Values and Standards demand a degree of commitment and self-sacrifice from officer and soldiers, which goes beyond that normally expected from other citizens. All officers and soldiers in the British Army are required to commit themselves to achieving and maintaining these Values and Standards. This commitment is essential to the ethos of the Army and contributes directly to the maintenance of operational effectiveness. It is the duty of all commanders to ensure that these Values and Standards are accorded the highest priority, are fully explained to their soldiers, and are applied consistently. Commanders at every level must lead by example and ensure their subordinates live by the Army's Values and live up to its Standards.

CHAPTER 4

The Staff and Services

Organization and Appointments

4.001.

a. The staff of the Army consists of:

(1) The General Staff who are the Army component of the Ministry of Defence (MOD) Head Office (HO) either located in HO or elsewhere.

(2) The staff of Headquarters Land Forces (HQLF), together with the static divisions and/or districts, agencies, areas and garrisons at home and overseas.

(3) The staff of operational commands, deployable divisions and brigades (including, as appropriate arms and service commanders or advisers) as covered by approved establishments.

(4) Army personnel filling staff appointments elsewhere are not strictly speaking the staff of the Army but are Army staff in the meaning of **paras 4.002 - 4.003** below. These include Army tied or defence staff appointments within:

(a) The Central Staff.

(b) Permanent Joint Headquarters (PJHQ), Defence Equipment and Support and Defence, which are all tri-service organizations but are not part of MOD Head Office.

(c) NATO, RN, or RAF headquarters.

(d) Embassies, military missions or attached to foreign armies.

b. The distribution of staffs and services in the static chain of command is given in the Army List.

4.002. Appointments to the staff of the Army in the rank of colonel and above will be made by the Secretary of State on the recommendation of the military members of the Army Board. The names of officers selected to hold appointments in the rank of major general or above are submitted to The Queen for approval. Appointments to the Staff of the Army in the rank of lieutenant colonel and below will be made by the relevant selection board.

4.003. An officer holding a regular commission is not qualified to hold a staff appointment until he has been six years in the Service, unless special authority has been obtained. This does not apply to the appointment of ADCs.

4.004 - 4.005. Reserved.

Duties in the Ministry of Defence

4.006. The distribution of duties in the Ministry of Defence for those listed in **paras 4.001***a*(1) and **4.001***a*(4)(a)-(b) (less PJHQ) is shown in **Annex A** to this Chapter.

4.007. Reserved.

Command and Civil Secretaries

4.008. Command and Civil Secretaries[1] are the senior civilian advisers appointed on the staff of Commanders in Chief, GOCs and certain other Commanders as Senior Finance Officers/Advisers[2], Budget Managers and Civilian Personnel Advisers. They should also provide advice to these Commanders on the Parliamentary, political and presentational aspects of business, on the interests of other Government departments and, where appropriate, on the politico-military and presentational aspects of operational issues. They are particularly required to ensure that proper advice is given to budget holders on matters of propriety, regularity and value for money. Their duties[3] embrace the following:

a. Budget Management, including forecasting outturn and preparation of the Short Term Plan. In this the Command or Civil Secretary supports his/her Commander in Chief (as Budget Holder) in carrying out the functions delegated to him by the Permanent Under Secretary (PUS). Of particular importance is the Command or Civil Secretary's responsibility to the Budget Holder for financial scrutiny.

b. Senior Finance Officer (SFO) responsibilities through the Finance Director (Principal Finance Officer (PFO)), to the PUS. The Command Secretary is formally appointed as an SFO and is responsible for the integrity of the financial system in the Top Level Budget (TLB) area, including as it affects regularity and propriety of expenditure, value for money, writes off and charging for services to outside bodies.

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[1] The role of Civil Secretaries equates to that of Command Secretary when appointed to a Commander in Chief. Civil Secretaries appointed to assist GOCs report to Command Secretaries.

[2] Command Secretaries / Civil Secretaries to Commander in Chief are Senior Finance Officers. Civil Secretaries to GOCs are Senior Finance Advisers.

[3] These duties are likewise imparted to Civil Secretaries by Command Secretaries in their appointments to assist GOCs

c. Personnel Management responsibilities through the Personnel Director to PUS. The Command Secretary is formally appointed as Senior Civilian Personnel Adviser and is responsible for the career management of civilian mobile staff, non-mobile, non-industrial, industrial civilian staff and Locally Engaged Civilian staff Overseas.

d. Parliamentary, political and presentational issues, the interests of other Government departments, relations with local authorities and, where appropriate, the provision of advice on the politico-military and presentational aspects of operational issues.

Duties in Commands

4.009. The Staff. The distribution of staff duties given below is designed to meet peace requirements. The duties of the staff of an army in the field, which may be different, are dealt with in Army Tactical Doctrine manuals and formation Standing Operating Procedures (SOPs).

4.010. Chief of Staff. In those commands to which a chief of staff is appointed his primary function will be:

a. To co-ordinate the work of the staff.

b. To enable the commander to give all his attention to command, tactical and strategic matters and the training of troops.

c. To exercise under the responsibility of the CinC such of the financial powers as that officer may delegate to him under **para 3.003.**

d. To exercise a co-ordinating function over the financial estimates prepared by heads of services to ensure that the estimates are consistent with each other and with staff policy except that in commands where a major general in charge of administration is appointed these duties are to be performed by him.

e. To co-ordinate mobilization both in the planning and the execution stages.

4.011. Reserved.

4.012. G Staff Branch Officers. The duties at any level of the staff will correspond to the NATO staff divisions as follows:

a. *Personnel (G1) Branch*. The duties of the personnel branch include questions relating to recruiting, discipline, personal services, postings, medical services, veterinary and remount services, education, interior economy, military prisons and corrective establishments, family matters, pay and allowances, retired pay and pensions, Army children's schools, mobilization (personnel aspects only), prisoners of war, medals, discharges, casualties, Army reserves and employment of reservists and discharged soldiers.

b. Intelligence (G2) Branch. Intelligence and military security duties.

c. Operations (G3) Branch. Duties will include mobilization and contingency plans for operations.

d. *Logistics (G4) Branch*. The duties of the logistics branch include questions relating to the movement of troops, issue of routes, use of load carrying vehicles, mobilization (equipment, vehicles and supplies), appropriation, occupation and equipment of barracks and hospitals, hire of buildings to supplement barrack accommodation and arrangements for camp and catering.

e. G5-G9 Branches. In large headquarters the full range of G1-G9 branches, and, in the case of PJHQ, J1-J9 Divisions, will exist (*see* the Army Staff Handbook (**AC 71932**). In smaller headquarters some of the duties below may be covered by G1-G4 branches:

(1) G5 Crisis and Deliberate Planning.

(2) G6 Communication and Information Systems.

(3) G7 Training and Development.

(4) G8 Finance and Human Resources.

(5) G9 Policy, Legal and Presentation.

4.013. Officers attached to the Staff. Representatives of some or all of the following arms may be attached to the staff as specialist advisers:

Armour
Artillery
Engineers
Communications
Infantry
Army Aviation

They are advisers to the commander on matters pertaining to their own arm.

4.014. Administration. The senior personnel (G1) and logistics (G4) staff officer or, where appropriate, the officer in charge of administration is to:

a. Co-ordinate the personnel and logistics duties in the headquarters.

b. Be directly responsible for the efficient working of the administrative services of the command under the orders of the CinC or commander (through the deputy chief of staff, where applicable) whose approval or otherwise they are to obtain on all questions involving policy or principle. Officers of the personnel (G1) and logistics (G4) branches in a command are to co-ordinate the maintenance services and training stores and equipment

requirements of the troops, in accordance with the general instructions given by the officer in charge of administration or senior personnel and logistics staff officer.

c. When likely to be absent from the headquarters, delegate the co-ordination of the maintenance services and training stores and equipment requirements of the troops in the command to the appropriate subordinate staff officers.

d. Deal direct with the local heads of services on all matters affecting the efficiency of their services in the command. Local heads of services are at all times to have direct access to the officer in charge of administration or senior personnel and logistics staff officer.

e. Exercise such financial responsibility as may be delegated according to **para 3.003**. (The officer in charge of administration may delegate such financial powers as regulations permit).

f. Pass to Directorate of Business Resilience, Common Law Claims & Policy (DBR CLCP) branch all matters within its province. **Annex A to Chapter 3** sets out the duties and special financial powers of DBR CLCP.

4.015 - 4.018. Reserved.

The Services

4.019. Headquarters at Home and Overseas. Officers of the services appointed to HQLF, divisions and/or districts, formations, and areas at home, and to commands and their subordinate headquarters overseas, are responsible for advising their commanders of matters of their concern. In day to day matters they will normally deal with the officer in charge of administration or the senior personnel and logistics staff officer.

4.020. A brief statement on the duties of each of the services is given at **Annex B** to this Chapter.

4.021 - 4.024. Reserved.

Army Personnel Centre

4.025. The Army Personnel Centre is subordinate to the Adjutant General. It is commanded by the Military Secretary.

4.026. Reserved.

4.027. Aim. The aim of the Army Personnel Centre is to develop and manage the careers of all officers and soldiers in order to enhance the operational effectiveness of the Army, and provide an effective, integrated personnel management and administration service to the Army, in order to maximize its operational capability throughout the spectrum of conflict, from peace through to general war.

4.028. Objectives. The objectives of the Army Personnel Centre are:

a. To meet the needs of employers of army manpower as a first priority.

b. To reconcile the needs of officers, soldiers and their families.

c. To maintain the trust and confidence of officers and soldiers.

d. To maximize and enable opportunities in both professional and personal development to support the needs of the Army and the individual.

4.029. Execution. The Military Secretary fulfils the objectives through two subordinate directors.

a. As Director Manning and Career Management, the Deputy Military Secretary is to ensure, through limited delegated authority to MS(A), MS(B) and MS Soldiers and the 10 MCM Divisions, that all military manpower assets are matched to liability and meeting the needs of employers, while reconciling the needs of our officers and soldiers.

b. The Director Educational and Training Services (Army) is to ensure the specialist delivery by ETS Branch of educational and training services and enable opportunities for both professional and personal development to support the needs of the Army and the individual.

Manning and Career Management Divisions

4.030. Divisional Colonels of Manning and Career Management Divisions are in command of officers and soldiers of their respective capbadges transferred to the Y list.

4.031. Divisional Colonels of Manning and Career Management Divisions are responsible for:

a. Manning. Manning units with officers and soldiers appropriately qualified and suited to the posts available.

b. Career Management. The process, by which officer and soldier careers are planned, controlled, developed and administered to meet the needs of the Army and the expectations of the individual.

c. Career Planning and Control. Careers are planned and controlled within the context of the prevailing terms of service, the structural models of the trade or specialization and employment opportunities. The MS Aide Memoire gives guidance on the control and management of officer and soldier careers.

d. Career Guidance and Advice. Career guidance and advice is provided to the chain of command and to the individual officer and soldier.

e. Communications. In addition to engagements with individuals, general career information and policy is disseminated through road shows presentations, the quarterly MS Newsletter and capbadge MCM newsletters.

f. Management of Career Structure. MCM divisions manage soldier career structure in accordance with direction from their Arm or Service Director. The generic career structure of the officer corps is managed centrally by AG in co-ordination with Directorate of Manning Army and the Military Secretary.

g. Promotion. Promotion boards consider those officers or soldiers eligible according to qualifying criteria and promotion opportunities.

h. TA & Reserves Division (TA & Res). TA & Res has a management role for those who enter Full Time Reserve Service (FTRS) or are mobilized. There is also a small section at Worthy Down, the Individual Reinforcement Planning Team (IRPT), responsible for mobilizing the Army in the event of conflict of any sort up to and including general war.

4.032. Reserved.

4.033. On matters of regimental or corps administration Colonels Manning and Career Management Divisions are to correspond directly with the Ministry of Defence departments and with unit commanders. Their decisions in such matters are final, subject only to being reversed by the Army Board. If, however, a unit commander disagrees with a decision of the Divisional Colonel of a Manning and Career Management Division which affects the interest of the Service, he may appeal against that decision, and the appeal stating his views is to be sent by him to the Divisional Colonel of the Manning and Career Management Division concerned. The Divisional Colonel is to staff the appeal through the chain of command of the Army Personnel Centre to the Military Secretary who is to forward it to the Ministry of Defence together with his own remarks on the case. In all cases in which a soldier appeals against the decision of a Divisional Colonel of a Manning and Career Management Division, the appeal is to be made under the provisions of the **Armed Forces Act 2006** in accordance with **paras 5.204 – 5.205.**

4.034 - 4.999. Reserved.

ANNEX A TO CHAPTER 4
DISTRIBUTION OF DUTIES IN THE MINISTRY OF DEFENCE

(PARA **4.006** REFERS)

General

1. The Chief of the Defence Staff (CDS) is the professional head of the Armed Forces in the UK and the principal military adviser to the Secretary of State and the Government. The chain of command for the planning and conduct of military operations flows from the Cabinet and the Secretary of State to CDS, and from him to operational commanders at various levels. The Permanent Secretary is the Government's principal civilian adviser on Defence and has the primary responsibility for policy, finance and administration in the Department. He is the MOD's Accounting Officer reflecting his responsibility to the Secretary of State for the overall organization, management and staffing of the Department and for financial procedures and other matters. He is also personally accountable to Parliament for the expenditure of all public money voted for Defence purposes.

The Defence Council

1A. The formal legal basis for the conduct of defence in the UK rests on a range of powers vested by statute and Letters Patent in the Defence Council, chaired by the Secretary of State for Defence. A Board for each Service, (the Admiralty, Army and Air Force Boards) report to the Defence Council. These Service Boards exercise a wide range of formal and statutory powers relating to the administration of the Service and their personnel. The Defence Council currently comprises four defence Ministers and ten senior officials:

MINISTERS	*SENIOR OFFICIALS*	
• The Secretary of State for Defence	• Chief of the Defence Staff	CDS
• The Minister of State for the Armed Forces	• Permanent Secretary	PUS
• The Minister of State for Strategic Defence Acquisition Reform	• 1st Sea Lord / Chief of the Naval Staff	1SL/CNS
• The Minister for Defence Equipment and Support	• Chief of the General Staff	CGS
• The Minister for International Defence and Security	• Chief of the Air Staff	CAS
• The Minister for Veterans	• Vice Chief of the Defence Staff	VCDS
	• 2nd Permanent Secretary	2nd PUS
	• Chief of Defence Materiel	CDM
	• Chief Scientific Adviser	CSA
	• Director General Finance	DG Fin

The Defence Board

1B. The ten non-Ministerial members of the Defence Council form the Defence Board (DB), the executive board of the Defence Council. It is responsible for directing a number of key processes, in particular the annual re-costing of the Defence programme and the Departmental planning process.

The Central Staff

2. The Central Staff is the joint responsibility of the Vice Chief of the Defence Staff (VCDS) and the Second Permanent Under Secretary of State (2nd PUS).

The Army

Chief of the General Staff (CGS)

3. CGS is the professional head of the Army and is responsible for the fighting effectiveness, management, overall efficiency, morale, values, ethos, image and general well-being of the Army, now and into the future. He remains responsible for the delivery and coherence of the Army's current military capability as set out in the Departmental Plan and, as a member of the Defence Council, the DB and COS Committee, exercises responsibility for ensuring the future effectiveness of the Army by contributing to the formulation of the defence strategic plan, the equipment plan, central doctrine and force development as well as the formulation of professional military advice to the Government, including operational decision making.

Executive Committee of the Army Board (ECAB)

4. CGS is the Chairman of ECAB, the membership of which consists of 2nd PUS, Commander in Chief Land Forces (CinC LF), Commander Field Army (CFA), Adjutant General (AG), Commander Force Development and Training (Comd FDT), Quartermaster General (QMG), Master General of the Ordnance (MGO) and the Assistant Chief of the General Staff (ACGS). QMG and MGO are honorary titles bestowed on the senior Army representatives within DE&S and the Capability Sponsor respectively to provide logistic and procurement expertise within ECAB. ECAB is the senior official committee of the Army. The purpose of ECAB is to provide CGS in his executive role with a purview of the individual components that contribute to the generation of Military Capability from the forces in being. CGS is responsible for the current and future coherence of these components which include concepts and doctrine, equipment and technology, sustainability, training, force structure and personnel. ECAB also supports CGS in his management and operational advisory roles and as the professional head of the Army.

The Assistant Chief of the General Staff (ACGS)

5. The primary role of ACGS is to support CGS and formulate all Army policy and oversee its execution. He also fulfils a pivotal function in linking the Army to the Department in its Ministry of Defence manifestation through their membership of a plethora of policy-making bodies across all functions. As such, ACGS discharges a similar coherence role to CGS, chairs APRC as a collective pan-Army decision-making capability, and coordinates and delivers the output of the General Staff to meet CGS's overall requirements.

Army Policy and Resources Committee (APRC)

6. APRC is responsible to ECAB for the review, examination and scrutiny of all policy, programming and organizational issues affecting the Army and for the development of an Army view on priorities for the allocation of financial resources. APRC derives its delegated authority from ECAB. Subject to the inherent right of Ministers to overrule them (powers which in practice are exercised only in exceptional circumstances), decisions taken by APRC are binding on the Army unless the Chairman directs that they should be reviewed by ECAB or referred to the appropriate Minister for ratification. APRC is chaired by ACGS and consists of core and additional members who may elect to attend as of right; in addition, Command Secretary (Secretariat) LF may be invited to attend, as a further additional member, as necessary. The composition is determined by the Chairman and approved by 2nd PUS.

The General Staff

7. The General Staff (GS) are the Army's main staff within the MOD. The GS's function is to issue direction on CGS'S behalf. Apart from CGS and ACGS, the GS consists of the following main directorates:

a. *Brigadier General Staff (BGS).* BGS is the primary Army Staff 1* officer. He chairs the Army Staff 1* forum (The Coven), represents ACGS as required and conducts the following tasks on behalf of CGS and ACGS:

(1) *Policy Branch.* Comment on emerging Defence and Army policy from a perspective informed by both Defence and Army priorities.

(2) *Army Strategy Branch.* Support ACGS in developing and implementing a strategy for the development of the Army and in enabling the Army's contribution to Defence Policy-making.

(3) *International Security Cooperation Branch.* Establish policy for all Army international engagement and lead on International Security Cooperation activity.

(4) *Liabilities Policy Branch.* Determine manpower and materiel liabilities policy and advise on changes to the Army manpower liability, including the impact of new and emerging capabilities and run the Liabilities Arbitration Tribunal and the Army Materiel Liability Committee.

b. *Brigadier Equipment Strategy (Army) (BES(A)).* BES(A) is responsible to CGS through ACGS for the Army Equipment Strategy. He represents the Army 'User' for equipment capability management and planning in order to sustain the Army's capability to fight at all scales of effort and at the highest intensity as required within Defence Planning Assumptions. BES(A) supports HQLF in capability delivery as required.

c. *Brigadier Media and Communications (BM&C).* BM&C develops internal and external audiences' awareness and understanding of the Army through a range of media, thereby maintaining, protecting and enhancing the Army's reputation. Policy and national media is the responsibility of Defence Media and Communications (DMC) in London which includes Public Relations (Army) to which BM&C is in support. BM&C is responsible for delivery of DMC policy and for regional media. BM&C has a network of 91 military and 132 civilian staff across UK and BFG delivering awareness, reputation and influence in support of LF. The organization includes; Soldier magazine, Garrison FM, Army Presentation Group, Design Studio, Press office, LF M&C and Media Ops Group (Volunteers).

ANNEX B TO CHAPTER 4
DUTIES OF THE SERVICES

(PARA **4.020** REFERS)

Chaplains

1. The Royal Army Chaplain's Department is responsible for the provision of religious ministrations to the personnel of the Army in peace and war, as well as to their families. It will also promote, by all practical means, the spiritual and moral welfare of the entire military community. (*See also* **Chapter 5, Part 7**.)

The Royal Logistic Corps

2. The Royal Logistic Corps (RLC) is responsible for the logistic support to the Army. This support takes the form of:

a. Transportation and distribution of combat supplies in the field.

b. Staff policy, planning, finance and co-ordination of military movement, other than tactical, by land, sea and air in peace and war.

c. Surface freight distribution, Army road transport, maritime logistic support, port operating, air despatch and Army/RAF railways.

d. Control of Army movement in peace and war throughout the lines of communication.

e. Operational and emergency movement planning.

f. Doctrine on the operation and the administration of 'B' vehicles and certain 'A' vehicles for all arms.

g. Advice to Army and Ministry of Defence (Defence Procurement Agency (DPA)) on the development of common user 'B' vehicles.

h. Co-ordination of road safety measures for the Army.

i. Sponsorship and control of Joint Service staff courses at the School of Logistics.

j. Command and control of the Army Railway organization.

k. Management of 'B' vehicle driver training support for all arms, including driver training by civil contract.

l. Driver licensing and testing within the Army.

m. Sponsorship of Joint Service Road Transport Regulations (**JSP 341**) and tri-Service management of Movement of 'A', 'B' and 'C' Vehicles (**JSP 71**).

3. The RLC is responsible for the following commodities and associated services to the Army, and where the RLC are single managers under Ministry of Defence rationalization arrangements, to the Royal Navy and Royal Air Force:

a. Ammunition and guided missiles (including responsibility for the safety, technical advice on and inspection, of in-service ammunition; its storage and repair).

b. Petroleum, oils and lubricants, solid fuels and furnace fuel oils (including quality surveillance and control).

c. Clothing, textiles and personal equipment.

d. Tentage, camouflage and concealment equipment.

e. 'A', 'B', 'C', 'E', 'L' and 'P' vehicles.

f. General stores.

g. Vehicle spares and assemblies.

h. Technical equipment assemblies and spares (less those items provided by RE).

i. Rations (including quality surveillance and control).

j. Accommodation stores.

k. Aircraft spares and assemblies.

4. The RLC has G4 Staff responsibility for:

a. Petroleum, oils and lubricants supply, including financial responsibility.

b. Food supply.

c. Accommodation services (including domestic and industrial fuels, fuel economy and financial responsibility for fuel, light and miscellaneous accommodation services).

d. Commanding Officer's Public Fund matters.

e. Hand operated office machinery of HMSO supply.

f. Operational requirement responsibility for clothing and related items.

5. The RLC is responsible for the provision of the following ancillary services to the Army:

a. Bakery.

b. Accommodation services.

c. Inspection of radiac stores.

d. Laundry and bath facilities.

e. Printing and stationery.

f. Repair of some clothing and general stores.

g. Photography.

h. Industrial gases.

i. Butchery.

6. The RLC is responsible for disposal operations of improvised explosive devices (IED) and stray land service ammunition in peace, counter-revolutionary conditions and war.

7. The RLC is responsible for:

a. Equipment management of those equipments for which the Director General Logistic Support (Army) is the designated equipment manager.

b. Supply management policy.

8. The RLC provides skilled and semi-skilled manpower support.

9. The RLC recruits and supplies civilian labour in overseas commands for employment by the three Services both in domestic and military tasks.

10. In war the RLC administers prisoner of war labour.

11. The RLC provides the war graves service.

12. The Catering functions for which the RLC is responsible are:

a. To manage the catering functions in the most effective manner and to ensure satisfactory and uniform standards throughout the Army.

b. To conduct research and development in matters pertinent to the catering function, including field catering.

c. To train officers and soldiers of The RLC, and other arms and services, including civilians, in management and technical subjects connected with catering duties.

d. To train officers and non commissioned officers of Commonwealth, allied and foreign armies in catering management and technical skills, as required.

e. To manage and report on the performance of catering contractors for the Army Department.

f. To provide a technical service in design and planning for building projects and catering equipments within the catering functional area, in conjunction with the Director of Army Quartering and the Director of Works (Army).

g. To sponsor relevant Materiel and Catering Regulations.

13. The RLC under the Director Defence Postal and Courier Services, (D Def PCS) is responsible on a tri-Service basis for:

a. The provision and maintenance of all official and private mail between the UK and HM Forces, their dependants and the civilian component world-wide.

b. The provision of the Defence Courier Service (DCS), for the conveyance of protectively marked material, equipment and correspondence to and from world-wide locations and within the UK and Northern Ireland. It operates primarily for the Ministry of Defence but carries out tasks for other Government Departments, Defence Industry contractors and the Intelligence Services.

c. The provision of British Forces Post Office (BFPO), counter, remittance and savings facilities. It acts as an agent for Post Office Ltd, and accounts to them for all stock and business transacted.

d. The provision of the Defence Mail Service (DMS), which carries official mail by the Ministry of Defence Vehicle where offices, units or establishments are served by a Defence Mail Centre (DMC) or the DMS.

e. The provision of an electronic aerogramme service *(e-bluey)* to operational theatres/HM Ships.

f. The provision of all Philatelic Services for HM Forces. The Def PCS Philatelic Bureau is an authorized Royal Mail Handstamp centre providing an advisory and cancelling service.

g. The provision of expert advice on all postal and courier matters.

h. Negotiating with Home and Overseas Postal Administrations on behalf of the Ministry of Defence on postal and related matters.

i. Sponsorship of the publication entitled 'Defence Postal and Courier Services' (**JSP 367**), which is a guide on the make-up, dispatch, carriage and receipt of private and official mail.

14. D Def PCS is additionally responsible for advising Director Royal Logistic Corps (DRLC) on the setting of technical training objectives for unit post orderlies and mailroom operators. This training is for Ministry of Defence and tri-Service personnel and is implemented under the authority of DRLC at the Postal and Courier Division of The School of Logistics.

Army Medical Services (AMS)

15. The AMS comprises the Royal Army Medical Corps (RAMC), the Royal Army Veterinary Corps (RAVC), the Royal Army Dental Corps (RADC) and the Queen Alexandra's Royal Army Nursing Corps (QARANC). It is headed by the Director General Army Medical Services (DGAMS) whose role is to promote effective and efficient medical, dental and veterinary health services for the Army in the UK and abroad; and provide a policy focus for individual medical training, doctrine, and force development. DGAMS is supported by individual Corps Directors, advisers in each of the clinical specialties, and the staff of the Army Medical Directorate.

16. The role of the AMS is to contribute to the conservation of fighting strength and morale of the Army. The AMS is responsible for advising commanders on the maintenance of health and prevention of disease in the Army in peace and, in addition, the collection, medical classification, evacuation and treatment of the sick and wounded in war.

17. Secondary health care, dental services, medical training, and the supply of medical and dental equipment, pharmaceuticals and dressings are provided on a tri-service basis by Defence Agencies in which members of the AMS are employed. DGAMS controls the medical units of the Field Army and primary health care.

18. The duties of all officers of the AMS are given in Regulations for the Army Medical Services (**AC 10910**).

19. RAMC. Members of the RAMC advise the Staff on medical matters, including occupational and public health, and contribute to the operational effectiveness of the Army by advice on the maintenance of health and hygiene. The RAMC provides specialist health professionals and is involved in the continued professional training of clinical personnel maintaining links with the Royal Colleges and other professional bodies.

20. RAVC. The RAVC procures and trains military working animals and handlers required for military service. It is responsible across Defence for the provision of veterinary care and the health and welfare of military working animals and their final disposal. Staff of the RAVC are also responsible for veterinary liaison with statutory bodies, provision of public health, veterinary medical intelligence and biomedical support particularly in the field of biological warfare defence, and assurance of military working dog teams. The RAVC contributes to Army health, with particular emphasis on zoonosis[1] and areas relating to Chemical Biological Radiological Nuclear. Training of dogs and dog handlers, advanced equitation and farriery is carried out at the Defence Animal Centre.

21. RADC. The RADC contribute to the operational effectiveness of the Army by achieving and maintaining the dental fitness of troops in UK and, in addition, dependants and entitled civilians overseas. RADC personnel are trained to the required dental professional standards as part of the Dental Agency.

22. QARANC. The QARANC provides efficient nursing care and support to the Armed Forces in peace and war. Within the Defence Medical Training Organization (DMTO), the QARANC share the tri-Service responsibility for the provision of pre- and post registration training of Service nurses in line with the Royal College of Nursing. Health care assistant training is undertaken exclusively by the QARANC.

The Corps of Royal and Electrical and Mechanical Engineers

23. The Corps of Royal Electrical and Mechanical Engineers (REME) is responsible for supporting Equipment Capability (EC) in the Army, of which Equipment Support (ES) is the key pillar. The aim of REME is "to keep fit equipment in the hands of troops". Key responsibilities are vested in the Director of Electrical and Mechanical Engineering (DEME(A)), with responsibility for delivery devolved throughout REME. The over-arching functions carried out by REME are as follows:

a. Provision of the ES staff function, comprising the following four areas:

(1) *Competent Army Authority and Inspectorate (CAA&I).* DEME(A) is the CAA&I for ES and for preserving the maintenance airworthiness of all Army aircraft, including Unmanned Air Vehicles (UAVs). These areas have a higher than normal degree of risk associated with them and are subject to discrete legislation. As CAA&I, DEME(A) is responsible for the provision of Functional Advice[2] to the Chain of Command and for monitoring compliance with that advice, on behalf of the Adjutant General as the Army Inspector, through formal reporting, consultation and inspection.

(2) *Equipment Availability Management.* The anticipatory planning required to mitigate operational availability factors and maximize the probability that the required equipment availability is sustained for the specified

1 Any infectious disease in animals that can be transmitted to humans.

2 Functional Advice includes the development of policy, standards, training requirements, doctrine and Tactics, Techniques and Procedures in accordance with statutory and regulatory requirements.

period or operation. It includes the co-ordination of Whole Fleet Management within formations and the matching of equipment availability to training and operational requirements.

(3) *ES Materiel*[3] *Management*. The management of spares to ensure they are available as required to support maintenance, thus enabling the sustainment of the necessary level of combat power for the duration required. REME is responsible for setting and prioritizing the ES Materiel requirement.

(4) *Maintenance Support*. All action to retain materiel in, or to restore it to, a specified condition. It includes inspection, testing, servicing, and classification as to serviceability, repair, rebuilding and reclamation. Maintenance includes recovery.

b. Integration of ES contractors, Contractor Logistic Support (CLS) and Integrated Logistic Support (ILS) in conjunction with IPT staff, both deployed and in-barracks.

c. Co-ordination of the Equipment line of the Defence Lines of Development (DLODs) within formations[4] in order to deliver a coherent equipment plan.

d. Support to the delivery and sustainment of EC and the integration of equipment Urgent Operational Requirements (UORs), particularly with the emergence of 'fitted for, but not with' solutions.

e. Co-ordination of the integration of UORs within the formation whilst deployed.

24. As CAA&I for ES, DEME(A)[5] is responsible for the following specific tasks:

a. Provision of policy, training and ES Materiel and performance management to enable efficient and effective management of ES.

b. Provision of Level 1 (User) maintenance and Equipment Care policy[6] and standards[7] for all Army equipment excluding specialist equipment maintained by the Royal Signals.

c. Provision of Level 2-4 maintenance policy and standards for all Army equipment excluding specialist Royal Engineers and Royal Signals operated and maintained equipment.

d. Provision of policy and doctrine for equipment operated by REME[8].

e. Provision of policy, doctrine and standards for reliability and maintainability of all Army equipment excluding specialist Royal Engineers and Royal Signals operated and maintained equipment.

f. Provision of the doctrine for cranes and recovery equipment used for recovery tasks.

g. Provision of policy and doctrine for recovering Land equipment.

h. Setting the policy and standards for conducting recovery assessments for all Land platforms.

i. Provision of policy on the maintenance of all Army Aircraft including UAVs.

j. Maintenance of aviation engineering flight safety standards and investigation into aviation accidents and occurrences.

24A. Within the over-arching functions, REME is responsible for the following specific tasks:

a. In conjunction with the User[9], servicing of equipment (cleaning, lubrication, replenishment, examination and minor repairs required to keep equipment in operational condition).

b. Recovery of abandoned, disabled or immobilized vehicles and, if necessary, their removal to maintenance points.

c. Backloading (the rearward movement to a suitable place for repair) of equipment casualties.

d. Repair of equipment or repairable components (the technical operation to restore operational functions by adjustment, manufacture or the replacement of defective components). Repair tasks may include any of the following:

(1) Repair by replacement (the replacement of major assemblies, components and Line Replaceable Units (LRUs) to restore functionality).

(2) Repair by repair (the restoration of equipment functionality by manufacture, re-calibration, adjustment or sub-component replacement).

(3) Expedient repairs undertaken to return equipment to the current mission or to allow it to move itself to a location for a more permanent repair. This includes both Battle Damage Repairs (BDR) usually conducted to rectify damage arising from enemy action, and temporary repairs carried out, on operations, to rectify faults developed through normal use.

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3 ES Materiel is defined as Level 2 and 3 spares in support of maintenance. Levels of repair are defined in **AC 71877** Battlefield Equipment Support Doctrine.

4 On behalf of the formation COS.

5 The precise delineation of responsibility for defining Land Systems ES Policy between Royal Engineers, Royal Signals and REME is detailed in **JSP886** Volume 5 Part 202.

6 Contained in **AESP 0200-A-100-013** - Equipment Care Inspection and Mandatory Equipment Inspection.

7 Contained in **AESP 0200-A-093-013** - Land Equipment User Maintenance Standards (LEUMS).

8 Contained in **AESP 0200-A-090-013** - DEME(A) Engineering St**a**ndards.

9 Servicing tasks are shared between REME and the User. Further details are contained in **LEUMS**.

e. Modification (fleet-wide modifications to rectify design faults or improve operational effectiveness, or specific-to-theatre modifications embodied before deployment or by in-theatre ES force elements).

f. Reclamation (the process whereby materiel declared worn or scrap is restored to a condition which renders it fit for further use).

g. Salvage (an operation consisting of taking one or more sub-assemblies or spare parts from unrepairable equipment for supplies).

h. Provision of Engineering and Technical Policy to the commander in order to advise how best to preserve, restore and enhance the mission capability of his equipment.

J24B. The role responsibilities of REME personnel in fulfilling these duties are defined by the following agreed joint engineering definitions:

a. *Principal Engineer*[10]. Principal Engineers (PEs) are authorized by the relevant Front Line Command or IPTL and will be the senior engineers responsible for the engineering standards and practices within a ship, unit, station, establishment or theatre of operation. PEs are to have direct access to the appropriate commander to whom they are responsible for all professional engineering matters and act as the single point of contact for engineering advice for the scope of their responsibility, including activity not necessarily under their direct command. In addition to any command responsibilities, delegated Preservation of Airworthiness responsibilities where applicable and specific items detailed in their Terms of Reference or contract, PEs are responsible for:

(1) The establishment and operation of an organizational structure, in terms of personnel, procedures and geographical layout that provides a sound framework for safe, efficient and effective engineering activity.

(2) The management, care, custody and security of all personnel and equipment assets within their charge.

(3) The professional management of engineering resources under their control.

(4) Ensuring that the required engineering standards and authorized practices are employed.

(5) Compliance with the relevant orders and instructions issued by higher formation, contracting authority or Host Nation.

(6) The efficient engineering management of technical equipment including aircraft for which they are responsible.

(7) Ensuring that an integrated Quality Management System and Quality ethos exist across all support activities.

b. *Subordinate Engineers*[11]. Subordinate Engineers (SE), are engineer officers, warrant officers, or civilians of equivalent status and exceptionally SNCOs, who are responsible to the PE for the performance of their engineering duties. SEs may include personnel not directly under command of the PE. They are responsible for:

(1) Advising the PE on all engineering matters appropriate to their appointment.

(2) The professional management of engineering resources under their control.

(3) Ensuring that the required engineering standards and authorized practices are employed.

(4) The efficient engineering management of technical equipment including aircraft for which they are responsible.

c. *Engineering Tradesmen*[12].

(1) *Managers*. Managers[13] are responsible to their immediate superiors, service or civilian, for the efficient management of resources within their area of control and for controlling the quality and quantity of work produced. These responsibilities apply also to NCOs who are placed in charge of bays, sections or flights.

(2) *Supervisors*. Supervisors[14] are responsible to the appropriate managers, service or civilian, or subordinate engineer where no managers are established, for the engineering administration, appropriate to their ranks and appointments, of the duties of their trades. They are responsible for supervising the work done by the tradesmen under their control, for ensuring that correct engineering standards and practices are used, for assuring the quality and completeness of the work undertaken, and for the further development of the skills and knowledge of their subordinate tradesmen.

(3) *Operatives*. Operatives[15] are to be employed in the maintenance of technical equipment including aircraft. Supervisors may also be employed as operatives, as circumstances require. Operatives are responsible to their supervisors, service or civilian, for carrying out tasks as directed and in accordance with correct trade practices and the relevant regulations and procedures. Operatives are also responsible for the quality and completeness of their work and where authorized to self-supervise will have responsibility for the work they undertake when acting as a self-supervisor.

10 For RN read 'Principal Air Engineer'.

11 For RN read 'Subordinate Air Engineers'.

12 For RN read 'Air Engineering Technicians'.

13 For RAF normally OR7 to OR9 subject to appointment.

14 For RAF normally OR4 to OR6.

15 For RAF normally OR2 or OR3.

Adjutant General's Corps

25. Adjutant General's Corps (AGC) is responsible for the effective and efficient provision of 'A' services, less medical, to the Army in peace and war. The constituent branches of the AGC are:

a. Staff and Personnel Support Branch (SPS).

b. Provost Branch (Pro).

c. Educational and Training Services Branch (ETS).

d. Army Legal Services Branch (ALS).

Staff and Personnel Support

26. The Staff and Personnel Support branch is responsible for the efficient and smooth delivery of personnel administration to the Army.

27. The Director Staff and Personnel Support (Army) is responsible to the Director General Adjutant General's Corps for the direction, provision and inspection of professional and efficient staff and personnel support for the Army, and advice thereon.

28. The functions carried out by the Staff and Personnel Support Branch are:

a. Staff Support.

(1) Clerical support in headquarters in peace and war.

(2) The development of clerical procedures in line with advances in technology and procedures in commerce and industry.

b. Personnel Administration.

(1) The maintenance and updating of individual personnel records in accordance with the Unit Documentation Manual.

(2) Regimental Administrative Office procedures.

c. Pay and Pensions. The assessment and issue of regulated pay and allowances (and recovery of charges) to all officers and soldiers of the Regular and Reserve Army, including the Gurkha forces and locally enlisted personnel.

d. Service Funds. The development and implementation of policy for the management of service funds, including devising the methods of accounting and audit to be used throughout the Army and compiling the appropriate regulations and instructions.

e. Public Fund Accounting.

(1) Formal instruction on financial procedures.

(2) Meeting the requirements of the Inland Revenue and other Government departments.

(3) Making day to day payments as authorized, bringing receipts and payments to account and scrutinizing the financial regularity of such transactions.

(4) Managing the Army's Feeder Suspense Budgets.

29. The Director Staff and Personnel Support (Army) is represented in commands and districts by Commanders AGC SPS.

Provost

30. The Provost Branch of the Adjutant General's Corps comprises the Royal Military Police (RMP), the Military Provost Staff (MPS), and the Military Provost Guard Service (MPGS). The mission of Provost is:

"To provide the necessary military police, custodial and guarding service to the Army in order to ensure military effectiveness"[16]

a. Provost contributes to military effectiveness by assisting in sustaining the environment within which military capability can be generated and fighting power applied, allowing the Army to fulfil its mission by maintaining its commanders' freedom of action.

b. The major roles[17] of Provost are:

(1) To regulate.

(2) To protect.

(3) To inform.

c. Regulation. The main tasks of regulation are:

16 Military effectiveness is the standard by which the Army is judged in peace and war – British Military Doctrine (**BMD**), Chapter 4.

17 In addition to the roles undertaken to ensure military effectiveness, Provost may be called upon to support other Government departments, when the tasks of the Branch have wider utility.

(1) Traffic Control
(2) Law Enforcement.
(3) Custody.
(4) Command Support.

d. Protection. The main tasks of protection are:

(1) Crime Reduction.
(2) Security[18].
(3) Close Protection.
(4) Force Protection[19].

e. Information. The main tasks of information are:

(1) Incident Investigation[20].
(2) Situational Information
(3) Provost Advice.
(4) Liaison.

31. The principles of employing Provost units and personnel are:

a. Legitimate Authority. All Provost activity must be underpinned by the appropriate authority. To ensure requires Provost representation within the staff at all levels.

b. Responsive Support. Provost is an enabler, focused on supporting the commander's concept of operations. This determines the shift of emphasis within the roles and tasks. Thus, Provost support is provided in response to commanders' demands, albeit **how** that support is provided is the decision of the Provost commander.

c. Central Command/Decentralized Execution. The execution of Provost tasks requires careful deployment and control of scarce assets. To meet this requirement, the Provost Concept of Operations is best developed at formation level, albeit effective execution will normally require considerable dispersal of assets and significant low level autonomy in order to achieve the necessary degree of flexibility in response to a rapidly changing situation.

d. Effective Communication. Provost support demands the ability to pass necessary information in a timely and effective manner. This requires extensive liaison, substantial patrolling and robust communications systems.

Education and Training Services

32. The function of the Educational and Training Services (ETS) Branch of the Adjutant General's Corps (AGC) is to implement and give advice on the system of educational training and resettlement approved by the Army Board. To this end it is responsible for:

a. Providing career education and enabling personal development opportunities in line with current government educational policy.

b. Liaison with the Department for Education (DfE) and the Department for Business, Innovation and Skills (BIS), government educational and educational funding agencies, Regulatory authorities, Awarding bodies, Higher Education institutions and Further Education Colleges.

c. Contribution to the work of other Regulatory Authorities Inspectorates such as Qualification and Curriculum Authority (Compliance and Investigation) Department.

d. Provision of qualified Personal Development Guidance and Advice in support of the Defence Policy for the Accreditation of Education, Training and Experience (**JSP 898** Part 4 Chapter 5) and the Army Whole Life Development Strategy.

e. Educational and training research.

f. Providing facilities for voluntary educational and recreational activities in Army Education Centres (AEC) for troops world-wide and their dependants and United Kingdom based civilians overseas.

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18 In this context, security tasks are those that contribute to limiting vulnerability to hostile activities and threats.

19 In this context, Force Protection tasks are those that contribute to the limiting of non-combatant losses.

20 a. Provost Marshal (Army) is the Competent Army Authority for RMP investigations being responsible for the conduct and direction of all such investigations, reporting to the Adjutant General,through the Deputy Adjutant General.

b. When conducting criminal investigations RMP act independently of the chain of command and are not to be subject to any undue interference or influence prior to concluding their investigation and reporting to a Commanding Officer. (*See* QR(Army) **para 6.046**).

c. Incident investigation also includes non-criminal investigations conducted by RMP on behalf of the Army.

g. Language training for Army Personnel.

h. Training Unit Resettlement Staff, providing second line resettlement advice, liaison with the Directorate of Training, Education, Skills and Resettlement (TESR), assistance in the development of tri-Service policy on resettlement and the formulation of resettlement policy for the Army.

i. Policy for the provision of and arrangements for the education of Service children overseas.

j. Directing the Youth Service in support of service families in overseas commands.

k. Providing postgraduate training development advisors to fill designated training development consultancy posts in the Army.

l. The Army proponent for library and information services.

33. Details of the duties of the AGC (ETS) Branch are contained in the Manual of Army Education (**AC 60178**).

Army Legal Services

34. The Army Legal Services Branch of the Adjutant General's Corps is headed by the Director General of Army Legal Services (DGALS), who has six main functions:

a. DGALS is responsible to the Adjutant General for the provision of all legal advice to the Army. This includes legal support on discipline and administrative law policy and casework, international and operational law, employment law and legislation.

b. DGALS is the Army's Principal Legal Adviser to The Army Board and Service Complaint Panel.

c. DGALS provides legal support to the Adjutant General as the Army Inspector.

d. DGALS is responsible for providing Army prosecutors to the Tri-Service Service Prosecuting Authority.

e. DGALS is responsible for providing legal assistance to Service personnel and their dependants overseas.

f. Lastly, DGALS is responsible to the Adjutant General for the administration of Army Legal Services (ALS) and the recruitment and career management of all ALS officers as Service Director and Head of Arm for the ALS.

CHAPTER 5
Unit Command, Control and Administration

PART 1 - GENERAL

Introduction
5.001. The regulations in this chapter cover the duties, responsibilities and powers of officers commanding units (*See* **para 1.007**). All officers should make themselves familiar with its contents.

Responsibilities
5.002. In the exercise of the general responsibilities listed in **para 3.001** a commanding officer is to comply with relevant regulations and instructions in a commonsense manner. He must, by constant endeavour and advice, seek to promote high morale and encourage initiative within his unit.

5.003. An officer holding an authorized appointment of second in command of a unit is, irrespective of seniority, to exercise command over all other officers serving therein except the officer appointed to command that unit. The second in command is to act for and take the place of his commanding officer whenever necessary, and to be the commanding officer's chief assistant in the training of his unit. He should not normally be responsible for administrative work such as control of the regimental institutes, or the sergeants' mess.

5.004. All officers are to make themselves thoroughly acquainted with the professional abilities and acquirements of the personnel placed under their supervision. They are also to bring to the timely notice of the commanding officer any signs of deterioration of any aspect of unit life.

Security
5.005. A commanding officer is responsible for the security of his command and for issuing his security instructions in accordance with the provisions of the Defence Manual of Security (**JSP 440**) Volume 1, Chapter 2, and the advice of security staffs.

Military Aid to the Civil Community
5.006. When assistance is called for by the civil community, either for the maintenance of peace and public order or in peacetime emergencies, the procedure to be applied is to be as laid down in **Chapter 11**, as augmented from time to time by Defence Instructions and Notices.

Interviews
5.007. It is to be regarded as a matter of importance that every officer and soldier is interviewed by the commanding officer on leaving as well as on joining a unit. The keynote to be maintained is one of comradeship and appreciation, in recognition of service given to the unit and to the Army.

Leave
5.008.

a. Leave other than that granted as a terminal benefit on normal retirement, discharge or transfer to the Army Reserve, and as a statutory entitlement, is granted to serving officers and soldiers at the discretion of commanding officers in accordance with the rules laid down in the Army Leave Manual (**AC 13216**) as amplified periodically by Defence Instructions and Notices. The principles of financial assistance towards the cost of leave travel are laid down in Regulations for Army Allowances and Charges (**AC 10**).

b. Leave should not be withheld without good Service reason. As far as possible, subject to the needs of the Service and the rules laid down for specific forms of leave, individuals should be allowed to take leave for which they are eligible as and when they desire it.

Service Inquiries
5.009. All regulations for Service Inquiries (SIs) are contained in **JSP 832**.

5.010. Reserved.

5.011. Procedures to follow concerning absence are to be found in **MSL** Vol 1 Ch 10 and **LFSO 3200**.

Powers and Procedure in Relation to Losses
5.012. Reserved.

Enquiries from Members of Parliament
J5.013.

a. All official enquiries made by Members of Parliament are to be referred to the Ministry of Defence 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 Private Secretary 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, Ministry of Defence, Main Building, Whitehall, who will notify the appropriate Private Secretary.

b. 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 Ministry of Defence 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.

c. In this regulation, the term 'Members of Parliament' means members of both Houses of the United Kingdom Parliament, and of any other legislature, including foreign and Commonwealth legislatures.

Enquiries regarding Officers and Soldiers

5.014. Addresses of serving or discharged soldiers, Army reservists or pensioners are maintained for administrative purposes. They are not normally disclosed to outside enquirers unless the individual's consent has been obtained, legal proceedings are involved, or specific exception is made in Ministry of Defence (Army) instructions. Enquiries should be directed to the Disclosures 1 Section at the Army Personnel Centre, Glasgow. When an address is refused an offer should be made to forward prepaid correspondence to the last recorded address.

5.015. Inquiries from close relatives or known friends of a soldier who is on the sick list (Very Seriously Ill List or Seriously Ill List) are to be answered by an officer, who is to give the best available information about the soldier's progress but is not to disclose the nature of the medical condition. Divulging the nature of the wound, injury or illness is rarely necessary and, to comply with the **Data Protection Act 1998**, may only be done if combat effectiveness is not to be prejudiced. Replies to inquiries from soldiers not on the sick list should confirm this and the soldier's direction sought on further disclosure. A record of inquiries is to be kept and passed to the soldier or next of kin at regular intervals.

5.016. In the case of death which occurred within 25 years of the date of the enquiry, the enquirer may be informed of the date and place but discretion must be exercised in disclosing the cause. Requests for information where death occurred more than 25 years ago should be answered in accordance with the **Freedom of Information Act 2000** and the MOD Publications Scheme. Where guidance is required in answering queries involving the death of a soldier reference should be made to Director Personal Services (Army) PS4(A) or Chief Information Officer.

Visits by Members of Parliament to Servicemen in Service Custody or Detention

J5.017. At the discretion of the commanding officer, a Member of an United Kingdom Parliament or devolved assembly may visit a serviceman who is in service custody or detention. If in a particular instance the commanding officer 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 commanding officer should consult the Director Personal Services (Army) - PS2(A).

Rest Days

J5.018. Sundays, Good Friday and Christmas Day are, as far as possible, to be observed as days of rest when parades and duties are reduced to a minimum. Inspections and exercises are not normally to be arranged, save very exceptionally, on a Sunday. With regard to other faiths please refer to the Chaplain General.

Bands

J5.019. Instructions for Service band engagements and certain other general instructions applicable to bands in all three Services are contained in Instructions for Service Bands and Military Musicians – (**JSP 813**). PS12(A) is the branch of the MOD responsible for the co-ordination and publication of this JSP.

Education

5.020. Commanding officers are responsible for ensuring that the maximum possible use is made of the services provided by the Adjutant General's Corps, Educational and Training Services Branch (AGC(ETS)), an outline of which is given in **Annex M** to this Chapter and **Annex B to Chapter 4, paras 32 - 33**. Details of the responsibilities for, and the conduct of, Army education, including language training, Service children's education overseas, resettlement and library services, are contained in the Manual of Army Education (**AC 60178**), **JSP 898** and DINs.

Casualty Procedures

5.021. Instructions concerning the reports of deaths of officers and soldiers and of casualties in general are contained in Casualty Procedure 2000 (**AC 12974**).

Safety Precautions for Marching Troops

J5.022. When formed bodies of more than five troops are moving on foot on public roads, they are to move on the same side and direction as the traffic. Where there is a need to use a busy route, a risk assessment is to be carried out. Markers, wearing the yellow high visibility vests (Marching Troops), part no 8415 99 547 8054, at all times, are to be posted at a suitable distance to the front and rear to warn drivers of approaching vehicles. Additional markers (similarly attired) may be required along the side of large bodies of troops. In darkness, or in conditions of poor visibility two white lights are to be shown to the front of the formed body and two red lights to the rear to indicate the width of the column. In poor visibility, a vehicle is to be driven behind the rear markers. Where the width of the road is restricted to single-flow traffic and movement is still essential, markers should be supplemented by vehicles. Signals given

by markers are to be restricted to warning traffic that there is an obstruction ahead. On no account are markers to direct traffic. Instructions on the signals to be used should be given to the markers. Formed bodies are to obey all traffic regulations.

Registration of Births, Marriages and Deaths
5.023. Commanding officers are responsible for ensuring that registration by Service personnel of births, marriages and deaths is duly completed. (*See* **paras 7.082 - 7.083**.)

Commercial Sponsorship
J5.024. Commercial sponsorship has a useful part to play in the furtherance of certain Service activities, notably sporting events. However, in undertaking sponsorship arrangements, the overriding consideration is that the Services should not engage in the active sales promotion of any commercial product, or in any activity which could be regarded as bringing the Armed Forces into disrepute. Details for the Army are contained in **AGAI 117**.

Inventions, Patents and Awards
J5.025. Instructions on the administration of inventions, the control of patents and the grant of financial awards to Service personnel or civilian employees in respect to inventions or suggestions of a technical or non technical nature are to be found in **AGAI 114**.

5.026. - 5.029. Reserved.

A Commanding Officer's Powers to Authorize Stop and Search – Service Personnel, Service Premises and Belongings of Service Personnel
J5.030. *See* **MSL**, Vol 1, Ch 4.

5.031 – 5.060. Reserved.

PART 2 - PERSONAL CONDUCT AND EFFICIENCY

Attitudes towards Subordinates

5.061. Officers, warrant officers and NCOs are to adopt towards subordinates such methods of command and treatment as will ensure respect for authority and foster the feelings of self respect and personal honour essential to military efficiency. They are not to use intemperate language or adopt an offensive manner. Officers and warrant officers are not to be reproved in the presence of subordinates. Similarly NCOs are not to be reproved in the presence or hearing of private soldiers.

Civil Conviction

5.062. An individual who has been charged before a civil court with a criminal offence, or who has received a formal caution from the civil police or a fixed penalty from the Procurator Fiscal in Scotland in respect of a criminal offence as an alternative to prosecution (*see also* **AGAI 65**, paras 65.221 - 65.242), is at once to report the circumstances to his commanding officer (*see also* **paras 6.178 – 6.179** and **AGAI 67** for action following a conviction). In the case of an officer the commanding officer is to decide whether the circumstances justify suspension from duty (*see* **para 6.015**). This paragraph does not apply to minor road traffic offences under the Road Traffic act unless they result in disqualification. Commanding Officers should regularly repeat this requirement in unit routine orders.

5.063. Reserved.

Debt and Bankruptcy

J5.064.

a. 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 commanding officer. The commanding officer is, if necessary, to report the matter, with his recommendations, to DPS(A) PS2(A) through the chain of command.

b. (*Army only*.) Detailed instructions on dealing with cases of civil debt, including bankruptcy, involving serving officers and soldiers are contained in **AGAI 89**.

5.065. Reserved.

Resignation of Rank and Removals from Appointment other than for Disciplinary Reasons

5.066. For the conditions under which a warrant officer or NCO may voluntarily revert to a lower rank or be reduced thereto for reasons other than disciplinary ones *see* **Chapter 9, Part 3**, which also lays down the administrative procedure to be followed.

Laudatory Orders; Testimonials

J5.067.

a. The publication of laudatory orders when an individual leaves his establishment or unit or when he relinquishes an appointment is forbidden.

b. 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 who have recently left it, but *see also* **paras 9.460 – 9.463**.

c. (*Army only*). In preparing testimonials for officers, commanding officers and other senior officers may have access to an expurgated copy of the manning card of the officer concerned which can be obtained from the officer in question or through his Manning and Career Development Division. Officers writing testimonials should ensure that the undermentioned points are covered:

(1) The period during which the officer served under their command.

(2) A brief description of the duties on which the officer has been employed and the way in which he has carried them out. It is important that this should be in terms which will be intelligible and helpful to a civil employer, *e.g.* it is not sufficient merely to state 'Employed as adjutant' or 'Employed as SO3 G3(Ops O&D)'.

(3) An assessment of the officer's general character, with particular reference to such qualities as personality, address and tact, force of character, powers of command, resourcefulness *etc*.. In this connection should an officer writing a testimonial feel obliged, exceptionally, to refer to a former disciplinary matter, he must ensure that he does not contravene the **Rehabilitation of Offenders Act 1974** (*see* **para 6.183**). This Act makes it an offence to divulge certain civil and military convictions which can become 'spent' after a specified period of time. In such a case the officer preparing the testimonial is to refer the matter to the Ministry of Defence personnel branch concerned for advice as to whether the offence is rehabitable under the Act, if so, whether it is spent, or when it is due to become spent.

(4) Particulars of any special qualifications the officer may possess, and any special aptitude he may have shown in matters not directly concerned with his Service duties.

(5) A statement to the effect that the testimonial is given from personal knowledge of the applicant, and that a statement of service based on the whole of the applicant's Service career can be obtained from the applicant, or, if not in his possession, with his written consent, from the Relations with Public office at the Army Personnel Centre quoting the officer's personal number.

d. *(Army only)*. Drugs Discharge Testimonials are to include the words ' Discharged for the misuse of a class A/B/C drug which is incompatible with Army service. The corresponding grading of his Army service is to be UNSATISFACTORY.

5.068. An officer is forbidden to forward testimonials relating to his services or character with any application that he makes to the Ministry of Defence. If he wishes the opinions of officers under whom he has served to be obtained, he is to submit their names so that, if necessary, reference may be made to them.

Subscriptions and Presents

J5.069. 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.

Acceptance of Gifts, Rewards and Hospitality

J5.070.

a. 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 organization 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.

b. 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 organization) the item should be accepted and then surrendered to the Ministry of Defence 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.

c. 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.

d. 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.

e. Ministry of Defence 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.

f. 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 give a receipt 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.

g. In any cases of doubt, Service personnel should seek advice through their chain of command to DPS(A) PS2(A), 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 Instructions and Notices.

Non Military Activities

5.071. No member of the Regular Army is permitted without the express permission of the Defence Council to take official cognisance of or to assist officially any private association that is not recognized by the Defence Councils as forming part of the Army or of the educational and training establishments supplementary thereto.

5.072. Soldiers may not give displays at local fetes or exhibitions without the permission of the district or divisional commander. An officer or warrant officer is to be present at any such display.

Payments from Government Sources

J5.073. It is a well established rule that when a Crown servant, particularly with the help of official information or official experience or in official time, produces or does something which, though not part of his official duties, is of value to the Government, he shall not receive the full price which would be paid to a person outside the public service for the same activity. This rule has been modified to the extent that payments to Crown servants over and above the normal salary, for activities outside the scope of their duties and involving no use of official time, are calculated on the same basis as payments to persons outside the public service for the same activity.

Payments for Broadcasts, Lectures and Writing

5.074. Payments for broadcasts on official subjects on sound radio or television, or for lectures or written work for publication are dealt with in **para J12.022**.

Relationship with non Service Business

J5.075.

a. Serving personnel must at all times guard against being placed in such a position as may leave them open to the suspicion of being influenced in the discharge of their duty by other than purely public considerations. They must be scrupulously careful in their relationships and in any private dealings with Government contractors and their agents or employees. They are forbidden to furnish testimonials to any company, firm or person in respect of the quality of commodities supplied for Service purposes.

b. If a member of the regular forces has, in the course of his duty, to come into contact with any matter concerning a business organization in which he has an interest he is to disclose that interest to his superior officer and ask that

some other person may deal with the case. He should not be permitted to deal with the case without the approval of the Ministry of Defence.

Acceptance of Business Appointments

J5.076. The Service will only restrict the off-duty activities of its personnel where necessary and justifiable. The Services have a responsibility to the nation to provide immediate and constant operational capability. Such unique responsibilities require Service personnel to work and operate in a way that may be different from those in civilian employment. In some circumstances therefore, it is necessary for the Service to place restrictions on the private lives of its members. This is to ensure that they can properly exercise their functions as Service personnel and to protect the efficiency and/or operational effectiveness of the Service as a whole. In accordance with the European Convention of Human Rights, a CO may only restrict the activities of an individual so as to protect or safeguard:

a. National security (which includes maintaining the operational effectiveness of the Army).
b. Public safety or the economic well-being of the UK.
c. The prevention of crime.
d. The protection of health or morals.
e. The protection of the rights and freedom of others.

Personnel wishing to take up business appointments, or to seek off-duty employment, during service are, for the reasons stated above, required to seek approval from their CO. Each application is to be considered fairly, impartially and separately by the CO of the applicant. COs are to give full weight to the unique nature and demands of the Service when assessing an application against the criteria set out above.

Guiding Principles

J5.077. Service duty takes precedence over all other forms of employment and Service personnel are required to be available for service on demand. To ensure that the interests of the Service are protected, Service personnel may not, without authority, accept any form of employment during full-time service. Certain types of employment may be barred to Service personnel because of the potential for the duties of the employment to conflict with Service duty. However, personnel may be authorized by their CO to hold business appointments, carry out a profession or trade, or undertake other employment where:

a. The activity does not involve the use of official time or affect the individual's efficiency as a member of his Service or in any anyway interfere with any of his Service duties.
b. The activity does not involve the use of official information or resources.
c. Service uniform is not worn.
d. The activity will not bring the Service into disrepute.

Insurance covering Civil Employment

J5.078. The MOD will in no circumstances accept any responsibility for injury, loss or damage to the applicant, other parties or to property arising in the course of or out of the activities of such personnel during employment outside their official duties. The CO should therefore advise them to ensure that they are adequately covered by insurance.

Business, Professional and Trade Appointments

J5.079. Subject to **paras J5.079A - J5.079B** below, a CO may approve applications for continuous, temporary or part-time employment where an individual wishes to:

a. Carry on a profession or a trade;
b. Be a member of a governing body of any corporation, company or undertaking, or any partnership engaged in any trade or carrying on any profession;
c. Assist, advise or act directly or indirectly as agent for any corporation, company, partnership, undertaking or individual which or who is carrying on any profession or is engaged in trade or is profitably employed.

J5.079A. COs are to satisfy themselves that applications submitted under **para J5.079** contain an undertaking that:

a. The conditions at **para J5.077***a – d* are met;
b. Applicants understand the importance of securing appropriate commercial insurance as outlined at **para J5.078**.
c. They will take no part in activities that could give rise to a reasonable suspicion that they have used or could use information gained as a result of their Service to further any business interest, be it their own or otherwise.
d. They will take no part in transactions between the firm or enterprise and the Services or any department or branches of the Government or any-semi-public organization brought into being by the Government.
e. They understand that no special facilities such as leave of absence will be granted and that approval will not debar them being required to serve, whether afloat or ashore, at home or abroad.
f. They will inform their new CO of the nature and extent of their business activities each time they are posted/attached or following a change in the type of employment.

Applications General

J5.079B. Applications from individuals should be submitted to COs through the normal chain of command. The type of employment and the duties required to be carried out should be clearly described by the applicant. A CO when considering an application submitted in accordance with **para J5.079** should exercise particular care where Service personnel seek approval for employment in certain roles where interference or conflict with an individual's ability to meet or carry out the full range of his duties may be reasonably anticipated. In addition to the general criteria at **para J5.077**,COs should pay particular attention to the following areas of employment:

a. Special Constable. The duties of a special constable are such that they have clear potential to conflict with duties carried out as an element of military aid to the civilian authorities. It is, therefore, most unlikely that a police authority would seek to employ serving personnel in such a position. Further, attestation as a constable will inevitably give rise to a conflict between police and Service duties. Special constables fall under the direction and control of the Chief Officer of Police and

provide a reserve capability to the police. Consequently, an application to become a special constable should not be approved.

b. Security Staff. COs should be careful to ensure that the exact nature of the duties is described in the application . A CO would need to consider the likelihood that secondary circumstances, beyond the immediate requirements of the employment (e g court appearances as a witness following a fracas) might affect an individual's ability to fulfil their operational commitments. Jobs where confrontation with members of the public may take place or the use of physical force is likely, should be avoided.

c. Insurance or Financial Agent. The purchase of insurance or financial products requires careful thought and consideration and is best achieved following the acquisition of professional and independent advice. COs should consider carefully all applications for this form of employment and in particular they will wish to know if Service personnel are to be potential clients. Because of the strict rank structure within the Service, COs will need to consider whether rank might have a bearing on some aspects of sales, or whether the product on offer may gain an endorsement or undue authority based upon the rank or position of the individual selling the product.

d. Commercial Advertisements. Participation in commercial advertisements may have the potential to give the impression that the Service endorse or have a view on a commercial product, service or political position. Applicants must therefore provide the fullest details so that a CO may consider whether:

(1) The individual would be identified as a serving member of the Service.
(2) The Service would be directly or indirectly associated with the advertisement;
(3) The individual's participation might align him, or the Service, with any political position.

e. RAF Fire-Fighter. Trade Group 8 RAF Fire-fighter may be employed as retained fire-fighters by the local authorities; however, the employing authority must be made aware in writing that:

(1) A Royal Air Force Fire-fighter employed as a retained fire-fighter must not be called out on local authority duties within the two hour period preceding his Royal Air Force start duty time.
(2) The Royal Air Force reserves the right to recall instantly a retained fire-fighter to duty, without recourse to reason, whilst he is on duty with a local authority.

f. Trade Dispute. Service personnel may become members of civilian trade union 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 organized by civilian trade unions or professional associations where it is believed that a trade dispute is in progress, in order to safeguard the reputation of the Service, COs should not authorize, or should withdraw authorization given in respect of off-duty employment with that organization. Where there is doubt about the existence of a trade dispute, the CO should refer the matter through his chain of command, with full details and recommendations.

J5.079C. Referral to MOD. Where uncertainty exists on any matter associated with an application the case should be referred through the local chain of command to DPS(A) PS2(A). Each case should be accompanied by full facts of the case and wherever possible, should include the COs recommendation. Once the application is approved a certificate of acceptance, at **Annex N** to this chapter will be forwarded to applicant and is to be returned direct to DPS(A) PS2(A) once completed.

Employment during Terminal Leave

5.079D. Service personnel leaving the Regular Forces may accept permanent or temporary employment to the requirements of **paras J5.076 – J5.079C**. These requirements apply to Service personnel who wish to commence civil employment during terminal leave or other annual leave added to it. It should be particularly noted that the requirement for suitable insurance remains. Service personnel may not take up civil employment during:

a. Terminal leave in an operational theatre.
b. A resettlement course or Civilian Working Attachment.

Acceptance of Business Appointments after leaving the Services

J5.080.

a. The principles governing the acceptance of business appointments by officers of the Crown Services after leaving the Services are laid down in **Command Paper 5517**, an extract from which is reproduced at **Annex C** to this chapter.

b. Before accepting, within two years of leaving the Service, an offer of employment or a consultancy with a defence contractor or foreign government, all officers must obtain the approval of the Ministry of Defence (CM (IR&C) 7). An officer at or above the rank of Rear Admiral, Major General or Air Vice Marshal must obtain approval to take up any paid employment whether or not with a defence contractor or foreign government.

c. This procedure is necessary to ensure that when an officer accepts outside employment there should be no cause for suspicion of impropriety. In particular, the procedure is designed to allay public concern that the advice and decisions of an officer in Crown Service might be influenced by the hope, or expectation, of future employment with a particular firm or organization, and to avoid the risk that such employers might be gaining an unfair advantage over competitors by employing an officer who has had access to commercial, technical or other information which those competitors could legitimately regard as their trade secrets. Most applications will be approved without condition, but waiting periods or other conditions may be imposed on those applications where there has been a close link between the applicant (when serving in the Armed Forces) and the proposed employer, or that company's competitors.

J5.081. Applications should be made on **MOD Form BA2** which can be obtained from CM(IR&C)7 who should be contacted for up to date guidance. It is essential that no appointments are accepted until formal approval has been obtained from the Ministry of Defence.

(*For the Army only* - When completed the **MOD Form BA2** should be sent to CM(IR&C)7 with a copy to the individual's Manning and Career Management Division appropriate to his/her arm or service (the Manning and Career Management Division for retiring brigadiers and colonels is MS(A)). Details of the information to be submitted with the application are laid down in **AGAI 85** commencing at para 85.101. The attention of individuals is also drawn to Article 5 of the Army Pensions Warrant 1977 (**AC 13045**).

Moneylending
J5.082. Personnel are forbidden to engage in moneylending or to borrow money from their subordinates.

Gambling
J5.083.

a. Except as provided in sub-para *b* all forms of gambling and bookmaking (or acting as an agent for a bookmaker) are forbidden in units.

b. Any proposal to hold a lottery or sweepstake or to permit any other form of gambling is to be referred to the commanding officer. 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.

Intoxicating Liquor
5.084. It is forbidden to introduce intoxicating liquor into any part of Army barracks or camps, other than mess premises, institutes and married quarters, without the specific permission of the commanding officer (*see* **AGAIs 53** and **64**).

Unacceptable Behaviour
5.085.

a. Every commanding officer is to ensure that the behaviour of members of his unit is always maintained in accordance with Values and Standards for the Army[1], and is to issue such orders as are necessary to achieve this.

b. Commanders may prohibit activities by military personnel that adversely affect good order and discipline. Such activities include any that may bring the Service into disrepute or cause offence to the public, local civilians, or other Service personnel, or are otherwise inconsistent with the standards and good reputation of the Service.

c. It is inconsistent with the responsibilities of military service for personnel to hold membership of, to receive literature from, to be present at an event connected with, or otherwise participate in the affairs or activities of extremist groups proscribed by the Home Secretary.

5.086. Any officer or soldier who behaves in a manner which his commanding officer considers to be unacceptable is to be warned as to his future conduct in accordance with **AGAI 67**, Part 4 and if necessary a report is to be submitted in accordance with the Defence Manual of Security (**JSP 440**) Volume 2, Chapter 2, Part 6, Section 1.

5.087. In aggravated cases, or cases in which individuals persist in such activities after a warning has been given, those individuals should be considered for administrative discharge. (*See* **para 9.405** or **9.414** for soldiers and **AGAI 67** for officers).

Police Cautions and Fixed Penalties (Scotland)
5.088. The guidelines for dealing with Police Cautions which are awarded by the police, or Fixed Penalties awarded by the Procurator Fiscal in Scotland, are given in **AGAI 65**. Acceptance of a police caution is an admission of guilt.

Misuse of Drugs
5.089. The guidelines for dealing with drug misuse are in **AGAI 64**. It is Service policy that save in exceptional cases those found to be involved in drug misuse will be discharged, and that retention in the Service will normally only be appropriate where all the following factors apply:

a. It was a first offence involving possession of a small amount of controlled drugs for personal use.

b. The chances of reforming the individual are good.

c. The individual is a young Serviceman or woman of 25 years of age or under and is below the rank of Corporal.

d. In all other respects the individual is considered a good Serviceman or woman whose drug misuse was uncharacteristic, and whose retention would be in the interests of the Service.

e. The Commanding Officer can articulate how the retention of the individual reinforces and supports the Army's Drug policy.

f. The case is emphatically endorsed by the Higher Authority.

Service policy regarding retention in disciplinary drug cases is to be taken into consideration in all cases referred to at **paras 5.090 – 5.098** below.

5.090. Personnel may have their services terminated if they are:

a. Convicted in a civil court of an offence relating to the misuse of controlled drugs. (*See* **para 9.404** for soldiers and **AGAI 67** for officers.)

1 The most recent version (June 2012) of Values and Standards of the British Army (**AC 63813**) is replicated at **Annex B to Chapter 3**.

b. Awarded a Simple Police Caution, or Fixed Penalty in Scotland, or a Conditional Police Caution. (*See* **para 9.414** for soldiers and **AGAI 67** for officers.)

c. Found guilty at summary hearing of an offence relating to the misuse of controlled drugs. (*See* **para 9.404** for soldiers and **AGAI 67** for officers.)

5.091. A Lance Corporal or Lance Bombadier who is retained may be liable to reduction in rank under **para 9.177**.

5.092. Personnel found guilty at the Court Martial of an offence relating to the misuse of controlled drugs may be awarded sentences which include dismissal from the Service.

5.093. Personnel found guilty at the Court Martial for offences relating to the misuse of controlled drugs, but not awarded sentences which include dismissal from the Service, may be liable to administrative discharge. (*See* **para 9.404** for soldiers and **AGAI 67** for officers.)

5.094. Those personnel who admit involvement in the misuse of drugs may be liable for administrative discharge. (*See* **para 9.414** for soldiers and **AGAI 67** for officers).

Compulsory Drug Testing

J5.095. Tri-Service policy on drug testing is implemented by Joint and Single-Service Compulsory Drug Testing teams, who are authorized 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.

J5.096. If a unit or detachment is visited by a Compulsory Drug Testing Team, or when a devolved compulsory drug test is authorized 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 authorized as drug testing officers:

a. Any officer, warrant officer or non-commissioned officer appointed or drafted to have immediate authority over or to serve as a member of a Compulsory Drug Testing Team;

b. Any officer, warrant officer, or non-commissioned officer assisting in the supervision of tests on the authority of a drug testing officer authorized in accordance with sub-para *a* above.

J5.097. 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 is likely to result in the punishment of Dismissal from Her Majesty's Service, which may be accompanied by a custodial sentence of up to six months.

(*Army only*: *See* **para 9.414** for soldiers and **AGAI 67** for officers)

J5.098. 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 (*Army only: See* **para 5.089**), 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.

(*Army only: See* **para 9.414** for soldiers and **AGAI 67** for officers.)

5.099 - 5.120. Reserved.

PART 3 - ORDERS AND DUTIES

Orders

5.121.

a. Orders and instructions received by commanding officers and which are for observance by officers and soldiers under their command are to be the subject of unit orders properly signed and posted at recognized places.

b. Officers and, in so far as practicable and applicable, warrant officers are to acquaint themselves with regulations and orders relevant to their unit's role and its administration. They are to be afforded facilities to enable them to keep abreast of changes and amendments to these matters, and ignorance of them will not be accepted as an excuse for their non-observance.

5.122. All orders of a unit are to be duly signed and posted on recognized unit and sub unit notice boards and in messes and institutes throughout the unit. In addition a complete file of unit orders, part 1, is to be kept in the orderly room and another in the regimental institute and these are to be available for perusal by any officer or soldier. Copies of standing orders (*see* **Annex D** to this Chapter), when issued, are invariably to be kept in the orderly room, in the regimental institute and in such other suitable places as the commanding officer may direct, and orders so kept shall be deemed to be sufficiently published. It is the duty of every officer and soldier to make himself acquainted with orders so published. A copy of each issue of 'Notice Board Information' (distributed with certain DINs) is to be displayed in a similar way to unit orders.

5.123. On rejoining from leave officers and soldiers are to make themselves acquainted with all unit orders issued during their absence.

5.124. An officer in temporary command of a unit is not to issue any standing orders, or make permanent alterations to those which are at the time in force, without reference either to the permanent commanding officer or to the commander under whom the unit is serving. An officer, while absent from and not in the exercise of his command, is not to issue regimental or other orders relating to such command.

Duties

5.125. An officer or warrant officer is to be detailed in each unit as orderly officer to superintend regimental duties. In a major unit there will also be a field officer of the day or week, to whom the officer or warrant officer will be responsible. When an officer or warrant officer is on such duty he is to be free from all other periodic duties that may fall to his turn. The orderly officer is to attend parades and to perform such other incidental duties as do not interfere with the special duties for which he has been detailed. Similar rules are to apply to NCOs appointed for duty as orderly sergeant or corporal.

5.126. An officer, warrant officer or NCO detailed in orders is not to exchange his duty with another without the permission of the authority by whom he was detailed.

5.127. Soldiers are to be warned for all duties by means of the unit daily orders referred to in **para 5.122**. These orders are to be posted as early as practicable each day to enable soldiers who desire to quit barracks to acquaint themselves with the duties for the following day.

Delegated Custody Powers

5.127A. *See* **MSL**, Vol 1, Ch 5.

Guards, Picquets and Police

5.128. The number of guards and picquets is to be kept to the minimum. They are to be replaced, wherever possible, by regimental police. The standing orders of guards are to be kept up to date and so worded as to meet the needs for which the guard is mounted. The standing orders of the guard are to be read and explained to the men on mounting.

5.129. All guards and armed parties, before going on duty, are to be inspected by the orderly officer or warrant officer of the unit.

5.130. Every guard or armed party is at the end of its duty to be inspected and to have its arms examined before dismissal. In the case of an officer's guard or armed party the men will be dismissed by the commander after he has reported to any officer of superior rank present on the parade. If the commander of the guard is an NCO, a report will be made to the adjutant, orderly officer or warrant officer before dismissal.

5.131 - 5.150. Reserved.

PART 4 - FIREARMS AND AMMUNITION

(*for instructions concerning storage and accounting see* **Part 16**)

Possession of Firearms
J5.151.

a. Members of the armed forces, while serving, are exempt from the requirements of the **Firearms Act 1968** as amended by the **Firearms (Amendment) Act 1997** only in respect of firearms or ammunition held by them in their capacity as members of the forces. Personnel are to take care to comply with the provisions of that Act in respect of any privately owned firearms or ammunition in their possession. (*See* **Annex E(J)** to this Chapter.)

b. (*Army only*) An officer or soldier is forbidden to carry, hold, or use a Service firearm except in connection with his duty as an officer or soldier, or to have Service ammunition in his possession unless authorized.

Issue of Ammunition
5.152. Ammunition may be issued on the authority of the commanding officer for operations, training, guards and, when necessary, to escorts provided for arms and ammunition. It may also be issued when specially authorized by the GOC. For training purposes live ammunition is not to be issued if blank or drill ammunition or dummy loads will meet the need. An officer or warrant officer is to be made responsible for the issue of ammunition.

Safety Precautions
5.153. When an officer or soldier is in possession of Service firearms or ammunition he is personally to exercise special care over maintenance, the prevention of damage, and security from theft. He is also responsible for preventing unauthorized discharge by ensuring that firearms and ammunition in his possession are at all times handled according to current instructions. He is not to tamper with either firearms or ammunition, nor except in emergency conditions is he to use any combination of firearms or ammunition except those in which he has been trained.

5.154. When a firearm has been issued for a duty it is to be inspected, together with any ammunition which has also been issued, by an officer or warrant officer (or, at the commanding officer's discretion, an NCO) at the end of the duty or at least once every 24 hours in longer periods of continuous duty.

5.155. Before soldiers are dismissed from any duty for which ammunition has been issued, an officer or warrant officer (or, at the discretion of the commanding officer, an NCO) is to be made responsible for the withdrawal of any which remains unexpended together with accountable used components, and for their return to store. Where the ammunition cannot be returned to store he is to satisfy himself that the arrangements for its safety and security are adequate. On all occasions he is to carry out such inspections as are necessary to enable him to render a certificate on **AF B 159**. He is in particular to make certain that no ammunition remains in firearms, magazines, pouches or other containers and, having reminded all concerned that to retain ammunition is an offence, he is to order each man to declare verbally at the time of individual inspection whether he has any ammunition or accountable components remaining in his possession. When vehicles have been used he is to ensure that no ammunition or accountable used components remain in them unless he is satisfied that the arrangements for their safety and security are adequate. In the case of fighting vehicles the inspection is to include armaments, deflector chutes, and receptacles or storage areas, both internal and external. A similar procedure for inspection is to be applied when ships, aircraft or hovercraft have been used.

5.156.

a. Firearms are to be stored separately from ammunition. Drill ammunition may only be used with live ammunition as specifically laid down in infantry training pamphlets. In all other cases drill ammunition is to be kept separate from live ammunition, including blank, both in storage and in use.

b. When ball ammunition is to be issued after blank ammunition has been used, the following procedure is to take place before the issue of ball ammunition:

(1) All blank ammunition is to be withdrawn together with adaptor appliances where applicable.

(2) Weapons are to be inspected and declarations are to be obtained as in **para 5.155** above that soldiers have no blank ammunition or components in their possession.

c. The same procedure is to be followed when blank ammunition is issued after ball.

5.157. Commanding officers are to ensure that firearms and ammunition on their charge are inspected at least once a month. Responsibility for security of firearms and ammunition in storage or transit is dealt with in **para 5.621**.

5.158 - 5.180. Reserved.

PART 5 - TRAINING

Aim

5.181. The aim of all training is to ensure that each officer, warrant officer, NCO and soldier is given the necessary personal knowledge and skill to enable him to carry out his professional tasks successfully and that each unit and formation is operationally and administratively effective both in peace and in war.

General Responsibilities

5.182. A commanding officer's most important responsibility is to ensure that the standard of individual and collective training within his unit is such that it is fit to fulfil its operational role efficiently. In this task he is to be assisted specifically by the second in command. Both must set and secure the highest standards in the organization and conduct of training within the unit. Sub unit commanders bear a similar responsibility to the commanding officer for the training of their sub units. Formation commanders are personally responsible for the general standards of individual and collective training throughout their formations and in particular for the tactical training of lower formation and unit commanders.

Standards of Training

5.183. Training objectives and standards to be achieved are laid down from time to time in the form of:

a. Ministry of Defence instructions concerning the general training of the Army. These include: Defence Council Instructions; Individual Training Directives (Army) (**AC 71209**); AGAIs; General Staff Training Publications and Films.

b. Special to arm instructions issued by arms and service directors.

c. Formation instructions.

Training of Officers

5.184. Commanding officers must regard all aspects of the education and training of the young officer as one of their highest priorities. On joining the unit the young officer will normally have completed his initial and specialist officer training; the commanding officer is then responsible for the continuation of the officer's education and training in his regimental and specialist duties as laid down by the director of the arm or service

5.185. In addition to the training of their officers in normal regimental and tactical responsibilities, commanding officers and sub unit commanders are to ensure that they receive the necessary opportunities to complete the mandatory education and training requirements that enable them to qualify for promotion. The relevant policy is contained in the Officer Career Development Handbook (Revised September 2005) (**AC 64257**).

Training of Warrant Officers, NCO's and Soldiers

5.186. Phase 1 Training. All soldiers are to receive basic training in matters applicable to all arms. This is the training based upon 'The Common Military Syllabus' needed to introduce the soldier into the Army and to ensure a sufficient knowledge of common military subjects to enable him to undertake specialist training for the corps of his choice.

5.187. Phase 2 Training. This is training special to his own arm or service needed to prepare a soldier to undertake his initial period of duty with a unit of the field army.

5.188. Phase 3 Training. This is subsequent military training conducted during a soldier's service which will include:

a. General training relative to his employment, in accordance with the conditions and provisions governing classification, assessment and reclassification laid down in **AGAI 51**. (*See also* **para 9.134**).

b. Specialist training in accordance with the manual Courses of Instruction Pamphlet No 1 (**AC 9458**).

c. Such progressive training and education as will enable him to qualify for promotion within his unit or corps to non commissioned and warrant rank.

Physical Development

5.189. Physical Development activities incorporate the three core pillars of Physical Training, Adventurous Training and official Sport. Together with other military training, they contribute to the moral and physical preparation of Army personnel delivering operational capability. Regular physical activity improves robustness, maintains health and reduces susceptibility to injury.

a. Direction on the conduct of Physical Training is given in **AGAI 7**.

b. Regulations for the delivery of Adventurous Training are contained in **AGAI 11**.

c. Regulations for the governance and conduct of Sport are contained in **AGAI 5**.

Safety of Troops During Training

5.190. Unit training will include training in all aspects of safety precautions. Appropriate safety regulations for each type of training are to be scrupulously observed. In particular:

a. Weapon Safety. All ranks are to be thoroughly trained in every aspect of weapon safety relevant to their employment. Guidance concerning personal weapon training is contained in Individual Training Directives (**AC 71209**), Part 1, Section 1. (*See also* **paras 5.153 – 5.157**.)

b. Amphibious Training. S*ee* **AGAI 18**.

c. Helicopters. All troops who are liable to work with helicopters on training or on operations are to be trained and practised in emplaning and deplaning drills.

d. Marching Troops. *See* **para 5.022**.

e. Vehicle and Equipment Safety. It is the responsibility of commanders, at all levels, to ensure that vehicles and equipment are only used in accordance with the relevant operating instructions and that drivers or operators do not put themselves, or others, at risk by operating vehicles or equipment in a manner contrary to its designed purpose. The regulations concerning motor transport safety are contained in Joint Service Road Transport Regulations (**JSP 341**), Part IV, Chapter 9.

5.191 - 5.200. Reserved.

PART 6 - DISCIPLINE

General

5.201. Discipline, comradeship, leadership, and self respect form the basis of morale and of military efficiency. Good discipline within the unit is the foundation of good discipline throughout the Army and is based on good man management. It is therefore essential that every soldier should be brought to understand not only the importance, but the purpose of discipline; that indiscipline has no place in the Army, and that in war it may have serious effects or even lead to disaster. All officers, warrant officers and NCOs are to maintain discipline over officers and soldiers of lower rank than themselves.

5.201A. The essential ingredients of discipline and military efficiency owe nothing to any unauthorized initiation or other rites aimed at terrifying or inflicting physical or mental degradation upon any individual. Such conduct would be directly contrary to the requirements of training, morale and good leadership. Although traditionally ceremonies have taken place in some units of the Army, such activities may take place only with the specific authority and under the supervisory arrangements of the commanding officer of the unit concerned. Allegations of unauthorized activities are to be referred to the Special Investigation Branch for investigation with a view to the taking of disciplinary action under the **Armed Forces Act 2006** against the instigators and other participants. The contents of this paragraph are to be repeated at least annually in all formation, unit and sub unit orders.

Summary Punishment

5.202. When discipline fails and the punishment of offenders is necessary there are principles which must guide officers awarding summary punishments in deciding the appropriate award. Guidance to such officers is given in The Summary Hearing Sentencing Guide, **MSL** Vol 1 Ch 14. Principal among that guidance is the requirement for offenders to be dealt with equitably and swiftly.

Explanation to Soldiers

5.203. The disciplinary provisions of the **Armed Forces Act 2006** (sections 1-49) are to be explained to soldiers by their officers as part of normal training. At the same time, soldiers are to be made aware of their legal rights as explained in the pamphlet The Rights of a Service Person Arrested for, or Charged with an Offence under the **Armed Forces Act 2006**, Annex G to Chapter 6 of **MSL** Vol 1, which is to be available to them in case of need. The attention of all soldiers is to be drawn to this pamphlet, at least annually, in unit orders.

Redress of Complaints

J5.204. *See* **JSP 831** and **MSL**, Vol 1.

Complaints to Employment Tribunals

J5.205.

a. Service personnel also have the right to submit complaints to Employment tribunals 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**. A complaint may not be presented to an Employment Tribunal before it has been submitted under the internal redress procedures - *see* **para J504***c*. Complainants should note that Employment Tribunals 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.

b. In recognition of the requirement for complaints to be submitted first under the internal redress procedures, the time limit for a Service complainant to refer his case to an Employment Tribunal 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 which are capable of being pursued as claims 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 the Service 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.

c. The decision as to whether, and if so, at what stage in the internal process, to refer a case to an Employment Tribunal 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.

d. Complainants who decide to await the outcome of the internal procedures before applying to the Employment Tribunal must note the need to submit their Employment Tribunal applications before the appropriate statutory deadline - *see* **para J5.205***b*. If a final decision on the complaint has not been reached by then, the Ministry of Defence 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 Employment Tribunal hearing and the complainant is satisfied, he may withdraw the application to the Employment Tribunal.

e. An application to the Employment Tribunal should be made on a Form ET1, available from Employment Tribunal offices, Job Centres and Citizens' Advice Bureaux.

f. The Form ET1 asks for the name and address of the employer. To ensure that the Ministry of Defence is able to comply with the Employment Tribunal deadline for the employer's initial response, it is most important that the correct Ministry of Defence address is given. This is: The Ministry of Defence, APC Litigation, Room 5109, Kentigern House, Brown Street, Glasgow G2 8EX.

g. If a complaint is still being considered under the internal redress procedures when the Form ET1 is received, the Ministry of Defence response will confirm this, indicating the likely duration of the procedures, and will normally request an adjournment. It is general practice for Employment Tribunals to refrain from listing a case for hearing if an internal appeal is known to be in train.

Complaints relating to Pensions and Appeals against Security Vetting Decisions
J5.206.

a. The **Pensions Act 1995** requires occupational schemes to set up a formal Internal Disputes Resolution Procedure (IDRP) which will apply to both serving and retired members of the scheme and to their dependents. Details of the IDRP for the Armed Forces Pension Scheme are set out in BR 1950 for the RN, **AGAI 95** for the Army, and AP 3392 Volume 2 for the RAF. Any question, which cannot be resolved through the IDRP, can be referred to the Pensions Ombudsman. The IDRP does not preclude the use of the internal redress procedures.

b. Provisions exist for the making of appeals against decisions to deny or withdraw a person's security vetting clearance. These are set out in the Defence Manual of Security (**JSP 440**) Volume 2. These procedures do not preclude the use of the internal redress procedures.

Desertion and Absence Without Leave *(for procedure connected with arrest, charge and trial, see* **Chapter 6***)*
5.207. As soon as it is known that a person subject to service law has absented himself without leave, any clothing, arms, ammunitions or other equipment and any other public or Service property issued to him for his use and left behind by him are to be placed in safe custody and an inventory taken. The commanding officer is to notify the civil and military police and follow any other reasonable steps to ensure the speedy surrender or arrest of the absentee. The detailed procedure for reporting and recording illegal absence is contained in **LFSO 3200** and the JPA BPGs.

5.208. When a soldier under the age of 18 years absents himself without leave the commanding officer is to notify his next of kin unless there is reason to believe that he has been traced and will shortly return. The notification is normally to be sent when the soldier has been absent for three clear days and it is to state that the next of kin will be informed when the absentee returns.

5.209. When single or unaccompanied married personnel have been absent without leave for 21 clear days, the commanding officer is immediately to notify the absentee's next of kin. The notification is to state that the person concerned has been declared an absentee from his unit from the date he was found to be absent, and that the next of kin will be informed when the absentee returns to his unit. Notification under this paragraph is not to be given where 'missing' casualty procedure action (*see* Casualty Procedure 2000 (**AC 12974**)) has been followed or where it is known that the next of kin is aware of the absence.

Absentees from Joint Service Units
J5.210. *See* **MSL** Volume 1 Chapter 10.

Fraudulent Enlistment
5.211.

a. When it appears that a soldier has enlisted in the Army without having been discharged from his previous engagement, or that he has made a false answer on enlistment, the commanding officer of the unit in which he is serving is to enter the particulars of his present service in **AF B 123** and is to send that form:

(1) If the previous service was in the regular forces (except the Royal Marines), to the appropriate Divisional Colonel Manning and Career Management.

(2) If the soldier has been transferred to the Army Reserve, to the appropriate Divisional Colonel Manning and Career Management.

(3) If when he enlisted the soldier belonged to any of Her Majesty's naval or air forces or to the Royal Marines, to the Navy or Air Department as the case may be, asking if it is desired to claim him.

(4) If the soldier has been discharged from any of Her Majesty's naval or air forces or the Royal Marines, to the Navy or Air Department as the case may be.

b. The officer who receives **AF B 123** is, after completing it and adding any observations that he may wish to make, to return it to the man's commanding officer.

c. When a soldier has signed a written confession that he is guilty of desertion *see* **MSL**, Vol 1, Ch 10, para 22 'Confession of Desertion'.

5.212. Once he has assembled the necessary evidence the commanding officer is to consider what action to take. If disciplinary action appears appropriate he is to act in accordance with **MSL** Chap 6.

5.213. If when he enlisted the soldier belonged to the regular forces (except the Royal Marines), the commander, as defined in **para 5.212**, will decide in which corps he shall serve. If, however, the soldier is overseas and no portion of his former corps is serving at the same station he will be retained in his present corps. In making his decision the commander will take into consideration the length of the man's service in both corps and any requirements as to recruits or training in the arms or corps concerned.

5.214.

a. If when he enlisted the soldier belonged to the Regular Reserve the commander will decide whether he shall be relegated to the reserve or retained in his present corps, except that overseas he shall be retained in his present corps. If he is tried and sentenced to imprisonment or detention, relegation to the reserve will take effect from the date of committal; otherwise, from the date of the commander's decision.

b. A report on the disposal of the case, with particulars of the class and section to which the soldier belonged, the unit in which he served before transfer to the reserve, the date of his present enlistment and the date on which he is relegated to the reserve or retained in his present corps, is to be made by the commanding officer to the Enlistments/Discharges Wing of Personnel Records Division of Personnel, Pay and Pension Administration.

c. When the soldier is tried and sentenced to imprisonment or detention and relegated to the reserve the commanding officer is to inform the governor of the civil prison or commandant of the military corrective training establishment as to the corps in which the man served before transfer to the reserve, and also inform the paymaster who maintained his account.

5.215. If when he enlisted the soldier belonged to any of Her Majesty's naval or air forces or to the Royal Marines he is to be retained in his present corps unless the Navy or Air Department, as the case may be, wish to claim him for further service, in which case the commander will give the necessary orders.

5.216.

a. If a soldier who has enlisted in the Army without having been discharged from his previous engagement is to be tried by Court Martial he is, as a general rule, to be held in his present corps for trial and the necessary evidence is to be obtained from his previous corps. If he is to be relegated to his former corps after serving his sentence the commanding officer of his present unit is to send the following information to the appropriate authority mentioned in **para 5.212**, who is to arrange for the man to rejoin his former corps when his sentence has expired:

(1) The result of the trial.

(2) The civil prison or military corrective training establishment in which the sentence will be served.

(3) The date on which the sentence will expire.

b. If a soldier who has enlisted in the reserve forces without having been discharged from his previous engagement is to be tried by Court Martial he will be returned to his previous corps for trial.

5.217. The commanding officer of the unit in which a soldier is retained or to which he is relegated is to report to any other units in which he has service, and to the appropriate Divisional Colonel Manning and Career Management the details of any disciplinary action taken against him. The commanding officers of such units are to enter those details in the register of deserters.

5.218. When a soldier is retained in his present corps he is to serve on his present attestation; when relegated to his former corps he is to serve on his former engagement.

Civil Courts and Connected Matters

5.219. For instructions relating to attendance at and conviction by a civil court and to soldiers released from detention under a custodial order (*see* **Chapter 6, Part 6**).

5.220. In those exceptional circumstances where an officer or soldier is to be retained in the Army, having been convicted be a civil court or Court Martial for a sexual offence, and being the subject of any of the notification requirements or civil orders set out in Part 2 of the **Sexual Offences Act 2003**, their appointments and postings are to be the subject of a review as directed by DPS(A) PS2(A). (*See* **Chapter 6 Part 5** and **AGAI 62**).

5.221. The policy for the enlistment/commissioning of personnel with civil convictions is contained in **AGAI 41**.

5.222 - 5.260. Reserved.

PART 7 - RELIGION AND THE CHAPLAINCY SERVICES

General

J5.261. Chaplains are commissioned by Her Majesty The Queen to provide for the spiritual well being of Service personnel and their families. They are to be given every assistance to fulfil their ministry. They are not to be required to perform executive or operational duties save those proper to their profession. When a commissioned chaplain cannot be made available, civilian clergymen of the appropriate denomination may be appointed officiating chaplains.

J5.262. The reverent observance of religion in the armed forces is of the highest importance. It is the duty of all concerned to make adequate provision for the spiritual and moral needs of all personnel.

J5.263. Commanding officers are to encourage religious observance by those under their command and are themselves to set a good example in this respect.

J5.264. Sympathetic consideration is to be given to the needs of officially recognized religious minorities who do not profess the Christian faith. No one is to be compelled to attend divine service against his wishes (except as provided in **para 5.268**). All personnel of the armed forces under the age of 17 years may be ordered to attend divine service of their own denomination.

5.265. Attendance of service personnel at divine service is voluntary (except as provided for at **paras J5.264** and **5.268***e*). Commanding officers will at all times encourage attendance.

5.266. Sundays, Good Friday and Christmas Day are, as far as possible, to be observed as days of rest (*see* **para 5.018**).

5.267. Provision is to be made for the care of personnel of the Jewish faith as the occasion arises.

Services

5.268.

a. In the light of local circumstances, divine service is to be arranged within Service churches or, if necessary, at convenient civilian churches, at suitable times (*e.g.* morning and evening) on Sundays, Good Friday and Christmas Day to permit the greatest possible number of personnel to attend. Weekday services are also to be arranged as convenient.

b. Commanding officers are responsible for initiating administrative action for the provision of churches or special church rooms permitted under approved policy. When a church or church room is not available, commanding officers are to ensure, as far as practicable, that adequate and worthy accommodation is made available for the conduct of divine service.

c. Where necessary, transport may be provided without charge in accordance with Joint Service Road Transport Regulations (**JSP 341**) to enable Service personnel and their families to attend divine service.

d. Special Occasions. Joint services in which all denominations may take part will often be found to constitute a suitable expression of corporate and 'family' worship on special occasions of national or local importance. They are subject to the approval of the commanding officer and they should not be arranged at times which interfere with an individual's opportunity to attend normal denominational worship. Joint services should not be arranged without full consultation beforehand with all the chaplains concerned who will, subject to denominational instructions, agree the form and place of the service and the extent to which each denomination will take part.

e. Parades are not to be ordered in connection with divine service except that a CinC or GOC may order a parade which includes a religious service on special occasions of national or local importance. No officer or soldier on such a parade is to be compelled to take part in a service of any denomination other than his own or in any joint service. In special circumstances, authority to order such a parade may be delegated to local commanders.

Religious Training

5.269. Commanding officers are to ensure that the curricula of training and educational establishments provide for appropriate religious instruction to young personnel, such as officer cadets, young soldiers and junior entrants.

5.270. Commanding officers are to arrange chaplains' hours (and periods of character training where authority has been given for chaplain's hours to be replaced by such periods) on a regular basis. They are to ensure that these are efficiently organized and that all available personnel are encouraged to attend.

Declaration of Religious Denomination

J5.271. On entry to the Service, every member of the armed forces is to be asked to declare, with complete freedom, his religious denomination. If he so wishes, he may declare himself to be an atheist or an agnostic or of no denomination. Appropriate abbreviations to be recorded on personal identity documents are given in Army Officers Documentation Manual (**AC 14841**) and Unit Documentation Manual (Soldiers) 1994 (**AC 60136**).

5.272. When a member of the armed forces wishes to change his denomination he is to notify his commanding officer, who is at once to inform the chaplain(s) concerned in order that the matter may be discussed with the individual and any necessary religious instruction given. The commanding officer is to arrange for the personal documents to be amended when he is satisfied that the individual has decided to make the change and is fully aware of the significance of his action, and when the chaplain concerned has notified the commanding officer of his concurrence in the change. Any change made by an individual under the age of $17^1/_2$ years is to be supported by the written consent of his parent or guardian.

5.273. A nominal roll of personnel who belong to any particular denomination is, on his request, to be supplied to the chaplain who is responsible for the care of that denomination.

Chaplains

5.274.

a. Commissioned chaplains are posted to units or establishments on the instruction of the Chaplain General or by the Principal Roman Catholic Chaplain and are under their direction in matters relating to their professional duties.

b. Chaplains have the right of access to their superiors in the chaplaincy service either through chaplaincy administrative channels or, on personal matters, direct.

c. In spiritual and ecclesiastical matters chaplains are under the discipline of their appropriate Church authorities.

d. Commissioned chaplains are subject to the normal discipline of the Service.

e. Chaplains should at all times be very conscious of their calling and of the need to maintain the highest standards of efficiency and good example. During normal duty hours chaplains are to wear uniform in accordance with dress regulations and local orders.

f. With the approval of his unit commanding officer and of his senior chaplain, a chaplain may live out of mess and draw appropriate living out allowance even when accommodation is available.

5.275. Commanding officers are to ensure that chaplains and officiating chaplains are at all times treated with the respect due to their calling and given every facility for the efficient performance of their duty. Chaplains should be addressed both officially and otherwise by their ecclesiastical title or official appointment and not by their relative rank or military title. Commissioned chaplains are, however, entitled to the compliments which are due to an officer of the same relative rank.

5.276. Chaplains are responsible for:

a. Conducting divine service in accordance with the official usage of their Church.

b. Ensuring that provision is made for the administration of the sacraments and other services in accordance with the practice of their Church.

c. Giving religious instruction to the personnel of the armed forces and to their families and children living with them including those in Service children's schools overseas. When they cannot perform this task personally they should, whenever possible, arrange that competent persons assist in this most important duty.

d. Visiting the sick and personnel in detention or under sentence and caring for their spiritual needs.

e. Ensuring that all the necessary legal requirements have been complied with before they solemnize a marriage.

Courses

5.277. Courses are arranged by the service chaplaincies. Commanding officers are to foster attendance at such courses and to make personnel available, subject to the most urgent needs of the Service, to fill any vacancies allotted to them.

5.278. All chaplains are entitled to attend on duty annual retreats or equivalent spiritual conferences. They are also required to attend administrative conferences as arranged by the appropriate chaplaincy authorities.

Baptism

5.279.

a. Baptisms (other than Roman Catholic) will be recorded in **AB 236** (Register of Births). The registers will be maintained at the Ministry of Defence and in all permanent garrison churches in the United Kingdom.

b. All baptisms in military churches, including permanent garrison churches, in commands abroad, and baptisms in non-permanent churches in the United Kingdom will be recorded on a baptismal registration form which will be forwarded to the Ministry of Defence (Chaplains (Army)) on the first day of every month.

c. **ABs 236** maintained in garrison churches and at the Ministry of Defence are to be kept as permanent records.

d. A copy of a baptismal certificate may be obtained from the unit or garrison chaplain or the Ministry of Defence (Chaplains (Army)).

e. Baptisms of Roman Catholics by a commissioned chaplain or officiating chaplain will be reported by the chaplain to, and registered by, the Chaplain in charge of Roman Catholic Records, St. Michael's' House, Montgomery Lines, Aldershot GU11 2AS to whom application may be made at any time for certificates.

5.280 - 5.320. Reserved.

PART 8 - MEDICAL, DENTAL AND HEALTH

General

5.321. A commanding officer is responsible in conjunction with the unit medical officer for ensuring that his unit has adequate medical support. A commanding officer of a unit which does not have a unit medical officer is to obtain advice from medical staff at regional or formation headquarters.

5.322. The provision and maintenance of accommodation stores for the medical facility, and cleaning and other infrastructure contracts, is the responsibility of the host unit for that medical facility.

5.323. A commanding officer is to ensure that the maximum practicable unit training in first aid is maintained as advised by the medical officer and training officer.

5.324. Adequate medical facilities are to be available, and the relevant details fully publicized, for all training and range practice of any kind.

Health Protection

5.325. A commanding officer is responsible for ensuring that all reasonable measures have been taken to protect the health of the unit. Specialist advice is to be obtained from the unit medical staff or from medical staff at regional or formation headquarters. Matters affecting health include:

a. *Work and Training*. A commanding officer is to ensure that the risk of injury or other adverse consequences of work or training is minimized by ensuring that personnel are adequately trained and medically fit for the tasks they are to undertake and that risk assessments have been carried out where necessary. Specialist advice is to be sought from occupational health or other medical staff as required.

b. *Clothing and Equipment*. This includes ensuring provision of personal protective equipment such as insect repellents and mosquito nets in accordance with specialist recommendations, and provision of mechanical handling equipment where necessary to minimize risk of injury from heavy lifting.

c. *Vaccination against Communicable Disease*. Whilst acceptance of vaccination is subject to individual voluntary informed consent, all members of the unit are to be strongly encouraged to receive recommended vaccinations and are to be made available to do so.

d. *Routine Health Assessments*. A commanding officer is to ensure that personnel are made available for routine health assessments including PULHHEEMS examinations, medical boards, audiometry and dental inspections.

e. *Lifestyle*. A commanding officer is to give maximum support to health promotion in order to minimize lifestyle threats to health such as smoking, alcohol abuse, sexually transmitted infection and obesity.

5.326. Officers and soldiers are to take all reasonable steps to ensure that they are, and remain, in a fit state of health to carry out their duties.

Duties of Medical Officers

5.327. The unit medical officer is the adviser to the commanding officer on all matters pertaining to the prevention of sickness and the maintenance of health of all personnel. He is to examine, at times to be arranged with the commanding officer, all personnel who report sick and is to inform the commanding officer of the results and of the progress of any officer or soldier who is sick and whose condition gives cause for concern, having due regard for medical confidentiality.

5.328. The unit medical officer is to keep the commanding officer informed of all relevant requirements and changes concerning unit medical matters promulgated through medical channels.

5.329. A unit medical officer will not be required to be present on parade except at an inspection of the unit by a general officer or in special circumstances when his professional services are required.

Force Preparation

5.330. Prior to proceeding on exercise or deployment, a commanding officer is to ensure that a medical warning notice or instruction has been received and that relevant instructions are passed to the unit medical centre in a timely manner. Individuals are to be made available to attend the medical centre to receive vaccinations and other prophylaxis.

5.331. A pre-deployment risk assessment is to be undertaken in respect of any member of the unit who is medically downgraded or known to be undergoing medical or dental treatment in order to establish medical and dental fitness for operational service and/or for the tasks which they are likely to undertake. Specialist advice is to be sought from the unit medical centre, occupational health adviser and/or dental centre as appropriate.

Confidentiality

5.332. The medical history of members of the Services is a confidential matter, and has the status of sensitive personal data in accordance with the **Data Protection Act 1998**. Medical documents and electronic health records are to be

afforded privacy and security to ensure that there is no unauthorized access to them during storage or transit. The privacy marking RESTRICTED – MEDICAL is to be used on all material which contains personal clinical details.

5.333. A commanding officer has no entitlement to be made aware of a diagnosis affecting any member of the unit without the express consent of the patient, other than under exceptional circumstances such as matters affecting national security or extreme risk to others. A commanding officer who has concerns about the health of any individual is to discuss the matter in confidence with the medical practitioner who has clinical responsibility for the unit.

Health Surveillance

5.334. A commanding officer is to maintain awareness of trends in injury or ill-health in the unit in order that early investigation and corrective action may be initiated where necessary. This may require liaison with medical centre staff, PT staff and line management. All training-related injuries are to be reported in accordance with current health and safety instructions. Every effort is to be made to minimize the incidence of avoidable injury and ill-health.

Clinical Governance

5.335. Clinical governance is the healthcare component of corporate governance and comprises the promotion of clinical effectiveness through provision of high quality healthcare, quality improvement through clinical audit, continuing professional development of healthcare staff and risk management in the healthcare setting. Clinical governance is based on clear lines of responsibility and accountability for healthcare delivery, and is a corporate responsibility of the chain of command although its implementation may rest with Service healthcare provider organizations where these are established.

5.336. A commanding officer is responsible for supporting the clinical governance of medical facilities, medical staff and medical support personnel under his command. A commanding officer who has concerns about matters of clinical governance within his area of responsibility is to consult with the senior medical officer at the unit medical centre or with medical staff at regional or formation headquarters.

Appointments, Hospital Admission and Sick Leave

5.337. A commanding officer is to ensure that an officer or soldier who has a hospital or other medical or dental appointment is made available to attend and is to take all reasonable steps to minimize failures to attend appointments.

5.338. An officer or soldier who has a hospital or other medical or dental appointment is to take all reasonable steps to attend. If cancellation is unavoidable, he is to notify the hospital or other facility at the earliest opportunity and, in the case of a hospital appointment, is also to inform the unit medical officer.

5.339. Service patients who are admitted to a hospital or placed on sick leave, other than through their unit medical officer, are to ensure that their medical officer and commanding officer are informed of their admission or sick leave without delay.

5340. Officers and soldiers are to notify their unit medical officer, without delay, of all medical treatment obtained from civilian sources, whether or not resulting in absence from duty.

5.341. An officer or soldier who has received medical advice to remain at home in consequence of a case of communicable disease in a member of his family or household is to report the circumstances to his medical officer and commanding officer by an appropriate means.

5.342. Service patients in hospital are to be visited not less than once a week by an officer of the unit, regiment or corps to which they belong, unless the distance between the hospital and the unit is prohibitive. Service patients in hospitals in the same command but far from their duty station may be visited at public expense by an officer of the regiment or corps to which they belong if such visits are considered to be beneficial. (*See* **AGAI 106**). If a Service patient has indicated that he does not wish to be visited, his wishes should be respected. In this case, or where the Service patient has a mental health problem, all enquiries are to be directed to the relevant MAO(CH) rather than to the hospital.

5.343. A commanding officer is to ensure that regular contact is maintained with patients who are on long-term sick leave.

5.344. A commanding officer is to ensure that a soldier or officer on the Y List maintains regular contact with the Y List Cell in order that timely medical boards can be initiated.

5.345 - 5.360. Reserved.

PART 9 - DRESS

General
J5.361.

a. The uniform to be worn by Army personnel, and the orders of dress on different occasions, are laid down in **Army Dress Regulations**.

b. The prescribed patterns are to be adhered to and personnel will be responsible for the cost of replacing, or restoring to the approved pattern, any articles which they alter without authority or which are so altered as a result of their instructions.

J5.362. Uniform is to be worn by all ranks while on duty, except when authority to the contrary is given, and on such other occasions as may be ordered. Uniform may be worn when off duty in accordance with **AGAI 59**.

Plain Clothes
5.363. Plain clothes may be worn when not on duty. This concession may be withdrawn or restricted at the discretion of CinCs or GOCs overseas whenever local conditions render this necessary. A commanding officer may at his discretion withdraw the privilege of wearing plain clothes.

Orders, Decorations and Medals
J5.364. Individuals are responsible for maintaining, ready for wear, any order, decoration or medal awarded to them. Orders, decorations, medals and medal ribbons are to be worn in the manner prescribed in **Army Dress Regulations**. The regulations governing the wearing of non military medals are contained in **paras J10.013**, **J10.016** and **J10.018**.

Wearing of Emblems
5.365.

a. The authorized ornaments and emblems and the manner in which they are worn are prescribed below:

(1) All ranks of the units shown below may, at the discretion of their commanding officer, be permitted to wear the national flower or emblem on their uniform on the following days:

Emblem	*When Worn*	*By Whom*	
Rose	Minden Day	Units entitled by custom	
Rose	St George's Day	English Units	)The appropriate emblem may also
Thistle	St Andrew's Day	Scottish Units	)be worn by English, Scottish, Welsh)and Irish soldiers serving in other units.
Leek	St David's Day	Welsh Units	)
Shamrock	St Patrick's Day	Irish Units	)

(2) All ranks are permitted to wear the Poppy on their uniform prior to Remembrance Sunday and on 11 November. Poppies are not to be worn by troops taking part in the parade at the Cenotaph on Remembrance Sunday.

b. No unauthorized ornament or emblem is to be worn with uniform.

Personal Appearance
5.366.

a. *Hair*.

(1) *Males*. The hair of the head is to be kept well cut and trimmed, except where authority has been granted otherwise on religious grounds; style and colour (if not natural) is not to be of an exaggerated nature. If a moustache is worn, it is to be trimmed and not below the line of the lower lip. Beards and whiskers are only to be worn with authority, which will usually be granted only on medical or religious grounds, or where tradition permits. The appearance of the beard and whiskers is to be neat and tidy. Sideburns are not to descend below the mid point of the ear and are to be trimmed horizontally.

(2) *Females*. The hair is to be neat and worn above the collar. Combs, grips *etc*., if worn, are to be plain and similar in colour to the hair. Style and colour (if not natural) is not to be of an exaggerated nature.

b. *Make up*.

(1) *Males*. Make up is not to be worn.

(2) *Females*. Make up (if worn) is to be inconspicuous. Brightly coloured nail varnish is not to be worn.

c. *Jewellery*. On formal parades, watches and jewellery (except wedding rings) are not to be worn. At other times only wedding, and/or engagement rings, and one signet ring may be worn on the hands with uniform. Women may wear a single small plain stud earring in the centre of the lobe of each ear. Rings, studs *etc*. are not to be worn through any other part of the body in uniform, while undertaking PT or at any time during operational tours. Watches may be worn in uniform (on either wrist) provided they and their straps are of a sober style and colour. Additional religious or cultural accoutrements may be worn where this is customary and authority has been granted.

d. *Wearing of Promotional Items supporting Charities*. Many charities provide promotional items such as the Poppy or wristbands for supporters to wear. It is permissible to wear such items in certain orders of dress providing that it is an officially authorized charity and the Army Dress Committee has endorsed the particular item. The Poppy supporting the Royal British Legion and the Earl Haig Fund was approved for wear in all orders of dress some time ago. Wristbands are a popular promotional item and these may be worn providing that:

(1) The charity is officially authorized.

(2) No more that one wristband is worn at any one time.

(3) They are not to be worn on formal occasions or with parade orders of dress (Nos 1, 2, 3, 4, 10 or 11 Dress).

e. *Tattoos*.

(1) It is Army policy that a person with tattoo marks which, because of size, position or nature would be detrimental to the Service, is ineligible for enlistment, re-enlistment or continued service in the Army.

(2) Tattooing is to be discouraged, and unacceptable tattoos may result in applications being made for discharge under **para 9.414** of these Regulations. Such tattoos are defined as being any tattoo(s), excessive in size or number, offensive or obscene, which are visible when wearing parade uniform (not including shirt sleeve order or sports clothing). The visible area comprises the head, neck and hands.

f. *Religious and Cultural Considerations*. The Army allows certain religious and cultural items to be worn in uniform on the basis that the different cultural patterns of various religious groups be respected, especially during moments of religious expression. Detailed instructions on this matter are contained in **AGAI 59**.

Spectacles

5.367. Officers and soldiers are to wear on active service only such spectacles as have the approved type of flattened sides which do not interfere with wearing of a respirator. Such spectacles are provided at public expense.

Occasions on which the Wearing of Uniform is Forbidden

J5.368. Detailed instructions on occasions on which the wearing of uniform is forbidden are contained in **AGAI 59**. The following specific occasions on which the wearing of uniform is forbidden are to be noted:

a. For officers, when participating in non Service parades, if conditions require them to appear in the ranks with serving or ex-Service personnel below commissioned rank. This does not preclude the wearing of uniform by those officiating at a saluting base or appearing officially with a party of civic officials.

b. Uniform is not to be worn by prospective or adopted parliamentary candidates at political meetings, or while canvassing, appearing in public or engaged in any other activities connected with their candidature. (*See also* **paras J5.581 – J5.583**.)

c. Uniform is not to be worn at functions where fancy dress is worn. The wearing of uniform of obsolete design which is clearly distinguishable from the pattern currently worn is, however, permitted.

d. Uniform is not to be worn by personnel engaged in temporary or part time civil employment or while seeking such employment. Uniform is therefore not to be worn as if inferring some military or MOD official involvement in a particular commercial or unofficial cause or concern.

e. On occasions when the Army's reputation or political impartiality might be brought into question *e.g*. Political protests, rallies, marches or demonstrations of any kind where a political, social or interest group agenda may be perceived as being pursued, or where disorder or affray might result, or appearing in the media to seek personal publicity.

f. When visiting licensed premises or places of entertainment, except when specifically approved by the chain of command.

Wearing Uniform in Foreign Countries

J5.369. Except when serving with a British force or mission, Service personnel are not to wear uniform while in a foreign country (including the Irish Republic) without having obtained the permission of the Sovereign's representative in that country. Such permission will be granted only when personnel are employed on duty, or attending court or state ceremonies to which they have been invited. Permission to wear uniform at foreign manoeuvres can be obtained only from the Ministry of Defence.

Wearing the Uniform of Voluntary Organizations

J5.370. Service personnel may wear the uniform of non political voluntary organizations, *e.g*. St John's Ambulance Brigade, the Salvation Army, or the Scouts, on appropriate occasions provided there is no interference with Service duties and obligations, but they are not to wear the uniform of any political organization.

Eligibility for Flying Badges
J5.371.

a. The term 'flying badge' is used to include all badges worn by personnel who have successfully completed a prescribed course of flying training. The initial award of a flying badge is on a provisional basis. It is not deemed to be fully earned until the holder has successfully completed an operational conversion or equivalent course and has joined an operational or non operational unit in the capacity for which his provisional badge has been awarded:

(1) Royal Navy; on issue of Certificate of Competence.

(2) Army and Royal Marines; on award of badge.

(3) Royal Air Force; on successful attainment of an appropriate aircrew categorization or qualification to undertake productive flying duties.

b. When the badge has been earned, the holder may continue to wear it after he has ceased to carry out flying duties. Once earned, the badge may be withdrawn only on the directions of the Admiralty Board, the Army Board or the Air Force Board.

c. The flying badge may be withdrawn at the discretion of the appropriate Service Board if the holder fails to complete the training specified in sub-para *a* above. The badge may also be withdrawn if at any time the holder is removed permanently from flying duties for disciplinary or other reasons within his control.

d. A member of aircrew who is qualified for more than one badge is not to wear a badge other than that appropriate to the particular flying duty in which he is currently categorized or mustered, except where Ministry of Defence authority is granted. An individual who is entitled to wear a badge and is undergoing training for another aircrew category may continue to wear the badge of his former category until such time as he is awarded the flying badge of his new category.

e. The authority for the entitlement to wear a flying badge is:

Royal Navy	Ministry of Defence (DNW)
Army	Ministry of Defence (DAAvn)
Royal Air Force	Ministry of Defence (DT(F) (RAF))

Any questions on the wearing of flying badges are to be forwarded through the normal channels to the appropriate authority mentioned above.

f. Flying badges are to be worn as laid down in **Army Dress Regulations**.

5.372 - 5.390. Reserved.

PART 10 - HONOURS AND AWARDS

Introduction

5.391. This part of Chapter 5 concentrates on matters which are the direct concern of a commanding officer. It is to be read in conjunction with **Chapter 10**, which gives the details and terms of eligibility for the Sovereign's grant of honours and awards to members of the armed forces (and Civil Service attached for duty). For policy, regulations, and guidance relating to all aspects of Honours & Awards and all Medals in the Armed Forces, refer to **JSP 761** - Honours & Awards in the Armed Forces. Commanding Officers have a personal responsibility for their soldier's correct custody, administration and wearing of authorized medals. If there is any doubt as to a soldier's correct entitlement, Commanding Officers must seek advice through the chain of command to the Ministry of Defence PS12(Army).

Meritorious Service Medal

5.392. To qualify for consideration for the Meritorious Service Medal, a soldier must have:

a. Attained the minimum rank of Sergeant and completed 20 years reckonable service with the Colours (which may include service with the MPGS on a MLSE engagement), excluding service as a commissioned officer. Regular service in the Royal Navy, Royal Marines or Royal Air Force may be reckoned as qualifying service, provided it was declared on attestation and during such service the conduct of the individual was irreproachable. All service is reckoned from the age of 17½ years or date of enlistment if later.

b. Been awarded an appropriate Long Service and Good Conduct Medal.

c. Performed good, faithful, valuable and meritorious service with conduct judged to be irreproachable, as defined at **para 5.395**, throughout his service. (**Paras 9.448 – 9.459** dealing with the assessment of military conduct are not relevant when considering recommendations for this medal as they apply to assessments on Termination of Service only.)

d. In the case of recently commissioned late entry officers the recommendation is to be made by their last commanding officer of their last post prior to commissioning. These recommendations should be initiated within 12 months of leaving that last non-commissioned post. Similarly, recommendations for those nearing discharge should be made by their last commanding officer within 12 months of discharge.

5.392A. Citations for the Army Medal Board are to be initiated by commanding officers on **F Hons 776** and forwarded, with photocopies of regimental and company/squadron conduct sheets when the latter are current, through the chain of command to the MOD Medal Office. Each citation must be supported through the chain of command to at least 2-Star level. Citations must arrive at the Army Medal Office no later than 1st April and 1st October each year, however, it is important to note that any recommended citation not making the given deadlines will be held over to the next Board. No recommended citation will miss a chance for selection at a Board because of a staff delay.

5.392B. Citations must demonstrate sufficient evidence of the meritorious service performed by the candidate that warrants the award of the medal of that name. Evidence of particular achievements, whether in the course of military duty or in extramural involvement which benefits the Service or the public in the field of sport or such things as charitable work, is most valuable. A citation which amounts to no more than a bland description of a candidate's service record will not suffice and should not be supported by the chain of command. Soldiers who have performed long service with irreproachable conduct should not automatically be recommended for the Meritorious Service Medal as the recognition for such service is the Clasp to any Long Service and Good Conduct Medal which has been awarded.

5.392C. Recommendations are to be treated in confidence and are not to be divulged to the candidate. The names of successful candidates only will be promulgated. After each Army Medal Board names of the successful candidates will be forwarded to commanding officers through the MS chain of command to ensure correct and timely notification.

Long Service and Good Conduct Medal (Military)

5.393. The Personnel Records Division of Personnel, Pay and Pensions Administration is to notify units of the names of those soldiers who are eligible by length of service to be considered for the award of the Long Service and Good Conduct Medal (Military) (LS&GC(M)), together with particulars of any regimental entries incurred during previous engagements. (*For officers refer to* **para 10.010**.) When the soldier has actually completed 15 years reckonable service the commanding officer, who at this stage is the sole judge of the requisite standard of conduct, is to decide whether or not to initiate a recommendation. In addition, Personnel Records Division is to notify commanding officers of all soldiers who are within their last six months of service and are not holders of the Long Service and Good Conduct Medal. Commanding officers are then to take action in accordance with **paras 5.394 – 5.395**. Recommendations are to be treated in confidence and are not to be divulged to candidates. Qualifying service may consist of:

a. Regular Army service of a soldier from 17½ years of age.

b. Mobilized or embodied service in any Militia or Territorial Force of the Empire, or Colour service in any permanent military force of the Commonwealth which has not qualified for the award of any other long service

or efficiency award, provided the soldier is serving on a normal Regular Army engagement at the time of recommendation for the medal or clasp.

c. Previous service in the Royal Navy, Royal Marines or Royal Air Force, if declared on attestation, provided that during such service the character and conduct of the individual were of such a standard as to qualify for the Long Service and Good Conduct Medal under the regulations which obtain in the Royal Navy, Royal Marines and Royal Air Force, respectively.

d. Members of the MPGS serving on a MLSE engagement.

5.394. Non-recommendation. If the commanding officer decides he will not submit a recommendation, he is to complete and retain as a confidential document an **AF B 176A** and forward a copy, along with a certified true copy of the regimental conduct sheet, direct to the appropriate Capbadge Section within the Regular Record of Service Wing of Personnel Records Division at the Army Personnel Centre for an entry in the soldier's record of service as 'LSGCM NOT RECOMMENDED (Date)'. The non-recommendation and certified true copy of the regimental conduct sheet will be forwarded to the MOD Medal Office, by the Army Personnel Centre for information and retention.

5.395. Recommendation. Only those soldiers who are in every way worthy of the distinction and whose conduct has been irreproachable throughout their service should be recommended. The standard of 'Irreproachable', which is higher than the minimum standard required for a grading of 'Exemplary' defined in **paras 9.448 – 9.459**, will normally be a regimental conduct sheet completely clear of any disciplinary entry. In exceptional and really deserving cases, however, a recommendation for the award of the medal may be submitted if in the opinion of the commanding officer the offences recorded on the soldier's conduct sheets are trivial or of a technical nature where there is no evidence of deliberate misconduct. All such cases are referred to a selection board and are invariably to be supported by a statement by the commanding officer giving the reason why it is considered that the normal qualification should be set aside and, to assist the selection board in deciding whether, or to what extent, an offence may be condoned, by a further statement giving full details of the circumstances in which each offence entered on the regimental conduct sheets was committed. Any mitigating feature should be stated and included in either of the above statements.

5.396. Submission. Recommendations for the medal or clasp are to be submitted to the appropriate Capbadge Section within the Regular Record of Service Wing of Personnel Records Division on **AFB 176 (Revised)**(original only) together with photostat copies of **AFs B 120** and **121** and, if applicable, the statements called for in **para 5.395**. When an **AFB 120** or **121** is devoid of disciplinary entries the undermentioned certificate, signed and dated personally by the commanding officer, should be included in lieu of the photostat copies:

'I have personally scrutinized the **AF B 120** or **121** of No _____

Rank ___Name _____ and certify that there are no disciplinary entries recorded'.

Where the recommendation is for a clasp, first refer to **para 10.008**.

Presentation of Medals and Clasps

5.397. Meritorious Service Medals, Long Service and Good Conduct Medals (Military) and clasps of individuals still serving will be sent to their commanding officers for presentation on a regimental or other suitable occasion. Medals received for individuals who have been transferred are to be forwarded to the commanding officer of the new unit under registered cover. If the individual has been discharged and a presentation cannot be arranged the medal or clasp is to be returned to the MOD Medal Office under registered cover.

The presentation of other honours and awards is discussed in **para J10.015**.

Forfeiture of Meritorious Service Medal and Long Service and Good Conduct Medal (Military)

5.398. A commanding officer is to submit a case through his next superior headquarters to the MOD Medal Office in the following instances:

a. When an individual who has been awarded the Meritorious Service Medal or the Long Service and Good Conduct Medal (Military) commits an offence which results in a disciplinary entry on his regimental conduct sheet.

b. When the commanding officer considers that the conduct of an individual who has been awarded the Meritorious Service Medal or the Long Service and Good Conduct Medal (Military) ceases to be irreproachable.

5.399. The case should consist of:

a. A statement giving full details of the offence and, if applicable, details of why the commanding officer considers an individual's conduct ceases to be irreproachable.

b. Details of any mitigating factors which should be considered.

c. A firm recommendation by the commanding officer.

d. A certified true copy of the regimental conduct sheet.

e. A firm recommendation by the commander of the next superior headquarters.

5.400. Whilst the case is under consideration the medal(s) are not to be withdrawn from the individual unless the MOD Medal Office specifically instructs that this is to be done. The final decision on the forfeiture of the medal(s) will be made by the Army Medal Board and notified to the commanding officer in due course.

Forfeiture of all other Awards

5.400A. In addition, when an officer's or soldier's career has been terminated as a result of disciplinary proceedings, a commanding officer is to take all other awards liable to forfeiture into safe custody pending a decision as to their forfeiture or otherwise. In the circumstances of **paras 5.400C – 5.400D** he is to forward them to the MOD Medal Office. The following paragraphs outline the necessary guidelines when forfeiture is to be considered.

5.400B. War, Campaign, General Service and Commemorative Medals. When an officer or soldier has been convicted of any of the offences specified in **Annex B to Chapter 10** or is sentenced to dismissal with disgrace from Her Majesty's service, all his war, campaign, general service and commemorative medals are to be considered for forfeiture. The commanding officer is to submit a case through the chain of command to the Ministry of Defence (PS2(Army)), as outlined in **para 5.399**.

5.400C. Honours and Awards for Exceptional and Outstanding Service. Forfeiture of an honour or award for exceptional and outstanding service is to be considered whenever, due to misconduct, an officer's or soldier's career is terminated as a result of conviction by Court Martial or administrative discharge. However, forfeiture is only to be recommended when the offence, in addition to those categories outlined in **para 5.400B**, involves either disloyalty to the State or such disgraceful conduct that public opinion would be likely to consider it wrong for the offender to continue to hold a symbol of Royal favour. The commanding officer is to submit a case through the chain of command to the Ministry of Defence (PS2(Army)), as outlined in **para 5.399**.

5.400D. Operational and Non-operational Awards for Gallantry. Forfeiture of operational or non-operational awards for gallantry is only to be recommended where an officer or soldier has been convicted of treason, sedition, mutiny, cowardice or desertion during hostilities. In these cases the commanding officer is to submit a case through the chain of command to the Ministry of Defence (PS2(Army)), as outlined in **para 5.399**.

Restoration of All Awards

5.401. Applications for the restoration of all awards under the conditions specified in **Annex C to Chapter 10** are to be made as follows:

a. For serving personnel: by the commanding officer of the individual's present unit, supported by his recommendations and a copy of the regimental conduct sheets, through the next superior headquarters, to the MOD Medal Office.

b. By non-effective personnel: to the MOD Medal Office through the Personnel Records Division of Personnel, Pay and Pensions Administration where applicable. The Personnel Records Division is to forward a recommendation and all relevant documents in each case.

5.401A. The restoration of the Meritorious Service Medal and Long Service and Good Conduct Medal (Military) will be subject to a decision made by the Army Medal Board.

Recording on Personal Documents

J5.402.

a. The grant, forfeiture and restoration of decorations and medals are to be recorded on the individual's personal documents by the officer in charge of those documents.

b. (*Army only*.) When medals are issued to a soldier after he has left the Colours the Personnel Records Division of Personnel Pay and Pensions Administration will enter the award in the soldier's Discharge Book (**AF B 108**).

Custody and Transit

J5.403. Decorations and medals are normally kept by the individual to whom they are awarded. Commanding officers are responsible for ensuring that soldiers are in possession of the decorations and medals they are authorized to wear.

J5.404. When travelling on charge of station, by whatever means, decorations and medals are to be carried in the personal effects accompanying the individual and are not in any circumstances to be sent with unaccompanied baggage.

J5.405. Decorations and medals of absentees without leave are to be kept in safe custody under unit arrangements. Decorations and medals of deserters are to be forwarded to the MOD Medal Office.

J5.406. The decorations and medals of personnel sent to hospital are to be dealt with as directed in Regulations for Army Medical Services 1974 (**AC 10910**).

J5.407. The decorations and medals of an individual who, on discharge, is sent to a mental hospital or placed in the charge of a local authority are to be forwarded, by the officer carrying out the discharge, to the MOD Medal Office with a notification of the date of discharge and the institution to which the man has been sent. Similar notification is to be made if the individual is entitled to decorations and medal not yet issued.

J5.408. Subject to any specific directions in the Statutes or Warrants governing the various orders, decorations and medals, the decorations or medals of an individual dying in the Service are to be sent to the authority responsible for disposing of his estate.

J5.409. Dispatch of Medals.

a. The Armed Forces Postal or Transit System is to be used as fully as possible for the dispatch of medals to recipients or the recipient's unit. For decorations or medals that are personalized or contain precious metals the minimum of a recorded delivery (or equivalent) system must be used, and at all stages in the dispatch process an audit trail must be provided. This system is also applicable to units and the MOD Medal Office for the dispatch of medals.

b. Where the Forces Postal or Transit System cannot be used then World War II campaign medals and stars are to be dispatched by ordinary second-class post. All other medals are to be sent by the minimum of a recorded delivery system.

c.Medals of those who are killed in action or die whilst serving are to be sent by post, using the above criteria from the MOD Medal Office to the three Services as follows:

(1) Royal Navy	HMS *Centurion* Grange Road GOSPORT, Hants.
(2) Army	The regimental or corps headquarters of the deceased.
(3) Royal Air Force	RAF Personnel Management Centre Royal Air Force Innsworth GLOUCESTER

d. (*Army only*). It will be for the regimental or corps headquarters of the deceased to contact the legal beneficiary of the medals once they have been received from the MOD Medal Office where they will have been mounted and placed in a presentation box before dispatch. It is the responsibility of the regimental or corps headquarters to make arrangements in accordance with the wishes of the deceased's family for suitable presentation of the medals. The recipient must be the legal beneficiary and no one else. The alternative will, of course, remain of sending the medal on by post should the beneficiary prefer this.

J5.410. Responsibility for loss or Damage during Affixing by Tailors.

a. It is a unit responsibility to ensure satisfactory and full accounting and handling procedures are put in place when tailoring facilities for decorations and medals are provided. When a contractor provides tailoring facilities, the unit is responsible for producing a written work order, enumerating the actual items, which is to be handed in with the work. If necessary, contracts are to reflect this requirement.

b. Individuals who make private arrangements with a tailor for mounting decorations or medals are to be personally responsible for any loss or damage which may result.

c. (*Army only*) Whenever medals are given to a contractor for mounting, a written work order from the unit, enumerating the actual items, is to be handed in with the work. It is a unit responsibility to ensure that the medals are returned to the holders concerned.

Loss and Replacement

J5.411.

a. Every possible effort must be made by the Service, unit and individual to minimize the loss or damage to any decoration or medal. Individual's attention should be drawn to the desirability of insuring decorations or medals against loss or damage not arising out of the exigencies of the Service.

b. In all cases, regardless of responsibility, when a replacement personalized United Kingdom medal is issued it will have the word "Replacement" stamped on the rim after the recipient's personal details. Any exception to this policy must be staffed, with full details of the circumstances, through single Service chains of command to the Ministry of Defence (DS Sec), with whom the final decision rests as to whether a duplicate original will be issued.

c. If a decoration or medal is lost, the owner is immediately to report the loss to his commanding officer and all available information is to be recorded. Where the loss is caused entirely by unavoidable circumstances arising out of the exigencies of the Service, replacement may be at public expense, but losses caused by the circumstances and accidents of private life will not be chargeable to the public. When replacement is at public expense, a certificate will be required that no compensation has been received or will be claimed from any other source, *e.g.* insurance. (*See also* **para 5.412**.)

d. Commanding officers are to forward applications for replacement with all available information through the normal chain of command to the MOD Medal Office. They are to record their opinion as to whether the loss was entirely due to unavoidable circumstances arising out of the exigencies of the Service or the circumstances and accidents of private life. Where the loss has been the subject of a charge, the result of the trial is to be forwarded with the application for replacement.

e. Should a decoration or medal be lost or go missing whilst in the possession of the Service, the MOD Medal Office or unit will be held responsible and will be liable for any costs incurred, including any costs associated with an enquiry or investigation. Write off action is not permitted.

f. If replacement of a decoration or medal bestowed by a Commonwealth or foreign government or by a civil authority is desired, application should be made to the appropriate representative or department.

5.412. The following instructions amplify the provisions of the joint Service instructions in **para J5.411**:

a. The commanding officer, if practicable, is to take steps to effect recovery of a decoration or medal reported lost by a serving officer. Failing recovery, action for replacement is to be in accordance with **para J5.411***d*.

b. An officer no longer on the active list may apply for replacement of a lost decoration or medal, but duplicates will not be issued until two months have elapsed from the date of loss.

c. Loss of decorations by soldiers is initially to be investigated by the company or equivalent commander. The circumstances are then to be reported on **AF B 177** by the commanding officer to the MOD Medal Office. In cases of wilful loss, where there is a conviction under the **Armed Forces Act 2006**, particulars are to be submitted with the **AF B 177**.

d. Lost decorations or medals are to be replaced only under the procedure set out above.

5.413. An application from an ex soldier for decorations and medals to replace those lost by him must be accompanied by a statutory declaration as to the circumstances in which the original decorations and medals were lost and the steps taken to effect recovery. Replacement of new decorations and medals on prepayment or otherwise, will not be made until two months have elapsed from the date of loss (**para 5.411***d* refers).

Mobilization

5.414. Formation and unit mobilization plans are to cater for the security of medals.

5.415 - 5.460. Reserved.

PART 11 - GOOD CONDUCT BADGES

Eligibility

5.461. A good conduct badge is a high distinction conferred on a soldier under the rank of corporal or bombardier as a token of Royal approbation of good conduct, and is to be marked by a chevron worn on the left arm with the point uppermost in Full dress, No1, 2, 3 and 6 dress. Full details are contained in **Army Dress Regulations**, Part 1, Section 2.

5.462. The following are to be eligible for the award of good conduct badges:

a. Soldiers serving with the colours on any type of engagement. This includes junior leaders, juniors, apprentice soldiers and soldiers under 18 years of age.

b. Reservists, including men of the TA, when embodied or called out for whole time service.

5.463. Good conduct badges may be granted during whole time service on completion of the following terms of good conduct:

Two and a half years	First Badge.
A further two and a half years	Second Badge.
A further five years	Third Badge.

and one extra for each additional term of five years.

5.464. A term of good conduct includes a period of such service as listed below during which no entry has been made on the regimental conduct sheet (*see* **para 5.551**);

a. Service with the colours on any type of engagement.

b. Service in the Regular Reserve when called out on permanent service.

c. Service in the TA when embodied or called out on whole time service.

d. Equivalent service in the Royal Navy or Royal Air Force or any reserve or auxiliary force thereof.

The period is to be reckoned from the date of the last entry on the conduct sheet or, if that entry carried a sentence of imprisonment or detention, from the day following release from imprisonment or detention on expiry, remission or suspension of sentence.

5.465. A good conduct badge will not be awarded to a soldier if, on the completion of a term of good conduct, he is absent or is awaiting disposal of a charge, as a result of which an entry is later recorded on his regimental conduct sheet.

5.466. A warrant officer or NCO reduced to the ranks for other than disciplinary reasons will be granted at once those badges for which he would have been eligible, regard being had to the entries in his regimental conduct sheet and to the provisions of **paras 5.468 – 5.470**.

5.467. Members of the reserve forces may wear good conduct badges awarded during Colour service.

Forfeiture of Badges

5.468. One good conduct badge of any already granted to a soldier will be forfeited for each period of detention awarded by a civil or military court exceeding 27 days but not exceeding three months.

5.469. A soldier will forfeit all his good conduct badges and will, for requalification, revert to the conditions of **para 5.463**, if:

a. He is sentenced by a civil court or a Court Martial to a term of detention or imprisonment exceeding three months.

b. He is sentenced by a civil court to preventative detention, corrective training, or Borstal training.

c. He is reduced to the ranks, from substantive corporal or higher ranks, by Court Martial or as a result of conviction by the civil power.

5.470. A soldier will forfeit all his good conduct badges when discharged:

a. Following dismissal with disgrace.

b. Expressly on account of misconduct.

c. Following conviction by the civil power.

d. For giving a false answer on attestation.

5.471. The forfeiture of good conduct badges under **paras 5.468 – 5.470** is automatic and not included in the sentence award.

Recording

5.472. The award and forfeiture of good conduct badges is to be published in Part 1 Orders, and the necessary entries made in unit documents.

5.473 - 5.510. Reserved.

PART 12 – APPRAISAL, CONFIDENTIAL AND ANNUAL REPORTS

5.511. Officers Appraisal Reports, Removal from Appointment and Termination of Service.

a. An appraisal report, on the form prescribed by current MS instructions, is to be furnished annually to the Army Personnel Centre on every Regular Army officer up to and including the rank of brigadier, unless Service conditions prevent it. Appraisal reports are also required on officers of the Territorial Army and Royal Irish Regiment as specified in the current regulations for those forces. Appraisal reports are privileged documents, which are not to be made public and are to be maintained in confidence between the subject officer, the reporting officers and the Military Secretary. Detailed instructions are contained in **AGAI 32** and **JSP 505**.

b. An officer is not normally to receive more than one appraisal report in respect of each calendar year. However, an additional report is sometimes permitted under conditions specified in **JSP 505**.

c. A formal administrative request for an officer's removal from appointment is to be submitted when it is desired to recommend on grounds of inefficiency, unsuitability or misconduct, an officer's removal from his unit or appointment. Directions are contained in **AGAI 67**, Annex E and the prescribed form is at Appendix 1 to Annex E. A completed Appendix 1 to Annex E to **AGAI 67** is not to be treated as an appraisal report unless so directed by the Military Secretary.

d. General instructions on appraisal reports are given below:

(1) The report is to be initiated by an officer, not below the rank of major for junior officers up to two years before they are eligible for selection for promotion to major. For those on age based terms of service, this will be normally in the year they are 28. For those on length of service terms, this will be in their ninth year of reckonable service. For all other officers including Late Entry officers (except in the case of an independent unit commanded by a major or service constraints dictate otherwise), the minimum rank is lieutenant colonel. The reporting officer may be from another Service, a civilian, a retired officer or military support function officer, or a foreign Service officer. The number of superior reporting officers required varies, as explained in **JSP 505**.

(2) An appraisal report will be fully open to the subject officer. The Initiating Officer's report is to be shown to the officer reported on, who is to sign the report in the space provided. The officer may not refuse to sign his appraisal report. If necessary the officer should be informed that the signing of a report does not signify his agreement with it, but merely knowledge of its contents. He may, in accordance with **JSP 505**, para 3.10, submit a Subject Officer's Comments Slip (**MOD Form 2020**) without compromising his right to seek redress of Complaint or submit a Representation at a later stage (*see* para (6) below). Subject officers are not to see remarks by the Head of Arm/Service or Superior Reporting Officers until the report has been checked by the Army Personnel Centre (Appraisal Report Wing). Once this has been done, each officer is to receive a complete copy of his annual report.

(3) The copy of the appraisal report will be forwarded under cover to the Unit Records Officer (or other designated officer) of the unit in which the subject officer is currently serving. He will be handed the report in a sealed envelope.

(4) Whenever the remarks and/or recommendations of a Superior Reporting Officer are detrimental when compared to those remarks contained in earlier parts of the appraisal report they must be shown to the subject officer. When a report is improved significantly by a Superior Reporting Officer, the subject officer is to be notified. Further details are contained in **JSP 505**.

(5) An officer should see and sign his appraisal report before he vacates his appointment. If it should be necessary to return it to him it will be sent to him under 'Personal for ' cover with instructions that he is to read, sign and return it. On no account is the report to be sent to the officer's new commanding officer. If the officer is a patient in hospital the report is to be sent personally to the officer commanding the hospital who, if there are medical reasons why the officer should not see the report, is to return it to the sender with a statement to that effect.

(6) An officer has a right to apply for a redress of Complaint against an appraisal report under Section 334(1) of the **Armed Forces Act 2006**. Alternatively, he may submit a Representation. The procedure for doing so is contained in **AGAI 32**, paras 32.056 – 32.077.

(7) Appraisal reports are to be raised and compiled using the approved Report Writer software. Where non-IT completion of an appraisal report is authorized in accordance with **JSP 505** para 2.05 the report is to be in Times New Roman size 11 pitch; no remarks are to be in bold text or underlined.

(8) After completion, appraisal reports on Regular and Territorial Army officers are to be forwarded under cover of **MOD Form 2021**, with a covering letter containing a nominal roll of the enclosed reports, by Military Secretary's branch of the last Superior Reporting Officer's headquarters, or equivalent, to the Army Personnel Centre (Appraisal Report Wing).

(9) An appraisal report accompanied by a Representation is to be forwarded singly under separate cover to the Army Personnel Centre (Appraisal Report Wing). An appraisal report accompanied by an application for Redress of Complaint is to be forwarded singly under separate cover to the Army Personnel Centre (Appeals Wing).

(10) Requests for removal from appointment or termination of service using Appendix 4 to Annex L to **AGAI 67** are to be forwarded to the Army Personnel Centre (Appraisal Report Wing) by facsimile to assist the speedy staffing of cases but are to be followed by the original signed form and supporting documents.

5.512. A report asked for by the medical authorities for the sole purpose of assisting them to diagnose the particular illness from which an officer is suffering or to assess his medical category, although constituting a confidential document, is not to be regarded as an appraisal report. Such reports are not to be shown to the patient nor used for any purpose other than to assist the medical authorities. An **AF Med 8** is normally to be used for the report.

5.513. Soldiers.

a. Confidential reports on soldiers are to be submitted on:

(1) **AF B 2048** for all substantive corporals and above.

(2) **AF B 2047** for all substantive lance corporals and privates.

b. The aim of the report is to provide the information necessary to ensure that each soldier can have a full and useful career and reach the highest rank compatible with his qualities and experience.

c. Reports are to be submitted annually. A special report may be submitted on a soldier, including those not normally reported on, at any time if required by appropriate Divisional Colonel Manning and Career Management or if considered necessary by a commanding officer.

d. Reports are privileged documents and are not to be made public. A soldier may take a photocopy of his confidential report when he initials it. Copies of reports are not to be retained by initiating officers, units or higher formations.

e. Under Section 7 of the **Data Protection Act 1998** a soldier is entitled to a copy of all data held on him, this includes previous confidential reports. To request this information a soldier may submit an application in writing through the chain of command or apply direct in writing to DATA Protection Cell Disclosures 2, Mail Point 515, Army Personnel Centre Glasgow, Kentigern House, 65 Brown Street, Glasgow G2 8EX.

f. A soldier has a right to submit either a Representation or a Formal Complaint against a confidential report under section 334(1) of the **Armed Forces Act 2006**. Detailed instructions are contained in **AGAI 70** Annex E.

g. Rules and detailed instructions regarding the completion and processing of **AF B 2047** and **AF B 2048** are contained in **AGAI 47** and in the Military Secretary's Guide to Soldiers Confidential Reports (**AC 62051**). These instructions are not to be varied without the authority of the Ministry of Defence (DM(A)).

5.514. If a warrant officer or NCO is graded as unsatisfactory in his substantive rank an application for his reduction in rank under the provisions of **para 9.176** should be considered.

5.515 - 5.540. Reserved.

PART 13 - CORRESPONDENCE, DOCUMENTS AND BOOKS

General Instructions on Correspondence

5.541. When not engaged in operations, correspondence is to be conducted as laid down in the Defence Writing Manual (DWM) (**JSP 101**), and in other publications in the JSP series dealing with this subject. When a unit is on active service Staff Officers Handbook (**AC 71038**) covering a wider range of subjects is to be used in place of the JSP series.

5.542. Returns, nominal rolls, and reports with a statistical content are authorized and controlled by the Ministry of Defence, and are to be rendered in accordance with instructions issued from time to time by the Ministry of Defence. It is Ministry of Defence policy that returns and reports are kept to a minimum, and that before calling for a return or a nominal roll the initiator is to ensure that there is no other way of proceeding which will effect greater economy of effort and time and that the information does not already exist in some other form, (*see* **AGAI 6**).

5.543. Care is invariably to be exercised by units as well as by staff officers in the address and distribution of correspondence and printed orders. The principles of a 'need to know' and a 'need to hold' are to be applied to every issue of any correspondence in order to avoid unnecessary paper handling and possible staff action.

Army Forms and Books, Regulations and Manuals

5.544.

a. The Army Department of the MOD produce official publications, regulations and a variety of books and forms from time to time. These provide doctrine and guidance for the conduct of operations, regulations to control and co-ordinate Army business and Army forms to comply with current regulations and for a variety of other military purposes.

b. These are produced by the sponsor Directorate concerned and are generally stored by the Defence Stores and Distribution Centre at Portsmouth (DSDC(P)) and distributed by them as required by the sponsor. The Catalogue of Army Publications (**AC 12123**) series contains details of the books of regulations, manuals of instruction and other Army handbooks available. Part I of the Catalogue gives the scale of issue and the mode of indenting for them. Subsequent parts list more specialist publications. Commanding officers are responsible that their units are in possession of the manuals referred to throughout these regulations; in the case of small units access to the manuals of a major unit is to be arranged where practicable. The role and requirement of the unit will be the deciding factors concerning which other manuals and which forms, books of record and regulations are to be kept, but care is to be taken that only those that are essential are maintained.

c. DSDC(P) hold records of all official Army publications and can provide further information about individual publications on demand. The Catalogue for Army Publications is **AC 12123**. The Catalogue for Army Books and Forms is **JSP 466**. Detailed information concerning personal forms and other documents is provided in The Personnel Administration Manual (PAM) (**AC 63791**).

d. A Commander's Guide to Army Publications, Books and Forms is recorded electronically on CD-ROM, The Electronic Battle Box (**AC 71632**) which is republished every year in January and can be obtained from DSDC(P).

5.545. Reserved.

Disposal of Official Documents

5.546.

a. All administrative records, correspondence, documents and papers of an official nature and of any description, including files, folders, reports, books, pamphlets, manuals, films, photographs, drawings, maps, charts and plans are subject to the provisions of the **Public Records Acts 1958** and **1967**. All such records, whether original, drafts, or copies, in any form, whether classified or not, and from whatever source they may have derived, are to be disposed of when no longer required for administrative purposes only in accordance with the general instructions and procedures for selecting records for preservation and destruction contained in the Defence Records Management Manual (**JSP 441**).

b. Before any document is destroyed as permitted by the rules referred to in *a*. it is to be examined to establish the handling appropriate to its contents. Personal occurrence details may call for Staff in Confidence or Confidential handling in accordance with current instructions given in the Defence Manual of Security (**JSP 440**) Volume 1, Chapter 4.

Guard and Charge Reports

5.547.

a. Guard Reports (**AFs B 160**) are to be retained in units for three years. Charge Reports are to be retained in units in accordance with the Personnel Administration Manual (PAM) (**AC 63791**), Part 3, Chapter 1, Section 2.

b. The company or equivalent commander is to send to the regimental administration officer (RAO), for retention, all those charge reports which contain charges dealt with during the previous week and which have resulted in punishments being awarded.

c. When a company or equivalent commander records a monetary award the charge report is to be sent to the RAO on the day the award is made, so that the occurrence can be published on JPA without delay.

Personal Discipline Record

5.548. Officers.

a. A record of conduct is to be kept on JPA Discipline History, strictly controlled and access only given to those personnel directly responsible for the administration of unit discipline, for any officer serving therein who, in respect of any offence:
(1) Has been found guilty by a court other than the Court Martial where such finding has been reported to the Army Board under **para 6.178**.
(2) Has had a civil conviction where the CO has directed it become a discipline entry.
(3) Has, under the **Armed Forces Act 2006**, been convicted by Court Martial or been found guilty at a summary hearing.
(4) Has had a sanction resulting from major administrative action awarded under **AGAI 67**.

b. Normal JPA recording procedures are to be followed. Should the finding be quashed or amended on appeal the entry is to be deleted or altered.

c. Further detailed guidance is given in the JPA BPGs.

d. An officer (including an officer of the Royal Navy or Royal Air Force dealt with summarily) awarded a summary punishment under section 119 of the **Armed Forces Act 2006** is to be reported to DPS(A) PS2(A) by the commanding officer, through superior headquarters, on a certified true copy of the conduct sheet.

e. Where, on appeal, a finding or award of a commanding officer has been quashed or varied, a notification to this effect is to be forwarded by the commanding officer to his Higher Authority and DPS(A) PS2(A), using JPA.

f. Any special act of gallantry or distinguished conduct is to be recorded on the discipline record.

5.549. Warrant Officers. The discipline histories of warrant officers are to be kept in units, strictly controlled and only given to those personnel directly responsible for the administration of unit discipline. They are to be used only for recording:

a. Convictions by courts-martial and findings by a commanding officer, (but *see* **para 5.548***b* which also applies here).

b. Convictions by the civil power in specified cases when the commanding officer decides that a regimental entry is to be made (*see* **Annex H - para 4***c* to this Chapter).

c. Every sanction resulting from major administrative action awarded under **AGAI 67**.

d. Any special act of gallantry or distinguished conduct.

5.550. NCOs and Soldiers. A conduct sheet on JPA is to be established for every soldier including juniors, apprentices and all soldiers under 18 years of age when a regimental entry is incurred in accordance with JPA BPG. The discipline history of substantive staff sergeants or equivalent rank are to be kept in units on JPA, strictly controlled and only given to those personnel directly responsible for the administration of unit discipline.

a. Convictions by the Court Martial and findings by a commanding officer (but *see* **para 5.548***b*, which also applies here).

b. Convictions by the civil power in specified cases when the commanding officer decides that a discipline entry is to be made.

c. Every sanction resulting from major administrative action awarded under **AGAI 67**.

d. Any special act of gallantry or distinguished conduct.

5.551. Entries. Detailed instructions as to entries on conduct sheet are in **Annex H** to this Chapter.

5.552 – 5.554. Reserved.

Historical Records

5.555. Operational Record. An Operational Record (**AF C 2118** & **2119**) is to be maintained on active operations, on a monthly basis, by all formations and units involved, and by detachments of units if so ordered by superior headquarters. Detailed instructions for the maintenance of Operational Records are contained in Land Component Handbook (**AC 71473**), Part 1, Serial 223 and on the cover for the Operational Record (**AF C 2119**). Standing operating procedures of all formation headquarters are to contain provision for the maintenance of the Operational Record, when appropriate, by units under command.

5.556. Unit Historical Record. When no **Operational Record** is being maintained under **para 5.555**, all regular and independent TA units and all formation headquarters are required to maintain, on an annual basis, a unit historical record on **AF C 2117**, with supporting documents. Detailed instructions on the maintenance of this record are given in **AGAI 6** which also defines the term 'unit' for this purpose. A register of units required to submit unit historical records will be maintained with the Ministry of Defence and reminders will be issued to units as necessary to ensure that unit historical records are submitted. Unit historical records are to be closed as soon as an Operational Record is opened by the unit and the historical record forwarded to the Ministry of Defence Archives (DR2e) in accordance with the provisions in **AGAIs**.

Ministry of Defence Library

5.557. The Ministry of Defence Library maintains a collection of all published histories of regiments and other units. To ensure both that the collection is as complete as possible and that copies will be available for future historians, officers responsible for the production of regimental histories, journals, newspapers and other publications issued privately by the regiment or by regimental associations are to send a copy to The Librarian, Ministry of Defence, Whitehall Library.

5.558 - 5.580. Reserved.

PART 14 - POLITICAL ACTIVITIES AND ELECTORAL REGISTRATION

Political Activities

J5.581.

a. Regular Service personnel are not to take any active part in the affairs of any political organization, party or movement. They are not to participate in political marches or demonstrations.

b. No restriction is to be placed upon the attendance at political meetings of such personnel provided that uniform is not worn, Service duties are not impeded, and no action is taken which would bring the Service into disrepute.

c. (*Army only*. TA Personnel are governed in their political activities by **TA Regs** Chapter 3 Part 8.)

J5.582. 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 commanding officer 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.

J5.583. 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 political party or an organization 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 the Ministry of Defence (AG Secretariat), who will reply direct to the group; if there is uncertainty about the nature of any organization, the Ministry of Defence should be consulted. (*Army only*. *See also* **Chapter 12 Annex A(J)**.)

Parliamentary Candidature

J5.584.

a. Attention is called to the Servants of the Crown (Parliamentary Candidature) Order 1960 reproduced at **Annex I** to this Chapter, with which members of the armed forces to whom that Order applies are required to comply.

b. 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.

J5.585. Any person to whom the Order mentioned **in para J5.584***a* applies and who desires to stand as a parliamentary candidate or who seeks election as in **para J5.584***b* must make application through higher authority 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.

Candidates in Local Government Elections

J5.586.

a. 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 the Ministry of Defence (PS2(Army)).

b. 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 commanding officer.

c. Serving personnel who are permitted by the Ministry of Defence 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 organization, party or movement and, if elected, are not to involve themselves in any way in the affairs of any such organizations, party or movement.

Electoral Registration and Voting

5.587. Full instructions regarding electoral registration and voting are contained in **Annex K(J)** to this Chapter.

5.587A. Commanding Officers of all units and stations are to appoint an officer(s) to be responsible for providing advice to serving personnel and their families on Service voting issues. Terms of Reference for appointed 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 six 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 organizations 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.

Trade Unions

J5.588.

a. 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 organized by civilian trade unions or professional associations.

b. 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.

c. For the Army only. These rules do not apply to members of the Royal Irish Regiment (Home Service Part Time). However, they should not wear uniform or bring the Service into disrepute when participating in activities of a civilian trade union or professional association.

J5.589. 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 to the Ministry of Defence (AG Secretariat) who will reply direct to the group. If there is uncertainty about the nature of any organization, the Ministry of Defence should also be consulted.

5.590 - 5.610. Reserved.

PART 15 - PUBLIC AND SERVICE (NON PUBLIC) FUNDS

Public Funds

5.611. The handling of, and accounting for, public money on unit charge is to be the responsibility of an officer, which may include a civilian of officer status, a warrant officer AGC(SPS) or a staff sergeant AGC(SPS) within the limitations set out in Part 12 of the Personal Administration Manual (**AC 63791**) Individuals so appointed are to be fully conversant with their duties as laid down in that manual, which contains instructions regarding accounting and safeguarding of public funds. If the commanding officer is himself the imprest holder he is to report that fact to the headquarters responsible for the administration of his unit, in order that another officer of equal, or higher rank may be appointed to carry out the required checks of the funds.

Service (Non Public) Funds

5.612. Commanding officers, including the commanding officers of independent sub units, are responsible for the proper application of all the Service (non public) funds of their units and for the control and supervision of committees formed for the management of such funds in accordance with the instructions contained in **Annex J** to this Chapter. Certain Service (non public) funds, although physically maintained in a particular unit, do not fall within the ambit of the commanding officer's responsibilities *e.g.* the funds of a sporting activity at Army, command, district or other level. In such cases the duties of the commanding officer devolve upon the chairman of the particular activity or organization and upon the formation headquarters within whose jurisdiction the fund is located. The attention of all commanding officers is drawn to Service Funds Regulations (**AC 60450**).

Voluntary Regimental Subscriptions

5.613.

a. All soldiers may subscribe voluntarily to a regimental association as part of the Day's Pay Scheme, provided that the president and treasurer of the association are commissioned officers on the active or retired list, that the association is of a non political character and that a minimum of half the income is devoted to the benevolent assistance of reservists, ex soldiers and their families in need.

b. Voluntary Day's Pay Scheme subscriptions in respect of *a* above are not to exceed the equivalent of two and a half day's gross pay a year for each soldier. Voluntary regimental subscriptions in addition to the above in connection with regimental amenities such as sports clubs, regimental journals or rifle clubs are not to exceed 10 per cent of the daily rate of pay of the lowest paid adult soldier in each month. Commanding officers are to ensure that the voluntary nature of such subscription is made clear to all subscribers and that the amenities in question can be maintained only by the general support of all ranks.

c. Commanding officers are also to ensure that personnel, especially recruits and junior soldiers, are protected from unauthorized expense on account of regimental custom, and that a periodical review is made of all such expenses incurred by personnel in their units, with a view to the reduction of any unnecessary expenditure.

5.614 - 5.620. Reserved.

PART 16 - STORES, EQUIPMENT, FOODSTUFFS, VEHICLES AND MOVEMENT

Responsibilities

5.621. A commanding officer is responsible:

a. For the condition and security of all public equipment and stores, including bedding and accommodation stores, on charge to his unit and for ensuring that they are used only for those purposes for which they are issued. Foodstuffs are to be held in secured stores, particularly during silent hours.

b. For ensuring that every officer, even if the appointment which he holds is only temporary in nature, is aware that he is responsible for the equipment, ammunition, clothing and public stores appertaining to the appointment and is accountable for them to the commanding officer.

c. That at all times all such items are properly held on charge by nominated individuals and that if an equipment holder is to be absent from the unit he shall in good time have formally handed over his responsibilities to a nominated deputy.

d. The records of public stores and equipment on charge to his unit are at all times properly and correctly maintained.

e. That unit standing orders cover the accounting for firearms, ammunition and explosives in accordance with the Defence Supply Chain Manual (**JSP 886**) Volume 6 Part 1, Chapter 3, paras 81 and 84; that the storage of ammunition accords with MOD Explosive Regulations (**JSP 482**); and that the security of firearms and ammunition, either in storage or transit, is in accordance with the standards recommended by command security staffs.

Irregular Loan of Stores

5.622. Any officer or other person in charge of public stores and equipment of any kind is strictly forbidden to lend any article under his charge for any purpose not authorized by his commanding officer.

Kit of Deserters

5.623. When a soldier is struck off strength of his unit as an absentee or deserter his clothing and equipment matters are to be settled between units as in all cases of transfer.

Inspections

5.624. Periodic inspections of mobilization stores, equipment and vehicles are to be carried out as laid down in The Defence Supply Chain Manual (**JSP 886**), Volume 6 Part 1, Section 3, para 75.

Mechanical Transport

J5.625. Regulations for the administration, operation, use and servicing of Mechanical Transport are contained in Joint Defence Movements and Transport Regulations, Road Transport (**JSP 800** Vol 5).

Purchase of Government Materiel by Crown Servants

J5.626.

a. Service personnel and civilians employed by the Ministry of Defence are not permitted to purchase Government materiel which is not surplus to requirements or to make purchases from any Government Department except:

(1) Supplies of provisions, clothing, gas, *etc*., in accordance with specific authorities which are only given in certain circumstances.

(2) Articles made during formal tuition at vocational training centres, Service workshops, schools and training establishments, within the limits authorized.

(3) In exceptional circumstances when the authority of the Ministry of Defence has been obtained; the fact that the materiel is required for personal requirements and not for commercial purposes will not be regarded as a sufficient justification for any such authority.

(4) *Abroad* when the applicant's requirements cannot be met by the outside trade, no inconvenience to the Service will result and the specific authority of the senior officer of Her Majesty's forces in the territory or the Dockyard Superintendent has been obtained in writing.

b. This regulation does not apply to HMSO publications on sale to the general public.

Sales of Surplus Materiel

J5.627.

a. When Government surplus materiel is offered for sale at fixed prices, by auction or by competitive tender, Service personnel and civilians employed by the Ministry of Defence may purchase such materiel, except where:

(1) 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.

(2) They are, or have been, officially associated with the disposal arrangements.

(3) The materiel is for the purpose of resale and not for their personal requirements.

b. Sale by private treaty of Government surplus materiel to Service personnel and civilians employed by the Ministry of Defence is not permitted except where:

(1) Special authority to sell at a fixed price has been given by the Ministry of Defence, or

(2) The article is of sentimental value to the applicant (*e.g*. ships' bells, war souvenirs, *etc*.) and would otherwise be disposed of by sale. Ministry of Defence approval will be required in each case.

c. Recognized Service organizations may be allowed to purchase surplus Governmental materiel providing it is for the organization's requirements and is not for personal or commercial requirements. Ministry of Defence approval will be required in each case.

d. The approving authority is the Ministry of Defence branch responsible for bulk sales of the materiel as surplus.

Movement

5.628. Movement involving conveyance at public expense will not take place without due authority; a reference to this authority will be quoted on all travel documents.

5.629. The conditions under which conveyance at public expense is admissible for personnel, baggage and furniture, and the rates and conditions of allowances issuable in connection therewith, are in Regulations for Army Allowances and Charges (**AC 10**).

5.630. Further detailed instructions regarding the movement of personnel, stores, vehicles, animals, guns and baggage, and instructions on relevant documentation, are contained in **JSP 800** Vols 2, 4a, 4b, 5, 6 and 7. The Joint Service Manual of Movements (**JSP 327**) remains extant for all those subjects not yet covered in **JSP 800**.

5.631 - 5.650. Reserved.

PART 17 - BARRACKS AND MARRIED QUARTERS

Regimental Inspections

5.651. The general tidiness and upkeep of barracks and barrack fitments are the responsibility of the unit in occupation. There are to be monthly inspections of barrack accommodation and grounds. At the commanding officer's discretion the medical officer or his representative will attend. Civilian medical practitioners may decline to attend in which case a uniformed member of the medical team will attend in his stead. Exceptionally an inspection may be deferred but for no longer than one month. Inspecting officers are to be of not lower than field officer rank except in small units, in which the rank is not to be lower than captain. Repairs and replacements are to be recorded and passed for action to the Property Manager (PROM) or Assistant Property Manager (APROM) as appropriate. Commanding officers requiring specialist advice should consult either G4 Estate staff at formation headquarters or their PROM. (*See* **para J13.008**.)

Fire Precautions and Fire Fighting

5.652. Unit fire orders and fire prevention schemes are to be kept under continuous review and tested by a system of frequent fire drills. Fire fighting appliances and alarm systems must be maintained in good order ready for instant use. Unit fire officers are to be appointed and trained. Detailed instructions and advice are contained in Army Department Fire Prevention and Fire Fighting Regulations (**AC 60737**), which also contain in Section 1, Chapter 108, the directions for investigation and reporting of outbreaks of fire.

Barrack Damages and Charges

5.653. The amount of damages or losses assessed against troops at any inspection of barracks is to be charged as far as possible against the individuals responsible. The commanding officer or another officer authorized by the Defence Council, may make an order authorizing a deduction to be made from the pay of a relevant person and to be appropriated as or towards compensation for any damage to or the loss of any public or service property, only if the authorized officer is satisfied that the relevant person's conduct caused the damage to or the loss of property and amounted to an offence under section 24 of **AFA 06**. This is an administrative procedure and it is not necessary for the charge to be brought. Nevertheless the commanding officer must be satisified beyond reasonable doubt that the relevant person was responsible for the damage and that the amount being recovered is correct. No order shall be made with respect to damage to or the loss of any public or service property, if:

a. a court or officer has sentenced the relevant person for a service offence and on passing sentence had power to make a service compensation order in respect of that damage to or that loss of property; or

b. in circumstances involving a finding that the relevant person was not guilty of intentionally, recklessly or negligently causing that damage to or that loss of property:

(1) he has been acquitted of a service offence;

(2) A charge against him in respect of a service offence has been determined at a summary hearing under section 131 not to have been proved; or

(3) the Summary Appeal Court has quashed a finding that a charge against him in respect of a service offence has been proved.

5.654. An order to pay damages shall state the total sum to be deducted from the pay of the relevant person to whom it relates. The total sum authorized to be deducted from the pay of a relevant person in respect of the same damage to or the same loss of property shall not exceed £1,000. The commanding officer or a Higher Authority may vary or revoke an order to pay for losses made.

5.655 - 5.656. Reserved.

5.657. An officer or soldier, as well as any other person in Army employment, is liable to make good damage done to government property by fire as a result of his own neglect. However, in view of the large sum to which liability may extend in such cases the amount to be recovered will usually be limited to the equivalent to one month's pay of the individual who is held responsible.

Hand Over of Barracks and Married Quarters

5.658.

a. *Barracks*. When a unit is to hand over barrack buildings, the station representative is to be given the earliest possible intimation of the hour and date at which buildings will be vacated in order that arrangements may be made for the marching out inspection. At this inspection an officer of the unit handing over is to be present to note the damages. This officer will sign the note books of the other officers (*e.g*. the representatives of the incoming unit and the station representative) to confirm the correctness of the deficiencies noted therein. Any item against which the unit representative wishes to appeal is to be noted by all concerned.

b. *Married Quarters or Hirings (Substitute Service Families Accommodation) (SSFA) in Great Britain*. When a married quarter or hiring is to be occupied or vacated the officer administering the quarter or hiring (Defence Housing Executive (DHE) in Great Britain) is to inform the officer in charge of the accommodation services unit (where applicable) and, in the case of SSFA, the contractor, of the times of the march in or march out. The housing warden

(Estate Management Officer in GB) and representatives from these services are to be present, unless otherwise arranged by the officer administering the quarter. The occupant of the quarter is also to attend unless he is away from the station on duty, in which case the warden is to be responsible for watching the interests of the family. (*See also* the Defence Supply Chain Manual (**JSP 336**), Volume 12 Part 6, Pamphlet No 2.)

Economy

5.659. In the use of buildings every economy is to be achieved in consumption of gas, electricity and water. Any case of apparently excessive consumption should be investigated by the command or district fuel economy committee. A guide scale to the daily quantity of water required for normal purposes is contained in the Defence Supply Chain Manual (**JSP 336**), Volume 12 Part 6, Pamphlet No 2 which deals with domestic fuels and water.

Allotment and Administration of Single and Married Quarters

5.660. Entitlement.

a. The type of accommodation in public quarters to which officers and soldiers are normally entitled is shown in the table opposite. However, it may be necessary to allot a smaller or larger quarter when no quarter of the appropriate type is available. Family size and other factors as well as rank will be taken into account in the allocation where indicated in the table and footnotes to the table.

b. Married officers and soldiers serving with the Colours on normal, short service, or extended service regular commissions or engagements may be allocated married quarters provided they are of marital status categories 1 and 2 as defined in Chapter 1 of Regulations for Army Allowances and Charges (**AC 10**). Apart from single lieutenant colonels and above in command and single regimental sergeant majors of major units, no other military personnel will be entitled to occupy married quarters but are eligible to apply to occupy surplus married quarters. Eligibility does not extend to those regular officers and soldiers who form the Home Service element of the Royal Irish Regiment.

Rank	Married			Single
	Normal	London standards		
General officers in command	Type 1	Not applicable		Type I
Major generals not in command	Type II	Type II(London standard)		Single (*see* Note 1)
Brigadiers in command	Type II	Type II (London standard)		Type II
Brigadiers not in command	Type III	Two or more children One child No children	A4 A3 A2	Single (*see* Note 1)
Colonels in command	Type II	Type II (London standard)		Type II
Colonels not in command	Type III	Two or more children One child No children	A4 A3 A2	Single (*see* Note 1)
Lieutenant colonels in command	Type III	Not applicable		Type III
Lieutenant colonels not in command	Type III (*see* Note 2)	Two or more children One child No children	A4 A3 A2	Single field officer
Majors (*see* Note 3)	Type IV	Three or more children One or two children No children	B4 B3 B2	Single field officer
Captains or subalterns (*see* Note 4)	Type V or Type VI (flat)	Three or more children One or two children No children	B4 B3 B2	Single junior officer
Warrant officer class 1	Warrant officer or Type C (*see* Notes 5, 6 and 7)	Not applicable		Warrant officer or Type C (*see* Note 5) for regimental sergeant majors of a major unit: for all other warrant officers, class 1, single.
Warrant officer class 2, Staff sergeants and sergeants Corporals and below	4 or more children Type D 2 or 3 children Type C No children or one child Type B (*see* Note 7)	Not applicable		Single

Notes:
1. Where no suitable single accommodation exists, these officers may be placed on the lodging list or entitled to Substitute Single Service Accommodation (SSSA) in Great Britain.
2. Lieutenant colonels not in command with less than two children may be allotted a Type IV (detached) quarter.
3. Majors not in command with less than two children may be allotted a Type V quarter.
4. A captain or subaltern with three or more children may be allotted a Type IV quarter.
5. Exceptionally, Type A (obsolescent) and B quarters may be allotted to a warrant officer, class 1.
6. A Type D quarter will normally be allotted to a warrant officer, class 1, with four or more children.
7. Type A (obsolescent) quarters will only be allotted to warrant officers, NCOs and soldiers with no children.

5.661. Allotment of Married Quarters. The following rules are to govern the allotment of married quarters:

a. The allotment of married quarters is the responsibility of the headquarters which administer the area in which the quarters are situated.

b. It is intended that married quarters shall be used so as to unite the largest possible number of qualified families at the station in which service personnel are serving. In general, they will be allotted to individuals in a priority decided in accordance with Tri Service Accommodation Regulations (**JSP 464**). In addition, certain quarters may be allotted 'ex officio' or at the discretion of the CinC or commander overseas or GOC in the United Kingdom. Allocation procedures: the allocation of the quarters ex officio and the discretionary powers of CinC or commander overseas or GOC in the United Kingdom will be notified by the Defence Council from time to time.

c. Married quarters will be allotted to individuals in a priority in accordance with sub para *b* and applications should be submitted in accordance with **JSP 464**, as amplified by local orders.

d. Members of the permanent staff of the TA are normally accommodated in quarters administered by the Regular Army. The only exception is in respect of non severable married quarters administered by the RFCA.

e. If a commanding officer considers that for any reason it would be contrary to the interests of the Service to allot a married quarter to an officer or soldier who is otherwise eligible he will submit details to his next superior headquarters. If his view is supported the case will be submitted to the Ministry of Defence through command channels for decision.

5.662. Domestic Estrangements.

a. Estrangement occurs when a husband and wife agree to live apart on a permanent basis, or when either party deserts the other. It is not dependent upon the parties entering into a formal separation agreement or divorce, and there may be cases where parties are living apart and so are estranged even while they are still occupying the same house. An officer or soldier serving overseas may be estranged from their spouse who is in the United Kingdom if they have agreed to live apart permanently or either has deserted the other. Estrangement is a matter of fact which may or may not be demonstrated by a subsequent legal order.

b. An officer or soldier who becomes estranged from his spouse is under a duty to report such estrangement to his commanding officer and to complete a declaration of marital status on **AF 0 1700**. The commanding officer is then to ensure that action is taken in accordance with **JSP 464**, to vacate any married quarter affected and to prevent any irregular occupancy of the quarter.

5.663. Use of Service Married Quarters for Profit Making Activities. No member of a family to whom married quarters have been allotted is to be permitted, whilst occupying them, to use them in any way for the formation or operation of any club or business or other association having for its object private business for profit or to use government quarters for the purpose of any trade without first obtaining permission from the commanding officer (and DHE in Great Britain). Any breach of these regulations is to be regarded as misbehaviour and will render the family liable to eviction from married quarters. In case of doubt the advice of the next superior headquarters is to be obtained.

5.664. Compulsory Termination of Occupancy.

a. A married quarter is always allotted subject to the payment of all quartering charges from time to time raised in respect thereof, and upon the terms that it is occupied by the officer or soldier and the members of his family or household to whom it is allotted, under a licence which may be terminated at any time (and with immediate effect if so desired) and that this licence will in any event automatically terminate when the person to whom the quarter is allotted ceases to serve on the Active List or with the Colours. Without prejudice to these terms, however, once the officer or soldier to whom the quarter is allotted has, or his family or household have, taken up occupation of the quarter, they will not normally be required to vacate the quarter before he ceases to serve on the Active List or with the Colours, unless circumstances arise which make the continued occupation of the quarter by that person or his family or household inappropriate or impossible. For example, the licence will be terminated, and the quarter will have to be vacated by all its occupants, if:

(1) The person to whom the quarter is allotted is posted away from the station, or he proceeds on temporary duty elsewhere for a period which is expected to exceed six months and, in either case, alternative accommodation has been offered for his family or household, or

(2) The person to whom the quarter is allotted is absent without leave for more than 21 days and there is no satisfactory explanation for his absence, or

(3) The quarter is required for use otherwise than as a married quarter, or its continued use as a married quarter becomes impossible, *e.g*. by reason of the disposal or upgrade of the quarter, and alternative accommodation has been offered,

(4) The person to whom the quarter is allocated has applied to terminate his service on the Active List or with the Colours by premature release. (Note: In such a case, release from the Service is not to be finalized until he has vacated any married quarter he may be occupying.)

b. In the case of a person to whom the quarter has been allotted being absent for more than 21 days and the soldier being formally declared Absent Without Leave (AWOL), 93 days' notice to vacate will be served on the spouse.

c. In addition, misconduct, or misbehaviour on the part of the person to whom the quarter is allotted or of any member of his family, or any other person living in or using the quarter, may lead to the licence being terminated and all its occupants being required to vacate it.

d. Without prejudice to any other method of terminating the licence under which a quarter is occupied, such a licence shall be sufficiently terminated if notice of such termination, specifying the date at which it takes effect, is left at the quarter addressed either to the person to whom the quarter is allotted or to any member of his family or household, whether the person to whom the quarter is allotted or to whom the notice is addressed is then living in the quarter or not.

e. At home and overseas any case in which it is proposed to require married quarters to be vacated for misconduct, misbehaviour or a breach of station regulations shall be referred to the CinC or GOC in person, and any such case in which he decides that the quarter must be vacated on any of those grounds shall be reported to the Ministry of Defence.

f. Where it is necessary to take legal action in Great Britain to evict the occupants of a married quarter such action shall not be taken at home without the sanction of the DHE. Overseas CinC or GOCs have full authority to take any action necessary to evict the occupants but all cases in which eviction has been secured by such action shall be reported to the Ministry of Defence.

5.665. Officers administering Married Quarters and Hirings. Officers administering married quarters and hirings are responsible for:

a. The maintenance of waiting lists and the allocation and supervision of vacation of quarters and hirings.

b. The supervision of all their staff, the co-ordination of the work of the supporting maintenance services and the administration of all married quarters and hirings.

c. The encouragement of good relations between residents and between residents and local civilians and the supervision of communal amenities.

d. Practical assistance to separated families.

e. Liaison and co-operation with public agencies connected with housing or welfare.

5.666. Occupation of Single Quarters.

a. Single officers and soldiers may be required to live in single public quarters in the interests of operational readiness, unit and personal security, man management and discipline. For reasons of Service efficiency, all single officers and soldiers in the following categories are to live in, *i.e*. to occupy single public quarters in officers' or sergeants' messes or barrack rooms:

(1) Soldiers undergoing basic training or officer cadet training.

(2) Junior soldiers, apprentices and adult soldiers under 18 years of age.

(3) Officers and soldiers attending courses on which students are currently required to live in.

(4) Officers and soldiers in circumstances where living out is judged by the individual's commanding officer as likely to affect adversely operational efficiency, training, security or man management within the unit or as likely to prejudice good relations with local authorities or population.

b. In accordance with **AGAI 53**, however, consideration may be given to applications, individually and on their merits, from single officers and soldiers to live out. In considering such applications, commanding officers are to follow guidance given by formation and district headquarters.

c. The following personnel are exempt from allotment of single quarters:

(1) Any officer or soldier whose daily place of duty is at such a distance from the nearest available quarter or barracks, as, in the opinion of the GOC to interfere with the due performance of his work.

(2) An officer or soldier whose duties, in the opinion of the GOC make it contrary to the interest of the Service for him to live in barracks.

(3) A chaplain, married or unmarried.

(4) An officer for whom, in the opinion of the GOC, the only available public accommodation is unsuitable for his needs.

5.667. Overseas Service Children's Education (SCE) single male or female teachers and divorced or widowed teachers without dependants may be allocated suitable junior officers' quarters and live in an officers' mess. Where the spouse of a SCE school teacher is a serving member of Her Majesty's forces or a United Kingdom based civil servant and is stationed in the same area, the school teacher may share the quarter allocated to the Service spouse; in this case the service person will be responsible for the quartering charge. If local conditions are such that the CinC or commander considers it inadvisable for a female teacher to live out of barracks she may be allocated public quarters. A SCE school teacher who is suspended from duty for disciplinary reasons and is in occupation of quarters may be permitted to remain in occupation of such quarters pending a final decision of his or her case.

5.668 - 5.700. Reserved.

PART 18 - MESSES AND INSTITUTES

General

5.701. Conduct. The conduct, customs and administration of officers' and sergeants' messes and of institutes are to be governed by rules, a guide to the contents of which forms part of **Annex D** to this Chapter. Copies of mess rules are to be made available to members, and rules governing institutes are to be posted up where soldiers can readily see them. Fines, whether in money or wine, are not to be levied for any minor irregularities, or on occasions such as marriage or promotion. The practice of entertaining units on arrival or departure from a station is prohibited; the hospitality afforded is to be limited to offering the officers, warrant officers and NCOs the accommodation of the messes as honorary members.

5.702. Mess Funds. The management of and accounting for mess funds is to follow the principles and regulations set out in **Annex J** to this Chapter, and Service Funds Regulations (**AC 60450**). Undue extravagance and expense are to be avoided. These regulations apply to garrison and unit messes equally.

5.703. Insurance of Property. All non public property of a mess is to be insured against loss by fire, theft, shipwreck or air disaster, the premiums being charged against mess funds.

5.704 - 5.706. Reserved.

Officers' Messes

5.707. Membership. Every officer of the unit or headquarters is to be a member of his respective mess.

5.708. Mess Contributions and Subscriptions. (Not applicable to the Household Division.) Mess subscriptions are to be levied as follows:

a. Every officer is to pay a mess subscription monthly in arrears to defray the ordinary running expenses of the mess of which he is a member, at a rate to be fixed by the commanding officer but not, in any circumstances, to exceed, in annual total, 10 days basic pay less the charges for food and standard single accommodation, comprising subsistence charges (but *see also* **para 5.711**). **S**ubscriptions are to be paid according to the rank for which the officer is actually drawing pay.

b. A member living out will pay one quarter of the subscription chargeable to a member living in.

c. Once the levels of subscription have been decided by the commanding officer concerned, they are to be expressed as a daily rate for each rank.

d. A member of a mess, whether a dining or non dining member, is required to pay a subscription for every day of membership.

e. When visiting another unit's mess on detached duty, subscriptions will be paid at the home mess only. Individuals remain liable for any food and beverage charges under PAYD arrangements and those minimal mess charges directly associated with their stay (*e.g*. laundry charges for bedding not laundered at public expense). The chain of command should raise instances of excessive charges being made to DPS(A) for arbitration.

5.709. Reserved.

5.710. Absence. An officer absent from duty on account of sickness for over one month is, after the first month, to pay only one quarter of the charges leviable under **paras 5.708** and **5.711**.

5.711. Headquarters' Messes. In the case of Headquarters' Messes authorized by the Army Board the president of the Mess Committee or other appropriate authority may, to preserve the financial stability of the mess, request each Regular officer on the Active List of that Regiment/Corps, whether a member of another Mess or not, to contribute up to one day's pay per annum. This contribution is not to be requested from members of other Regiments/Corps who may be living in or make use of the Headquarters Mess. The contribution, once agreed by the individual officer, will be deducted monthly via salary with their Days Pay Scheme deduction at one twelfth of the annual rate per month. For those officers who choose not to contribute to the Days Pay Scheme they may opt to pay a Headquarters Mess contribution direct to their Headquarters Mess. When an officer moves from one Regiment/Corps to another the contributions will be due to the individuals former Regiment/Corps until the month following the date of transfer as published. On receipt of the monthly Days Pay Scheme and Headquarters Mess deductions the appropriate Regimental Headquarters will determine the Headquarters Mess element and pass it to their Headquarters Mess**.**

5.712. Initial Contributions. Officers on appointment to newly formed Regiment/Corps with an Army Board authorized Headquarters Mess may be requested to contribute to the Headquarters Mess at a rate not exceeding one days pay per annum, to be paid at a rate of one twelfth of the annual sum per month.

5.713. Promotion. No officer is to be requested or required to make any payment towards a Headquarters Mess when promoted, except when promoted to a newly formed Regiment/Corps with an Army Board authorized Headquarters Mess. In these circumstances the officer can be requested to contribute as detailed in **para 5.712**.

5.714-5.715. Reserved.

5.716. Accumulation of Mess Funds. The commanding officer is to prevent an undue accumulation of the mess fund, ensuring that cash balances are kept as low as possible consistent with solvency. He is to fix the rates of contribution and subscriptions, which are never to exceed the limits prescribed above without the authority of the Army Board.

5.717. Guest and Dining in Nights. Regimental dinner nights, at which all members, less those formally excused, are to attend in Mess Dress, are to be held not more often than once a month. Guests will be at the discretion of the commanding officer. In the event of any extraordinarily expensive entertainment being proposed the conditions of **para 5.718** are to apply. On these and other dinner nights officers are permitted to drink the Sovereign's health in non alcoholic beverage.

5.718. Mess Entertainment. Expensive entertainments are not to be given without the approval of a superior officer not below the rank of brigadier. Any member of the mess is to be permitted to decline, in writing, to share the costs of the proposed entertainment and the commanding officer is to give his special countenance and protection to any such member. The cost of such entertainments, including that of guests, is to be assessed on a rank basis.

5.719. Private Entertainment. An officer entertaining private guests is to bear the whole expense of their entertainment.

5.720. Subscriptions for Entertainment. A general subscription, whether voluntary or otherwise, for entertainments, including general charges for lunches at events such as race meetings, polo and cricket matches, is not to be made without the sanction of the formation commander.

5.721. Mess Bills. Every officer is to settle his mess bill including all authorized subscriptions on or before the 7th of each month, and the president of the mess committee is to report in writing to the commanding officer any omission to do so.

5.722. Mess Accounts. On the handover of command of a unit or independent sub unit in which an officers' mess is maintained, the commanding officer is to render to the formation commander a certificate that the mess has no debts, or that a sufficient amount is in hand to meet them. A copy of this certificate is to be given to the incoming commanding officer, who is to report to the next superior commander whether he is satisfied with the state of the funds. Should the outgoing commanding officer be unable to furnish this certificate he will explain the reasons which have necessitated the contracting of debts, so that the GOC or brigade commander may decide whether they are to be taken over by his successor.

5.723. Mess Meetings. A mess meeting is to be held once a quarter. The votes of the officers are to be taken on any proposition and the point is to be decided by the majority of votes, provided that the commanding officer concurs. The proceedings of any relevant audit board are to be laid before this meeting.

5.724. Mess Facilities for Detachments. When a unit furnishes a detachment of not less than one third of its strength, a proportion of the mess fund, plate and equipment may be assigned for its use.

5.725. Bars. Bars are not to be established in ante rooms, or in any other part of a mess, except when authority has been given by the GOC to facilitate service and overcome shortage of staff.

5.726. Employment of NCOs. A sergeant may be appointed to assist the mess committee in the running of the mess.

5.727 - 5.746. Reserved.

Sergeants' Messes

5.747. Membership.

a. Every warrant officer and staff or other sergeant is to be a member of the sergeants' mess of his unit, and a single member may be a dining member. Membership is optional for those holding the local rank of sergeant.

b. Warrant officers and senior NCOs attached from other units are to be temporary members of the sergeants' mess of the unit to which they are attached. Members of the AGC (RMP), AGC (MPS) and INT CORPS may be exempted from such membership when on detached duty.

c. When on strength of a unit of their corps, Conductors RLC are to be members of the sergeants' mess. If attached to, or on the posted strength of, formation headquarters or other units they are, subject to the approval of the commanding officer, to become honorary members of the mess.

d. Where membership of sergeants' mess is small, corporals may exceptionally be admitted as members of that mess, at the discretion of the commanding officers.

e. Honorary membership of a sergeants' mess may be accorded, at the discretion of the commanding officer, to serving or temporary members of sergeants' messes of other units and to certain selected civilians.

5.748. Supervision. A field officer or, in the case of a minor unit, a senior captain is to be appointed by the commanding officer and charged with the supervision of the sergeants' mess.

5.749. Discipline. The senior warrant officer or NCO present in the mess is responsible for the maintenance of good order and for the observance of the rules of the mess.

5.750. Mess Contributions and Subscriptions.

a. Warrant officers and sergeants appointed to a newly formed corps may be required to pay an initial contribution not exceeding three days basic pay less subsistence charges, *i.e.* charges for food and standard single

accommodation, of their rank to the sergeants' mess, but before a corps may levy these subscriptions the special permission of the Ministry of Defence is to be obtained.

b. If a warrant officer or NCO is transferred otherwise than compulsorily, by exchange or by promotion, to a newly formed corps, he may be required to make any contribution authorized by the Ministry of Defence payable under sub-para *a*.

c. Subscriptions may be charged on a daily basis, at a rate to be determined by the commanding officer. This rate shall be calculated so as not to exceed four days pay (less subsistence charges) per year for dining members. The rate for non dining members shall be half that of the rate for dining members.

d. When visiting another unit's mess on detached duty, subscriptions will be paid at the home mess only. Individuals remain liable for any food and beverage charges under PAYD arrangements and those minimal mess charges directly associated with their stay (*e.g*. laundry charges for bedding not laundered at public expense). The chain of command should raise instances of excessive charges being made to DPS(A) for arbitration.

5.751. Mess Entertainment. An entertainment is not to be held unless with the concurrence of two thirds of those present at a general mess meeting and with the sanction of the commanding officer.

5.752. Mess Administration.

a. The management of the mess is to be conducted by a committee, the president of which should not normally be below the rank of warrant officer, class 2, with two sergeants (one to be a non dining member if possible) as members. A treasurer and a manager are to be appointed at a mess meeting, subject to the approval of the commanding officer. The committee is to have power to authorize all ordinary expenditure, but exceptional outlay is not to be incurred without the previous approval of a mess meeting and of the commanding officer. Honorary members are not to take part in the management of the mess.

b. No regimental sergeant major, regimental quartermaster sergeant, regimental quartermaster sergeant (technical) or honorary member, is to be required to act as president of the sergeants' mess committee.

c. The commanding officer may, at his discretion, authorize the president to institute a system of credit sales within set limits to members of the mess on a weekly or monthly basis. This method of purchase is to run concurrently with the cash payment system.

5.753. The Treasurer. He is to be appointed quarterly in a major unit, and is to be a company quartermaster sergeant or colour sergeant or, in a minor unit only, a sergeant.

5.754. The Manager. He is to be a sergeant and exempt from other duties, except in small units when it is not possible to make the services of a full time manager available.

5.755. Duties. The respective duties of president, treasurer, manager and supervising officer are at **Annex L** to this Chapter.

5.756. Alcohol. Beer or spirituous liquor is to be sold only within the mess and to mess members, and during the hours appointed by the commanding officer. The mess is to obtain all its wines, spirits, beers and other supplies through firms or tradesmen approved by the commanding officer.

5.757. Mess Meetings. These are to be held monthly, or at regular intervals as directed by the commanding officer, and all members in station are to attend. The warrant officer or NCO appointed by the commanding officer as president or, in the absence of such warrant officer or NCO, the senior member present, excluding those not required to act as president, is to preside. Minutes of the proceedings are to be recorded and submitted for the approval of the commanding officer.

5.758. Regimental Dinner Nights. Regimental Dinners Nights, at which all members, less those formally excused, are to attend in uniform, are to be held not more often than six per financial year following authorization as laid down at **para 5.701** above. Members who have received a SNCO's Mess Dress Grant are to wear Mess Dress.

5.759 - 5.768. Reserved.

Unit Catering

5.769. Commanding Officers. Commanding officers are responsible for the standard of catering in their units. The commanding officer is to nominate a food account holder and a supervising officer in accordance with the following:

a. Warrant Officer/Staff Sergeant. Where the senior regimental caterer is of warrant officer or staff sergeant rank he/she is to be nominated as the food account holder. The supervising officer is to be the food services warrant officer.

b. Sergeant or Below. Where the senior regimental caterer is of sergeant rank or below, the food services warrant officer is to be nominated as the food account holder. The supervising officer is to be the food services officer.

c. Regimental Messing Officer. In units where there is no food services officer or food services warrant officer cover, a regimental officer is to be appointed as the messing officer and ration account holder, who, prior to taking up the appointment, should have attended a messing officers course; the tenure of the appointment should be for a term of not less than six months.

5.770. Regimental Caterer. The regimental caterer is responsible to the commanding officer for all catering related matters within the unit. This responsibility includes food supply, food production and storage, front of house service and, in the case of the regimental caterer being of warrant officer or staff sergeant rank, ration accounting for all messes. The regimental caterer is to operate the unit contract monitoring system, ensuring that catering standards are maintained and that the contractor meets the contract specifications and conditions.

5.771. Food Services Officer. It is the responsibility of the food services officer to provide advice on all catering matters to unit commanders. Other responsibilities of the food services officer are defined as follows:

a. Carries out the duties of the contract authorizing officer in contracted units.

b. To supervise the catering function within the unit and the provision of management information to Commanding Officers on all catering matters.

c. Monitors the standard and procedures of all catering contracts and is the authorizing officer of such contracts.

d. Prepares units' catering resources data in support of the units' operational evaluation report.

e. Ensures that the provisions of the food safety act are complied with at unit level.

f. Implements Director Defence Catering Group policy and ensures adherence to Joint Service Catering Regulations.

5.772. Food Services Warrant Officer. The food services warrant officer at the appropriate formation headquarters provides functional and technical support to the regimental caterer. Key areas are technical management, information technology support, application of legislative requirements, kitchen design and equipment, accounts management, catering contract monitoring and the application of quality and hazard analyses control systems for all food production, storage and service procedures.

5.773. Regimental Duty Officer. A regimental duty officer is to visit the unit catering organization daily during all meals. A record of the comments is to be kept in the daily catering record for scrutiny by the food services officer or regimental messing officer.

5.774. Junior Ranks Committee. A representative junior ranks committee should meet at regular intervals as determined by the commanding officer to discuss or offer suggestions for improvements to the unit's catering. The food services officer, where applicable, is to be in attendance. The minutes of these meetings are to be approved by the commanding officer and copies distributed for general information to all concerned.

5.775 - 5.790. Reserved.

PART 19 - ANIMALS, PUBLIC AND PRIVATE

Service Animals

J5.791. Commanding officers of units having animals on charge are to ensure that Regulations and Instructions for Army Veterinary and Remount Services (**AC 61641**) are observed.

Domestic Animals and Livestock

J5.792.

a. Commanding officers are to issue such orders as are necessary to ensure that livestock and domestic animals which are kept within stations, establishments, barracks or married quarters are properly maintained and controlled so that they are neither a nuisance nor a hazard to health, and do not bring the Service into disrepute. These orders must be compatible with such local bylaws and regulations issued by the civil authorities as may be in force and should make it clear in what circumstances the prior permission of the commanding officer will be required and should also define any conditions which will automatically be attached to permits issued on his authority.

b. When an entire unit or establishment moves, commanding officers are to ensure that all local rules and regulations covering the movement of animals from one country to another or from one part of a country to another are readily available and are brought to the notice of servicemen and their families, particularly during times of epidemic.

c. Owners of animals are individually responsible whenever they move for informing themselves of current laws, rules and regulations whether in the United Kingdom or abroad concerning the import or export of animals.

d. Owners moved from one area to another who do not wish or are unable to take their domestic animals with them are to make suitable arrangements either for their transfer to another home or for their humane disposal by a civilian veterinary officer or inspector of the RSPCA or other similar organization. Where no such organization exists units are to make their own arrangements. In no circumstances are dogs or other domestic animals to be abandoned.

e. Commanding officers are to arrange with the RSPCA or similar organization or the local public health department for the humane disposal of any stray animals found on their stations, establishments, barracks or married quarters. Where there is no alternative, units are to make their own arrangements for disposal.

5.793 - 5.800. Reserved.

PART 20 - PRIVATE PROPERTY

Found Property
J5.801.

a. Any article found in a unit or an establishment which the finder is unable to return direct to the owner is to be handed over to the appropriate Service authorities. Any claimant to the property will be required to supply evidence of ownership and may be called upon to defray any identifiable costs incurred.

b. Property, not being public property, which is unclaimed after being held for three months is to be disposed of, if necessary by sale, at the discretion of the commanding officer.

c. Where the property is money or is sold for cash, the amount is to be credited to public funds. A proportion of the money may be paid as a reward to the finder, or, alternatively, paid to a local charity or benevolent fund.

Effects of Deceased Soldiers
5.802. Any cash among the effects of a deceased soldier is to be accounted for as laid down in the Manual of Army Pay Duties (**AC 60151**). The personal effects of a deceased soldier are to be dealt with by the appropriate committee of adjustment in accordance with Casualty Procedure 1995 (**AC 12974**), Chapter 18.

Soldiers in Imprisonment or Detention
5.803. When a soldier is sentenced to imprisonment or detention on the expiration of which he will not rejoin his unit he is to be informed that the military authorities are not responsible for the custody of any private property that he may possess. Facilities are to be provided for him to make private arrangements for the custody or disposal of his property, including regimental necessaries not sent with him to prison or detention barracks; should he decline or fail to make private arrangements before quitting his unit, any articles then remaining in military charge are to be listed and forwarded, either to the prison or MCTC authorities or to the next of kin if they are prepared to accept them. A receipt must be obtained for any articles disposed of in this manner. If none of these will accept them, the matter is to be referred to the MOD PS2(A) for a decision on whether or not the articles should be sold. Should it be decided that the articles are to be sold all proceeds from such sales are to be paid into the unit imprest account (*see* Manual of Army Pay Duties (**AC 60151**)).

5.804. These instructions may not apply to deserters and soldiers convicted of an offence which by the law of England and Wales is an arrestable offence, whose property will be dealt with in accordance with the **Regimental Debts Act** and the warrant and regulations relating thereto. (*See* **Manual of Service Law** Chapter 10.)

5.805. Except where specifically required to do so in these or other regulations an officer or warrant officer cannot be called upon, by virtue of his employment, to undertake the custody of private money; should he do so it is to be on a voluntary basis and he is then to be personally responsible for the safe custody to the person or persons to whom the money belongs.

5.806 - 5.810. Reserved.

PART 21 - PRISONERS OF WAR

Responsibility for Prisoners of War
J5.811.

a. Both the government whose forces capture them and the individual members of those forces are responsible for ensuring that, from the moment of capture, prisoners of war are treated in accordance with international law, in particular the provisions of **1949 Geneva Convention III Relative to the Treatment of Prisoners of War**.

b. Prisoners are on no account to be regarded as the property of or at the mercy of the units or individuals who capture them or have them in their charge. Consequently all persons who have prisoners of war in their charge are strictly to observe in their treatment of them the requirements of international law, including the provisions of **1949 Geneva Convention III Relative to the Treatment of Prisoners of War**, which are set out in **JSP 383 -** The Joint Service Manual on the Law of Armed Conflict. In particular, prisoners of war are to be treated humanely at all times, given appropriate medical attention and provisions, and protected, particularly against acts of violence or intimidation and against insults and public curiosity. They shall be evacuated as soon as possible after capture to areas out of danger from combat.

Status of Captured Persons
J5.812. Prisoners of war shall be treated as such from the time of capture until final release and repatriation. If a doubt arises as to whether a person who committed a belligerent act and was captured as a prisoner of war is entitled to prisoner of war status, they shall be given the protection afforded to prisoners of war until their status is determined by a tribunal in accordance with the **1949 Geneva Convention III Relative to the Treatment of Prisoners of War**.

Duties and Obligations towards Prisoners of War
J5.813.

a. Although the permanent custody of prisoners of war is generally an Army responsibility any Service may have to guard and administer prisoners of war from the time they are captured until they are delivered into Army charge.

b. Commanding officers are to ensure that all personnel under their command are properly instructed in their duties and obligations towards prisoners of war.

Conduct after Capture by the Enemy
J5.814.

a. Commanding officers are to ensure that all personnel under their command are familiar with the precautions to be observed in the event of their being taken prisoner of war and, in particular, of the need to prevent material likely to be useful to the enemy from falling into his hands. (*See* Defence Manual of Security (**JSP 440**).

b. (*Army only*.) *See also* **para 2.019** regarding powers of command after capture.

5.815 - 5.830. Reserved.

PART 22 - FLYING, PARACHUTING, AIRCRAFT ACCIDENTS AND SALVAGE

Flying Regulations
J5.831.

a. It is the duty of all aircrew and such others as are concerned in the operation of Service aircraft to acquaint themselves with the orders and instructions contained in Military Flying Regulations (**JSP 318**), which contains both joint and single Service flying orders and instructions.

b. When personnel of one Service are attached, seconded or on loan to another Service for duty or training they are to be subject to the flying orders, regulations and instructions of the Service to which they are attached, seconded or on loan.

c. Service personnel serving on exchange, secondment or loan, or undergoing courses of instruction in a Commonwealth air force, are to comply with the flying regulations issued by that particular force.

d. Service personnel serving on exchange, secondment or loan, or undergoing courses of instruction in a foreign air force are to comply with the special instructions issued to them before taking up their appointment.

e. *Civil Flying Use at Ministry of Defence Airfields*. Civil aircraft may use Ministry of Defence airfields only under the conditions laid down in Regulations for Civil Flying at Ministry of Defence Airfields (**JSP 360**) unless otherwise authorized by the Ministry of Defence.

Passenger Flights in Service Aircraft
J5.832. Regulations governing passenger flights in Service aircraft are contained in Joint Service Manual of Movements (**JSP 327**), Military Flying Regulations (**JSP 318**) Part 1 (Joint Regulations) and Part 3, Section 4 (Army Regulations) and in the Joint Service Manual of Travel Instructions (**JSP 356**).

Use of Private Aircraft
5.833.

a. Regulations under which privately owned aircraft may be used by officers and soldiers are given in Military Flying Regulations (**JSP 318**) Part 3.

b. Use of privately owned aircraft for duty journeys is the subject of Regulations for Army Allowances and Charges (**AC 10**) Chapter 3 Section 5.

Parachute Descents
J5.834.

a. Parachute descents, other than forced descents, are to be made only by:

(1) Trained parachutists whose duties require it.

(2) Service personnel on authorized parachute training courses at No 1 Parachute Training School, or at foreign or Commonwealth military parachute schools with the authority of the Ministry of Defence (SO1 AB/SF Pol).

b. Experimental parachute descents are to be made only on the authority of the Ministry of Defence (MAP 12d or SO1 AB/SF Pol).

c. The prior approval of the commanding officer concerned is required for all cases under *a*. and *b.*

d. This regulation relates to duty parachute descents from Service aircraft. It does not refer to sport parachuting or adventurous training free fall parachuting at Joint Service Parachute Centres; the orders and instructions for these activities are given in **AGAIs** and Defence Council Instructions.

Aircraft Accidents or Forced Landing
J5.835. Reporting of Aircraft Accidents and Noteworthy Incidents.

a. The Ministry of Defence is to be advised without delay of accidents, and noteworthy incidents likely to generate interest from the Press, involving the following:

(1) UK military aircraft or any aircraft on charter or lease to the Ministry of Defence, regardless of location (**JSP 318** Military Flying Regulations Order 07101 refers).

(2) Foreign military aircraft anywhere in UK and at or near service establishments abroad.

Civil aircraft at or near Service establishments in UK and abroad.

b. Procedures for the reporting and investigation of accidents and incidents to military aircraft are detailed for the respective Services as follows:

(1) *RN* - **JSP 318** Chapters 170-173.

(2) *Army* - **JSP 318** Chapters 270-273.

(3) *RAF & Foreign* - **AP 3207** Manual of Flight Safety Chapters 5-12.

c. RAF Procedures for reporting civil aircraft accidents and incidents are detailed in Chapter 12 of **AP 3207**.

d. Casualties resulting from an aircraft accident are to be reported immediately as follows:

(1) *RN* - in accordance with the **Queen's Regulations for the Royal Navy**, Chapter 51.

(2) *Army* - Casualty Procedure 1995 (**AC 12974**).

(3) *RAF* - to RAF PMA (Casework) Casualty; detailed procedures are given in Casualty Procedure (**AP 1922**).

e. Special procedures, including the activation of a Central Casualty Section (CCS), may be needed to deal with a serious accident to one of the large passenger carrying aircraft operated by or on charter to the RAF. Details are given in Casualty Procedure – Serious Aircraft Accident (**JSP 354**).

5.836. Any officer or soldier seeing an aircraft or flying personnel in distress, or witnessing a crash or forced landing on land or in the sea, is to take the following action:

a. Render whatever immediate assistance he can.

b. Pass all available information (type or description of aircraft, nature of distress, position of crash, time *etc*.) as soon as possible to the nearest rescue control centre, air traffic control centre, Royal Air Force unit, Royal Naval air station, Army Air Corps unit, civil aerodrome or police station, whichever is the quickest, or, in the case of incidents at sea, to the nearest coastguard or lifeboat station.

c. In the case of incidents at sea prompt and accurate marking is often of vital assistance to the rescue organizations. The Service authority nearest to the point of a crash in coastal waters is responsible for endeavouring to locate and mark the point of impact as quickly as possible.

Where no local orders are in force covering the subject, military commanders who receive information concerning distressed aircraft will contact the nearest airfield.

J5.837. Action by Commanding Officers.

a. The commanding officer of a ship or unit to whom an aircraft captain has reported an accident or forced landing is to take charge of the aircraft forthwith and is to issue such orders to the aircraft captain as may be necessary.

b. The commanding officer of the ship or unit to which the aircraft captain belongs is, until such time as the latter reports to him, to issue any necessary instructions with regard to the aircraft captain through the officer temporarily in command of the aircraft captain.

c. The commanding officer of the ship or unit to which the report of the forced landing or accident has been made is responsible for taking action under relevant orders in **JSP 318** Military Flying Regulations, DCIs, **AP 3207** RAF Manual of Flight Safety, **AP IOOV-IO** Post Crash Management - Aircraft - General, **AP 1922** Casualty Reporting Procedure and **JSP 354** Casualty Procedure - Serious Aircraft Accident.

d. The commanding officer responsible for the aircraft (whether it be the commanding officer of the parent unit or the commanding officer to whom the accident has been reported) is responsible, until formally relieved, for the following:

(1) Guarding the wreckage, as detailed in **JSP 318** Order 07201, until it is released by the President of the Service Inquiry or FONA (RNAIU)/HQ DAAvn as appropriate. RAF specific instructions concerning guarding are contained in **AP IOOV-IO**.

(2) Ensuring that wreckage is not disturbed, except to save life or at the specific request of the Police.

(3) Cordoning off the wreckage pending the arrival of Service Inquiry personnel [for RN-RNAIU]. The Service Inquiry President, Aircraft Recovery Officer (ARO) or RNAIU may specify additional cordon measures when they arrive on site.

(4) Controlling access to the site to prevent hazard from unexpended ordnance or crash products.

J5.838. Rewards for Civilians after Aircraft Crashes. Payments as set out below may be made locally to persons not in Her Majesty's forces for assistance of benefit to the Service in connection with aircraft belonging to the Crown that have crashed or forced landed.

a. For rescuing or helping aircrews to safety in difficult conditions overseas - up to £150, for each aircrew member rescued, or if more than one person assisted, or if justified by the expenses incurred or efforts expended, up to a total of £1,000 for any one incident.

b. For locating or giving a first report about a missing crashed aircraft in territories overseas - up to £100 but this cannot be made in addition to an award under sub-para *a*.

c. For recovery of crashed aircraft, parts or equipment:

(1) At sea, when recovery is important for security reasons or for determining the causes of accident, or when for some other reason the recovered wreckage is of value to the Ministry of Defence, a reward of up to £3,000 may be made. Claims for such rewards should be forwarded to the Ministry of Defence (Directorate of Business Resilience, Common Law Claims and Policy (DBR CLCP)) for action. In addition to the reward, compensation may be paid, by the Ministry of Defence, for loss or damage suffered as a direct result of recovery (subject to confirmation by the local fishery officer in the case of UK fishing vessels). The Ministry of Defence (DBR CLCP) is responsible for all such claims arising from contact with Service aircraft. Compensation may also be paid for damage arising from accidental contact with submerged aircraft wreckage.

(2) On land, no reward is to be paid, or offered, without Ministry of Defence (DBR CLCP) approval which will be given only when aircraft or equipment of particular significance are concerned and will be limited to a maximum of £3,000, but the appropriate senior Service officer overseas may, at his discretion, in urgent cases pay or offer up to £300 for recovery on land, reporting all such payments to the Ministry of Defence (DBR

CLCP). Claims for injury, loss or damage suffered by civilians as a result of an aircraft crash, including those arising during the recovery stage, are dealt with either by the Ministry of Defence (DBR CLCP), or the appropriate Land Agent of Defence Estates, using the delegated authority issued by the Chief Claims Officer.

Payments for sub-paras *b* and *c* are chargeable to the appropriate Claims Internal Accounting Code (IAC).

Salvage

J5.839. The following rules have been framed to indicate the extent to which assistance should be given by any ship or aircraft belonging to the armed forces of the Crown to vessels or aircraft in distress and the conditions under which claims for salvage services may be made:

a. Assistance should be rendered to a ship or an aircraft endangered at sea, in tidal waters, or on the shores thereof, on occasions where it is within the reasonable power of any ship or aircraft belonging to the armed forces of the Crown, or any shore based personnel.

b. Salvage services are voluntary services which save, or help to save a ship, an aircraft, its apparel, cargo or bunkers and stores when in danger, either at sea or in tidal waters or on the shores thereof. The danger does not necessarily have to be imminent: it suffices if, at the time the services are rendered, the ship or aircraft has encountered any danger or misfortune which might expose it to injury or destruction were the services not rendered. Services which do not amount to salvage are referred to as 'assistance' in this context.

(1) The **Civil Aviation Act 1949** has applied the law relating to wreck and salvage of life or property to aircraft on or over the sea or tidal waters as it applies to vessels. The instructions in this paragraph apply to the salvage of, or assistance to, aircraft and hovercraft, and to salvage services and assistance by aircraft or hovercraft.

(2) Under section 8(2) of the **Crown Proceedings Act 1947**, the Crown is entitled to claim salvage in respect of services rendered by any ship or aircraft belonging to the Crown.

(3) So that the presentation of salvage claims may be considered, a full report of the circumstances is to be submitted whenever Service personnel or ships or aircraft belonging to the Crown perform a service entitling them to salvage money. When the services are complete the report is to be made without delay to the Treasury Solicitor and sent by the quickest means. A copy is to be sent to the Administrative Authority or appropriate senior officer. He is to send it to the Chief Claims Officer, (DBR CLCP), with his comments. Each vessel involved is to send a separate report.

(4) Service personnel engaged in salvage operations may make a claim for salvage, but only with the written sanction of the Ministry of Defence. No claim will be sanctioned for salvage or recovery of Crown property by any member of Her Majesty's forces. In this context Her Majesty's Forces includes civilians employed by the Department.

(5) The Ministry of Defence has the right to put forward a claim in respect of salvage performed by ships or aircraft belonging to the Crown in its name alone and to withhold permission for personnel to claim separately. When this right is exercised the Ministry of Defence will consider granting personnel a share of any award received.

(6) The Treasury Solicitor acts for the Ministry of Defence in the presentation of salvage claims on the Ministry's behalf and is also prepared to accept instructions from ship's agents in order to represent the interest of the salvaging crew(s).

(7) The Treasury Solicitor is also prepared to act for personnel of ships which do not have a ship's agent, such as RMAS vessels or ships hired by the Ministry of Defence on demise charter, and for personnel attached to shore establishments. Before he can act for these personnel he requires a letter of retainer on **Form S. 1522** signed by the commanding officer or other officer. It is to be sent to the Treasury Solicitor with the full written report. His services will be given only on the terms that he may enforce, compromise or withdraw the claim as he in his absolute discretion may think advisable and without prior consultation with the personnel.

(8) When a lump sum is recovered for the joint claims of the Ministry of Defence and of personnel represented by the Treasury Solicitor, the apportionment of that sum between the respective claimants or groups of claimants by the Ministry of Defence and the Treasury Solicitor will be accepted without question. A nominal roll, giving particulars of those on whose behalf a claim is to be made, is to be provided in duplicate and reference is to be made to those who perform special services. This list is required in addition to the one forwarded with the full written report.

(9) In any case where the owner of the salvaged vessel or aircraft does not want to take possession of it, reference should be made to the Ministry of Defence before action is taken to dispose of it, even if such disposal action has been suggested by the owner.

5.840 - 5.860. Reserved.

PART 23 - METEOROLOGICAL SERVICES

General

5.861. Meteorological services are supplied by the Directorate of Naval Oceanography and Meteorology for the Royal Navy and by the Meteorological Office for the Army and Royal Air Force. These services include:

a. The preparation, collection and distribution of weather reports, forecasts and warnings.

b. The supply of information and advice by meteorological officers.

c. The provision of technical advice on the preparation of meteorological publications and training syllabi.

Duties and Responsibilities of Meteorological Officers

5.862.

a. It is the duty of the meteorological staff to describe the weather - past, present and future - and offer advice on the potential impact of the weather on the performance of sensors, platforms and weapons systems promptly and as accurately as possible. However, the responsibility for deciding its significance in relation to the planned operations and the safety of materiel and personnel rests solely with the commanding officer.

b. The responsibility of the meteorological officer does not end with the issue of routine forecasts, warnings and forecasts on request. He is to keep weather reports, and other information received, under constant review in relation to the programme of operations, exercises or training, and is to take prompt action to pass relevant information and advice to the appropriate authority.

c. A meteorological officer forecasting for a particular operation is to frame the forecast with relevance to that operation.

d. To enable a meteorological officer to carry out these duties efficiently, the commanding officer is to ensure that the meteorological officer is given adequate warning of the operations scheduled to take place, the progress of these operations, and of the factors involved. In particular meteorological officers acting as advisers to CinCs, or to other senior officers, should be afforded facilities to acquaint themselves with factors involved in operational planning.

Warnings of Adverse Weather Conditions

5.863. The meteorological officer will be responsible for issuing or passing on to the commanding officer (or officers designated by the commanding officer) warnings of weather conditions which may affect the safety of materiel or personnel.

5.864 - 5.999. Reserved.

ANNEX A TO CHAPTER 5

Reserved

ANNEX B TO CHAPTER 5

Reserved

ANNEX C(J) TO CHAPTER 5
ACCEPTANCE OF BUSINESS APPOINTMENTS BY OFFICERS OF THE CROWN SERVICES

(PARAS **J5.080** AND **J5.081** REFER)

1. The following is an extract from Command Paper 5517 of July, 1937:

Memorandum on the subject of the Acceptance of Business Appointments by Officers of the Crown Services

Presented by the Prime Minister to Parliament by Command of His Majesty, July, 1937.

After close examination of this question, His Majesty's Government have reached the conclusions set out in the following paragraphs:

2. The surest guide for the conduct of Officers of the four Crown Services must always be the existence and maintenance of great traditions and high standards in those Services; no rules, however elaborate, can be a substitute for this all-important condition. The Annex to this Appendix contains an extract from the Report of a Board of Enquiry published in 1928 (Cmd 3037) enunciating certain general principles by which the conduct of Civil Servants should be regulated; these received governmental approval, and are, of course, equally applicable to the Royal Navy, the Army, and the Royal Air Force.

3. At the same time, His Majesty's Government recognize that it is in the interest of the Services themselves, as well as of the country, that public confidence in the disinterestedness and integrity of the Crown Services should be maintained at the highest point, and that there should be no possibility of a suggestion - however unjustified - in the public mind that members of those Services might be influenced in the course of their official relations with business concerns by hopes or offers of future employment in any of those concerns.

4. In emphasizing the importance of preserving public confidence, His Majesty's Government in no sense imply that there is anything intrinsically improper or undesirable in Officers, on retirement at the end of their Service career, accepting business appointments. But they realize that there are types of case which might lend themselves to misunderstanding, and they have decided to require Government assent to the acceptance of appointments within these types.

5. These would include businesses and other bodies:

a. Which are in contractual relationship with the Government;

b. Which are in receipt of subsidies or their equivalent from the Government;

c. In which the Government is a shareholder;

d. Which are in receipt from the Government of loans, guarantees or other forms of capital assistance;

e. With which Services or Departments or Branches of Government are, as a matter of course, in a special relationship;

and semi-public organizations brought into being by the Government, and/or by Parliament.

6. In such cases all Officers of the rank of Assistant Under Secretary of State (or Principal Assistant Secretary or, in Missions abroad, Ministers), Rear Admiral, Major General, Air Vice-Marshal - and above - will be required to obtain the assent of the Government before accepting an offer of employment.

In addition, in each of the four Services there are posts of a special or technical character not covered by the preceding sentence to which a similar requirement will apply.

7. The prior assent of the Government will take the form of approval by the Minister concerned after consultation with the Treasury; but after the lapse of two years from the date of retirement, such assent will no longer be required.

8. The like principles will apply in the case of Officers who, in exceptional circumstances, may wish to resign from the Services to take up outside occupations.

Acceptance of Business Appointments

We think in conclusion that we shall not be travelling outside our terms of reference if, as three Civil Servants of some experience and jealous for the honour and traditions of the Service, we indicate what we conceive to be the principles which should regulate the conduct of Civil Servants - whether engaged in Home Departments or on diplomatic missions - in their relation to the public.

His Majesty's Civil Service, unlike other great professions, is not and cannot in the nature of things be an autonomous profession. In common with the Royal Navy, the Army, and the Royal Air Force, it must always be subject to the rules and regulations laid down for its guidance by His Majesty's Government. This written code is, in the case of the Civil Service, to be found not only in the Statutes but also in Orders in Council, Treasury Circulars and other directions, which may from time to time be promulgated; but over and above these the Civil Service, like every other profession, has its unwritten code of ethics and conduct for which the most effective sanction lies in the public opinion of the Service itself, and it is upon the maintenance of a sound and healthy public opinion within the Service that its value and efficiency chiefly depend.

The first duty of a Civil Servant is to give his undivided allegiance to the State at all times and on all occasions when the State has a claim upon his services. With his private activities the State is in general not concerned, so long as his conduct therein is not such as to bring discredit upon the Service of which he is a member. But to say that he is not to

subordinate his duty to his private interests, nor to make use of his official position to further those interests, is to say no more than that he must behave with common honesty. The Service exacts from itself a higher standard, because it recognizes that the State is entitled to demand that its servants shall not only be honest in fact, but beyond the reach of suspicion of dishonesty. It was laid down by one of His Majesty's Judges in a case some few years ago that it was not merely of some importance, but of fundamental importance, that in a court of law justice should not only be done, but should manifestly and undoubtedly be seen to be done; which we take to mean that public confidence in the administration of justice would be shaken if the least suspicion, however ill-founded, were allowed to arise that the course of legal proceedings could in any way be influenced by improper motives. We apply without hesitation an analogous rule to other branches of the public service. A Civil Servant is not to subordinate his duty to his private interests; but neither is he to put himself in a position where his duty and his interests conflict. He is not to make use of his official position to further those interests, but neither is he so to order his private affairs as to allow the suspicion to arise that a trust has been abused or a confidence betrayed. These obligations are, we do not doubt, universally recognized throughout the whole of the Service; if it were otherwise, its public credit would be diminished and its usefulness to the State impaired.

We content ourselves with laying down these general principles, which we do not seek to elaborate into any detailed code, if only for the reason that their application must necessarily vary according to the position, the Department and the work of the Civil Servant concerned.

Practical rules for the guidance of social conduct depend also as much upon the instinct and perception of the individual as upon cast-iron formulas; and that surest guide will, we hope, always be found in the nice and jealous honour of Civil Servants themselves. The public expects from them a standard of integrity and conduct not only inflexible but fastidious, and has not been disappointed in the past. We are confident that we are expressing the view of the Service when we say that the public has a right to expect that standard, and that it is the duty of the Service to see that the expectation is fulfilled.

ANNEX D TO CHAPTER 5
A GUIDE TO SUBJECTS TO BE INCLUDED IN UNIT STANDING ORDERS AND IN RULES FOR MESSES

(PARAS **5.122** AND **5.701** REFER)

Part 1 - Unit Standing Orders

1. Duties of field officer, orderly officer, orderly NCO, guard commander and guards, fire picquet, and others as may be necessary.

2. Acquaintance with orders, duties, and rules; and procedure for or bars to exchange of duty.

3. Security orders to cover the safeguarding of information, stores, equipment, vehicles and installations.

4. Control of firearms and ammunition.

5. Custody of keys at all hours during on and off duty periods.

6. Manning minima to be maintained.

7. Prohibitions concerning areas, buildings, and smoking.

8. Fitness for duty.

9. Turnout.

10. Observance of regimental custom.

11. Safety measures to be observed for marching troops, local swimming, climbing and other such activities. Medical facilities during training and range practice.

12. Discipline.

13. Welfare.

14. Finance.

15. Information Technology.

16. Prohibition of gambling and of borrowing.

17. Responsibility for accuracy of documents and correspondence.

18. Responsibility for maintenance and amendment of official manuals and publications.

19. Interviews, channels of communication, and redress of grievances.

20. Courtesy, especially towards civil authorities and dignitaries.

21. Duty to report contagious diseases.

22. Length and styles of hair.

23. Wearing of glasses.

24. Safeguarding of medals.

25. Participation in civilian activities, including political, fund raising and tutorial.

26. Domestic animals and livestock.

27. Care of barracks and accommodation, reporting and attribution of damage.

28. Unauthorized alteration to uniform, stores, equipment, vehicles or barrack accommodation.

29 - 30. Reserved.

Part 2 - Mess Rules

General

31. Reference to QR(Army) and to Service Funds Regulations (**AC 60450**).

32. Responsibility for observance of the rules within the mess.

33. Responsibility for discipline in mess.

Membership

34. Clarifying details concerning living in, living out, and attached officers and any specific points.

35. Rules concerning honorary membership.

Management

36. Composition of mess committee and any permanent subcommittee(s), and rules for these. Authority for holders of certain key appointments to be excused duty as PMC member of committee.

Mess Meetings

37. Frequency.

38. Attendance.

Mess Bills

39. Payment.

Dining Rules and Formal Occasions (including Guest Nights)

40. Current rules.

Gambling

41. Rules covering all forms of gambling.

Meals and Attendance

42. Rules concerning casual meals, visitors, serving in quarters, booking out and extra messing charges.

Bar

43. Times of operation, rules concerning mess guests, ‘treating' and points on other entertainments

Cellar Sales

44. Rules for times and responsibilities.

Daily Books

45. Wines and messing books: availability for viewing, and time bars for complaints.

Miscellaneous

46. Entertainments.

ANNEX E(J) TO CHAPTER 5
FIREARMS ACT 1968

(PARA **J5.151** REFERS)

Firearms and Ammunition for Private Use

1. It is unlawful under the **Firearms Act 1968** for any person in Great Britain, including a member of the armed forces, unless he holds a valid firearm certificate or shot gun certificate (obtainable from the police), to purchase, acquire or have in his possession for private purposes any firearm, ammunition or shot gun other than certain air guns, air rifles or air pistols and certain cartridges and ammunition. A person in naval, military or air service, if required to purchase a firearm or ammunition for his own use in his capacity as a member of such service, is entitled to a firearm certificate without fee. He must, however, satisfy the police that he is required to make the purchase and for this purpose he should produce a certificate from his commanding officer to that effect.

Rifle Clubs

2. The responsible officer of an approved rifle or miniature rifle club or cadet corps may obtain a firearm certificate without fee in respect of firearms and ammunition used solely for practice or drill. Members of such clubs do not need a certificate when engaged in drill or target practice.

General

3. The **Firearms Act 1968** applies in Great Britain; broadly similar provisions apply in Northern Ireland. The nearest chief officer of police should be consulted on any point of doubt affecting the requirements of the Act in respect of private firearms and ammunition: similarly overseas, private firearms and ammunition may be held only if authorized by the civil police there.

Note:

Special provisions for the control of the importation and possession of firearms with respect to Northern Ireland are contained in the **Firearms (Northern Ireland) Order of 1981** and instructions covering the application of that order to all Army personnel serving or residing in Northern Ireland are contained in **AGAI 8**.

ANNEX F TO CHAPTER 5

(Reserved)

ANNEX G TO CHAPTER 5

Reserved

ANNEX H TO CHAPTER 5
ENTRIES INTO DISCIPLINE RECORDS

(PARAS **5.548**, **5.549** AND **5.551** REFER)

Personal Discipline Records and Conduct Sheets

1. The following rules are to be observed in making entries in conduct sheets, on the occasions listed.

2. Every conviction by Court Martial is to be entered whether the sentence is wholly remitted or not. No entry is to be made where a finding of not guilty has been recorded. In particular:

a. The details of all the offences of which the accused has been found guilty are to be set out in full as they appeared in the charge sheet.

b. The sentence of the court, or Court Martial Appeal Court, is to be recorded in the column headed 'Award, sentence or direction dispensing with trial'. The day or dates of trial are to be recorded in the column 'Date of trial'.

c. When the sentence of a Court Martial has been quashed and it is directed that the accused shall be relieved of all consequences of his trial, the entry relating to the particular charge is to be totally erased and furthermore the order authorizing the erasure is to be quoted in such a way as not to indicate the contents of the original entry.

d. Where a serviceman at a summary hearing has elected trial by Court Martial, or a sentence is confirmed or amended by the Summary Appeal Court, the sentence will be entered on JPA as if it has been given at summary hearing.

3. Every case of desertion in which trial has been dispensed with is to be entered giving the authority and the date of the order.

4. Cases dealt with by the Civil Power.

a. This paragraph covers cases dealt with by a court other than a Court Martial when the soldier is subject to service law, whether he is in a state of absence or not.

b. Entries in the conduct sheet are not to be made in the following cases:

(1) Where the soldier is acquitted or his conviction is quashed on appeal.
(2) Where the soldier is discharged absolutely or conditionally.
(3) Where the case is dismissed, whether or not costs are awarded against the soldier.
(4) Where the soldier is bound over.
(5) Where the offence was committed before enlistment.

c. Subject to *b* above, convictions by a court other than a Court Martial are to be entered in the discipline record where in the opinion of the commanding officer the offence is of a serious nature having regard to the considerations set out in **para 6.178***b*(2). Where a conviction by a civil authority results in a record of major administrative action there is no requirement to make an additional entry.

d. In all cases dealt with by a court other than a Court Martial *see* **AGAI 67** for follow on action.

e. While the principal of allowing a commanding officer to use his best judgement in determining the necessary action following a civilian conviction remains paramount, the following should be considered as the benchmark, under normal circumstances, for entry in a conduct sheet:

(1) Any offence that would have warranted trial by Court Martial, If dealt with under **AFA 06**, for example; Affray.

(2) Any penalty that would have warranted a Discipline Entry if it had been awarded at summary hearing.

5. All summary awards are to be entered onto the individuals Personal Discipline Record on JPA in accordance with the relevant business process guide.

6. Every conviction under section 76 of the **Reserve Forces Act 1980** of a man enrolled in the Army Reserve is to be entered.

7. Suspended sentences are recorded as normal with an additional note 'Suspended'. When a suspended sentence is activated it does not require a new entry. The original entry should be annotated with

'Activated in full/in part for *X* days in detention. Dated….'

8. Forfeiture of pay in accordance with the provisions of s342(1)(a), **AFA 06**, is not to be entered onto the personal discipline record.

9. Reserved.

10. Vague entries, such as 'improper conduct' are to be avoided and all entries are to be inserted in complete form as shown on the charge sheet.

11. The following abbreviations are to be used:

Restriction of Privileges Order	RoP
Imprisonment	Impt
Detention	Detn

Service Supervision and Punishment Order	SSPO
Stoppage of Leave Order	SoL
Service Compensation Order	SCO

12. Any special act of gallantry or distinguished conduct (including an act of courage) by the soldier, which has been brought to notice in brigade or superior orders or in despatches, is to be entered, as are any cases of assistance by blood transfusion, where donation of blood involves a special act of gallantry or distinguished conduct. These entries are to be made in red ink across the sheet. The wording of the superior order, and the number and the date of the order, is to be recorded.

13. Every case of skin grafting or vaccination with experimental vaccine in which the soldier, under the supervision of the regulated medical authority, acts as a donor of blood in connection with transfusion of blood, as referred to in **para 12** above only, or as a donor of blood for purposes of anti-measles serum, or volunteers for and undergoes an operation for skin grafting, or voluntarily undergoes vaccination with an experimental vaccine is also to be recorded. The entries in these cases are to be made in red ink right across the sheet.

14. Any entry made on the conduct sheet for an offence and punishment that comes within the **Rehabilitation of Offenders Act 1974** is to be annotated as SPENT on the due date that it becomes SPENT. For guidance on the **Rehabilitation of Offenders Act** *see* **Personnel Administration Manual** Pt 3 Ch 1 Annex D.

15 16. Reserved.

17. Any entry made on the personal discipline record for an offence and punishment that comes within the **Rehabilitation of Offenders Act 1974** is to be annotated as SPENT on the due date that it becomes SPENT. For guidance on the **Rehabilitation of Offenders Act** *see* **AGAI 62**, Annex K.

ANNEX I(J) TO CHAPTER 5
THE SERVANTS OF THE CROWN (PARLIAMENTARY CANDIDATURE) ORDER, 1960

(PARA **J5.584** REFERS)

AT THE COURT AT BUCKINGHAM PALACE

The 11th day of May, 1960

Present,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

Whereas by the Servants of the Crown (Parliamentary Candidature) Order, 1950, provision was made for regulating the right of servants of the Crown to become candidates at Parliamentary elections;

And whereas it appears expedient to Her Majesty, on representations made to Her by the Treasury, the Secretary of State for Foreign Affairs, the Admiralty, the Army Council and the Air Council, to make further provision in relation to the matter aforesaid:

Now, therefore, Her Majesty is pleased, by and with the advice of Her Privy Council, or order, and it is hereby ordered, as follows:

1.

(1) Subject to the provisions of paragraph (2) of this Article, this Order shall apply to any person who for the time being is employed in the civil service of the Crown, whether in an established capacity or not and whether for the whole or part of his time, or is a member of any of the regular armed forces of the Crown or an officer of the Territorial Army in receipt of a consolidated allowance under the Regulations for the Territorial Army.

(2) This Order shall not apply to:

(a) A person, being an officer on the retired or emergency list of any of the regular armed forces of the Crown, or holding an emergency commission in any of those forces, or belonging to any reserve of officers of any of those forces, by reason of his being a member of those forces;

(b) A naval, army, marine or air force pensioner, who is recalled for service for which he is liable as such, by reason of his being a member of the regular armed forces of the Crown;

(c) An Admiral of the Fleet, a Field Marshal or a Marshal of the Royal Air Force, if he does not for the time being held an appointment in the naval, military, air or civil service of the Crown;

(d) A person who is a member of the Royal Observer Corps, by reason of his being such a member, unless he is employed as such for the whole of his time;

(e) A person employed in an industrial grade or in such a grade as may from time to time be certified by the Department concerned with the approval of the Treasury to be an industrial grade for the purposes of this Order;

(f) A person employed in such a grade as may from time to time be certified by the Department concerned with the approval of the Treasury to be a minor and manipulative grade for the purposes of this Order, not being a person employed in a constabulary under the control of the Admiralty, Army Council or Air Council.

2. Subject to the provisions of Article 3 thereof, no person to whom this Order applies shall issue an address to electors or in any other manner publicly announce himself or allow himself to be publicly announced as a candidate or prospective candidate for election to Parliament for any constituency.

3. A person who is, by virtue of the **National Service Act, 1948**, serving for a term of whole-time service in the Royal Navy, the Royal Marines, the Army or the Royal Air Force, may publicly announce himself or allow himself to be publicly announced as a candidate or prospective candidate for election to Parliament for any constituency, but shall not, while so serving, issue an address to electors or in any other way actively participate in any political activities.

4. In this Order the following expressions have the means hereby respectively assigned to them:

'civil service of the Crown' includes Her Majesty's Foreign Service;

'regular armed forces of the Crown' means the Royal Navy, the regular forces as defined by section 225 of the **Army Act, 1955**, the regular air force as defined by section 223 of the **Air Force Act, 1955**, the Women's Royal Naval Service, Queen Alexandra's Royal Naval Nursing Service and Voluntary Aid Detachment serving with the Royal Navy.

5.

(1) This Order applies to women as it applies to men.

(2) The **Interpretation Act, 1889**, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

6.

(1) This Order may be cited as the **Servants of the Crown (Parliamentary Candidature) Order, 1960**.

(2) The Servants of the Crown (Parliamentary Candidature) Order, 1950, is hereby revoked.

W. G. Agnew.

ANNEX J TO CHAPTER 5
MANAGEMENT OF SERVICE (NON PUBLIC) FUNDS

(PARAS **5.612** AND **5.702** REFER)

General Instructions

1. Commanding officers are responsible as sole trustees for the control of all the funds of their units. They may as necessary appoint subordinate officers to manage those funds. In the case where Service (non public) funds are managed by a committee or council who do not act on behalf of the commanding officer, then the chairman of that body is to be the commanding officer for the purposes of the requirements in these regulations and **Service Funds Regulations**.

2. All officers concerned in the management of Service (non public) funds are to keep a precise record of their transactions and are generally to apply the detailed procedures laid down for this in Service Funds Regulations (**AC 60450**). The accounts of all Service (non public) funds entered up to date are to be made available at the formation commander's administrative inspection (**para 3.006**).

3. The cash and bank balances of all regimental funds of the unit are to be checked at irregular intervals to include a minimum of five checks each year, with at least one being conducted each quarter. There is to be no prior warning of these checks. A record of these checks is to be made on the accounts concerned in accordance with Service Fund Regulations (**AC 60450**). If an account holder is also responsible for any other service fund account, or for the imprest account, the cash and bank balances of those accounts are to be checked at the same time.

4. Service (non public) fund accounts of the unit are to be formally handed over during the absence of the account holder (*e.g.* on privilege leave) and in any case at intervals of not more than 12 months.

5. A commanding officer who is himself the account holder of a Service (non public) fund is to report the fact to the formation headquarters currently responsible for the administration of his unit. The formation commander is then to detail, by appointment, an officer of the same or higher rank than the commanding officer, but of another unit, to carry out the check referred to above.

6. The accounts of Service (non public) funds are generally to be audited at such intervals, not exceeding 12 months, as may be determined by the GOC. In those units operating under the Regimental Accounts Scheme, a continuous audit is to be undertaken by the Internal Auditor in accordance with instructions contained in Service Funds Regulations (**AC 60450**) Chapter 2 paras 7, 8 and 10 below do not apply in such cases.

7. At the end of the appropriate period the commanding officer is to convene an audit board consisting of a president and at least two members. The president is to be an officer not below the rank of captain, or a retired officer holding an appointment as a retired officer on a unit establishment. The members may be officers, retired officers, warrant officers, or a staff sergeant (no more than one per audit board) and civilian officers of equivalent grades. In no circumstances is an account holder or anyone directly connected with the account being audited to be either the president or member of an audit board which is to audit that account.

8. The commanding officer is personally responsible for obtaining, for each account to be audited, bank statements for the current, deposit and giro accounts and a certificate of investments held as at close of business on the last day of the relevant period for which the accounts are to be audited. He is to arrange that these statements and the certificate are sent to him direct and not through any other person. He is then to hand them direct to the president of the board.

9. Audit is to be conducted in accordance with the instructions contained in Service Funds Regulations. The proceedings of the board are to be laid before the commanding officer for approval and, subsequently, placed before the commander under whom the unit is serving.

10. A commanding officer may, if he so wishes, arrange for the audit of Service (non public) funds accounts to be carried out by professional civilian accountants but the cost of such audit is not to be admitted as a charge against public funds. When accounts are audited the auditor's report is to be placed before an audit board, convened in accordance with **para 7** above, which will then act in accordance with the instructions contained in Service Funds Regulations.

11. To afford all ranks an opportunity of acquainting themselves with the amount of rebate received from the NAAFI and the method of its disposal, a balance sheet, including a simple statement of receipts and payments, of the accounts of the regimental institutes is to be published in unit orders as soon as possible after the audit.

12. Unit funds will not be used for the encashment of private cheques, except on the authority of the commanding officer, where the prescribed rules for the administration of a particular fund provide.

J12A. The Department generally accepts no legal liability for activities of Service personnel assigned responsibility for activities which are wholly funded by non-public funds. A commanding officer is therefore to ensure that such activities have the requisite commercial insurance cover set out in single Service regulations.

13. Investments are to be made in accordance with the provisions of the **Trustee Act 2000**. Deeds of trust purporting to govern the present or future application of any Service (non public) funds or property of the unit are not to be

executed without the consent of the Army Board of the Defence Council. This restriction does not apply to gifts or bequests made to the unit from time to time which remain subject to any limitation specified by the donor.

The United Services Trustee

J14. The attention of those who have control, or are concerned in the control, of funds which are not public money, or of goods *etc*. which are not public property, is drawn to the advantages which are obtained by utilizing the services of the United Services Trustee, which is a corporation formed in December 1918, for the use and benefit of the Royal Navy, Army and Royal Air Force, and not for gain or profit. The main objects for which the corporation is established are to act as trustee, or custodian trustee, or as treasurer, receiver or manager, or as agent for persons having the management or control of any funds or property existing for the benefit of members or ex-members of Her Majesty's forces. The purchase and sale of investments, collection of dividends and insurance, and recovery of Income Tax are all matters on which The United Services Trustee is willing to give expert advice and assistance. The United Services Trustee Combined Charitable Fund (formerly entitled Combined Charitable fund) and the Combined Charitable Income Fund were established for the purpose of the investment of Service Charities. Further information may be obtained from The Secretary, The United Services Trustee, 123 Pall Mall, LONDON, SW1Y 5EG.

ANNEX K(J) TO CHAPTER 5
ELECTORAL REGISTRATION

(PARA **J5.587** REFERS)

Electoral Registration of Members of the Armed Forces and their Spouses

1. 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.

2. Eligible Personnel. 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.

3. Registration Options. 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.

4. Renewal of Registration. 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 nine 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.

5. Rolling Registration. 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.

6. Privacy of Information. There are two versions of the electoral register. By law, only certain people and organizations 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.

7. Absent Voting. 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:

Physical incapacity or blindness.

Occupation, employment or attendance on a course.

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.

8. European Union - Citizens. 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).

9. Unit Procedures. All ships, units and stations are to give 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 six 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 organizations 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.

10. Election Procedures. 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 UK 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.

11. Additional Information. 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**.

APPENDIX 1(J) TO ANNEX K(J) TO CHAPTER 5
SERVICE VOTERS AT PARLIAMENTARY, EUROPEAN PARLIAMENT AND LOCAL GOVERNMENT ELECTIONS

This appendix deals with worldwide members of the Armed Forces and their spouses or civil partners.

General

1. To be included on the register of electors for parliamentary, European Parliament and local government elections, it is necessary for individuals to register as an ordinary voter, a Service Voter or an Overseas Voter.

2. The following are defined as having a 'Service qualification', which is necessary if choosing to register as a Service Voter:

a. Members of the regular forces, *i.e.* officers, ratings, soldiers and airman on full pay. Personnel in this category do not include reservists called up for training or service, nor members of the TA, R IRISH (HS) (*for the Army only*) nor civilians with the UN, all of whom should contact their Local ERO.

b. The civilian wife or husband or civil partners of anyone qualified under sub para **2***a*.

3. Timetable for Ordinary Voters. Local Electoral Registration Officers in England, Scotland and Wales arrange for the delivery of the Electoral Registration or Canvass Form to all households (including Service married quarters) in their authority's area during September. The head of household is required by law to complete and return the form listing all those eligible to be ordinary voters, but leaving out Service personnel and spouses/civil partners who are registered as Service Voters, who will be resident in his/her dwelling on 15 October (except in Northern Ireland where ordinary voters must register individually) . This is the Qualifying Date. Service personnel and spouses or civil partners who are not registered as Service Voters must be entered on the form, as must dependants who are 18 years of age or will achieve this age during the life of the next register of electors. The updated electoral register is published by 1 December.

4. Timetable for Service Voters. A declaration for Service personnel or for spouses or civil partners can be submitted at any time of the year.

5. Service personnel (and their spouses or civil partners if qualified as above) are entitled to be included in the register of electors provided:

a. They are British subjects or citizens of the Republic of Ireland or citizens of a Commonwealth country and are not subject to any legal incapacity to vote.

b. They are 16 years of age or over (although they will not be able to vote until their 18th birthday).

c. If they choose to register as Service Voters, they can declare a qualifying address in the United Kingdom. This address will normally be their home address or it may be the address of their unit, but should not include short course training units where the address will soon become obsolete (*e.g.* recruits). If they no longer have any connection with an address they may, exceptionally, show an address at which they have formerly resided in the United Kingdom other than a former Service address. Alternatively, they may use an address where they would be living if they were not in the Services.

6. Service authorities should ensure that all qualified persons who desire to obtain and use a vote are given every assistance to enable them to do so. This applies equally to civilian spouses or civil partners wishing to become Service voters.

Registration Procedure

7. Commanding officers are to afford all Service personnel under their command and the wives or husbands or civil partners of such personnel who desire to be placed on the register of electors, every facility and assistance for the completion, attestation and despatch of a an electoral registration form, either as an ordinary voter, a Service Voter or an Overseas Voter. Every person on joining the Armed Forces is to be encouraged to register as a voter at the earliest opportunity; this will normally be in the first training unit. If a person is married or in a civil partnership on joining the armed forces, or if he/she marries or forms a civil partnership subsequently, the spouse/civil partner should be invited to consider the possibility of making a Service declaration. In their careers subsequently, they should be encouraged regularly to register to vote.

Registration as a Postal Voter or Appointment of a Proxy Voter

8. Every elector in England, Scotland and Wales, both ordinary, civilian electors and those who have made a Service declaration, has the right to register as a postal voter and he or she can choose how long the arrangement is effective, *e.g.* permanently, for a limited, specified period or for just one election. Once so registered, for the identified election or period of time, a postal ballot paper will be sent automatically by the Electoral Registration Officer to the address specified. If outside the UK, Service Voters are advised to consider appointing a proxy (*see below*) because postal ballots may not be sent out until shortly before an election and so may not be received by those overseas in time to vote and return them. In Northern Ireland this situation is different. Postal votes are not available on demand, but are only available to people who cannot get to the polling station for reasons of disability, employment or other temporary reason. Further, in Northern Ireland, postal votes are not despatched to addresses outside the U.K. Consequently, if anyone is registered in Northern Ireland, is based outside the U.K., and requires an absent vote, they will have to appoint a proxy.

9. Service voters, if physically away from their UK residence or outside the United Kingdom at the time of an election, can also vote through a proxy nominated by them. Two considerations are pointed out that affect the nominations of proxies:

a. The proxy himself or herself must be qualified to be placed on the register of electors, though not necessarily for the same constituency as the declarant. He or she must, therefore, be a British, Commonwealth or Republic of Ireland citizen, over 18 years of age at the time of an election, and not subject to any legal incapacity to vote. In this connection, peers cannot vote at parliamentary elections and cannot, therefore, act as proxies at them.

b. No one may vote as proxy in the same constituency for more than two electors of whom he or she is not husband, wife or civil partner, parent, grandparent, brother, sister, child or grandchild.

c. If the appointed proxy cannot get to the polling station, he/she can choose to vote by post (postal proxies).

10. For those who choose to vote as a postal voter, the Electoral Registration Officer in the authority at which the person is registered should be notified on moving from one address to another, either in the United Kingdom or overseas ,by despatching a new Registration Form. This will ensure that the postal vote is delivered to the correct location.

Acknowledgement by the Electoral Registration Officer

11. On receiving a renewal notification, the Electoral Registration Officer will, in the case of persons who will be of voting age during the currency of the next register, acknowledge its receipt direct to the declarant at the address shown on the declaration. The acknowledgement form which contains information on the nomination of proxy and voting rights should be carefully retained by the declarant for future reference.

12. In the case of persons who will not be of voting age during the currency of the next register, the Electoral Registration Officer will acknowledge receipt of the Registration Form direct to the declarant and hold the Registration Form until the declarant is entitled to be included in a register of electors. When under age declarants reach registration age, Electoral Registration Officers will automatically enter them on the first appropriate register and will notify them that this has been done and, where appropriate, that their proxies have been appointed.

Change of Proxy

13. Any Service voter wishing to change his/her proxy may do so by completing and submitting a fresh Registration Form.

Change of Qualifying Address

14. Any Service voter wishing to change his/her qualifying address may do so by completing and submitting a fresh Registration Form. Each fresh declaration has the effect of cancelling the previous declaration.

15. Service voters who now have no connection with the United Kingdom qualifying address given when they last submitted a Registration Form but have a connection with some other address, are advised to submit a fresh declaration giving the new qualifying address.

16. Special Provisions for Northern Ireland.

a. The applicant must first satisfy the Primary Qualifications, *i.e.*:

(1) Be a British subject, or a citizen of the Irish Republic, a citizen of a Commonwealth country or a citizen of a country in the European Union.

(2) If born in Northern Ireland must have resided there for the whole of the three months prior to the qualification date (15 October).

b. If applicants can satisfy the Primary Qualifications they may then apply for registration as a Service Voter by submitting a form **RP 32**, obtainable from the Electoral Office for Northern Ireland (EONI). All people registering as electors in Northern Ireland must, when registering, provide certain information to be used as personal identifiers, *i.e*. their signature, their date-of-birth and their National Insurance number.

c. Once registered the Service Voter may vote:

(1) In person, by post or by proxy in council elections, U.K. parliamentary and European Parliamentary elections.

Reservists

17. Reservists (other than those rendering continuous full time service) are not eligible for registration as Service voters under the foregoing arrangements.

18. If qualified they will be registered as ordinary electors for their home addresses and will be entitled to claim to apply to be absent voters if at any particular election they are likely to be prevented from casting a vote in person owing to their service as reservists, *i.e.* if they are absent from home on training. This applies to parliamentary, European Parliament and local government elections, except those for parish and community councils in England and Wales.

19. If an election is announced for a constituency for which reservists are registered while they are absent on training they should be advised to apply to the Electoral Registration Officer of the area where their home is for absent voting facilities for that election.

20. Reservists who will be absent on Service training at the time of a parliamentary or European Parliament election and who are likely to be at sea or outside the United Kingdom on polling day may, if they have applied to be treated as absent voters, also apply for the appointment of a proxy on **RPF 9**.

21. It should be noted that if reservists apply for and receive postal voting papers they cannot then vote in person.

Change of Registration Method

22. Anyone registered as a voter who wishes to change the method of registration (*e.g*. from Service Voter to ordinary voter) should complete the relevant Registration Form and send it to the local authority Electoral Registration Officer. If a new Electoral Registration Officer is involved, the individual should give information about the previous registration so that the new registration officer can contact the previous one to cancel the previous registration.

Forms

23. Full instructions for the completion and despatch of a Registration Form are contained on the form. Forms are obtainable from local authority Electoral Registration Officers or on the Internet at **www.aboutmyvote.co.uk**.

ANNEX L TO CHAPTER 5
SERGEANTS' MESS DUTIES

(PARA **5.755** REFERS)

1. Mess accounts in respect of both cash and stock are to be maintained up to date and in the form prescribed in Service Funds Regulations (**AC 60450**).

2. President's Duties. The president of the sergeants' mess committee is to exercise general supervision over the mess and is to perform the following duties:

a. He is at least once a month to check the accounts kept by the treasurer and not less frequently than once a month the stocks and the stock book maintained by the caterer. He is to report any irregularities disclosed to the supervising officer and sign and date the records which he has checked.

b. He may delegate to the committee member in charge of messing the duty of signing orders for messing supplies; he is to sign such orders for other supplies as are approved by the supervising officer.

c. He is to sign the bills due to be paid by the mess, and submit them to the supervising officer for payment.

d. He is to check and initial the accounts before their submission to the supervising officer for signature and before audit.

3. Treasurer's Duties.

a. The treasurer is to collect from the caterer each day the cash received from bar sales and any miscellaneous receipts together with credit sales vouchers. He, in turn, is to hand over daily to the supervising officer all cash receipts including payments of subscriptions, messing fees and settlement of bar credit sales. A book record is to be maintained of the handover of cash from one official to another and this is to be signed by both parties at the time.

b. The treasurer is also to make daily checks of the stock books kept by the caterer to ensure correct recording of receipts, correctness of stocks and to verify value of sales. He is to sign the stock book at the time of check.

c. He is to be responsible for collection of amounts due to the mess for subscriptions, credit sales and other necessary fees. He is to close his accounts at the end of each month incorporating a record of all amounts due to and from the mess at the date of closure and to prepare them for signature by the supervising officer and submission to audit.

d. The treasurer may be allowed to retain a cash float not exceeding £40 for payment of minor accounts. This may be exceeded for a prescribed period at the commanding officer's discretion within a limit of £100.

4. Manager's Duties.

a. The manager is to take charge and account for all bar stocks and to receive from members the amounts due from purchases.

b. He is to refuse credit to members for purchases of bar stocks except when so authorized and within the limits set by the commanding officer.

c. He is to ensure that bar sales cease at the correct time and that, at the close of business, the bar stocks, cash and credit sales vouchers in hand are secured against theft.

d. At the end of his tour of duty and in the presence of the president and treasurer the manager is to hand over to his successor his stock, stock books and other records and any cash or credit sales vouchers in hand. He is required to account for all stock and monies received by him during his tour and not previously otherwise brought to account for any reason whatsoever. The records are to be signed by both managers, the president and treasurer at the time of handover.

e. With the approval of the commanding officer and particularly where he is exempt from other duties, the manager may be made responsible for the supervision of mess staff, the arrangements for messing and messing stocks.

5. Supervising Officer's Duties.

a. The supervising officer is to maintain a cash account of all sums received or paid on behalf of the mess.

b. He is to make regular bank deposits of cash in hand and to keep his cash balances to a minimum and limited to the amount required to settle in cash those bills where payment by cheque is impracticable.

c. He is to check bar stocks against the manager's books and cash credit sales vouchers once every six months and sign the stock books when the check is made.

d. He is also to examine the treasurer's accounts each month and to verify that credit sales do not exceed authorized limits and to see that the cash and bank transactions are correctly recorded.

ANNEX M(J) TO CHAPTER 5
EDUCATION

(PARA **5.020** REFERS)

Responsibilities

1.

a. Responsibility for the education of members of the armed forces rests with commanders of all formations and units at their respective levels of command.

b. Responsibility for the provision of educational services, within the framework of policy laid down by the Defence Council, rests with the Services' Directors of Education.

c. The Services' Directors of Education are responsible to their respective Principal Personnel Officers in the common main areas outlined in **para 2** below: they have further responsibilities on a single Service basis as detailed elsewhere in these regulations.

Executive Authority

2. The executive authority and financial arrangements for the conduct, organization and administration of education of Her Majesty's forces are contained in:

Royal Navy	Education and Resettlement Handbook (**BR 1797**).
Army	Manual of Army Education (**AC 60178**), **JSP 822**, **JSP 898** and Defence Instructions and Notices (DINs).
Royal Air Force	Training, Support and Education in the Royal Air Force **(AP 3379)**.

Educational Services

3.

a. Facilities are to be provided to assist members of Her Majesty's forces in the study of educational subjects related to Service requirements.

b. Facilities are to be provided to assist Service personnel, and entitled civilians overseas, to pursue individual education, cultural and leisure activities.

c. Service and civilian educational examinations are to be organized and administered under arrangements made by the Services' Directors of Education, acting where appropriate in conjunction with civilian examining bodies.

d. Service libraries are to be established to provide a range of books and information in support of operations, educational, training, personal development and recreation for members of Her Majesty's forces and entitled civilians.

e. A Resettlement Service exists to aid personnel leaving the service and entering civilian employment. Services' Directors of Education are responsible for the provision of resettlement information and advice to individuals within single Services in accordance with tri-Service resettlement policy. The Directorate of Training , Education, Skills and Resettlement (TESR), through the Career Transition Partnership (CTP), arranges collective resettlement briefings and pre-release training. Assistance in job finding is provided by the CTP, Government Employment Services, the Services Employment Network, the Officers' Association and the Regular Forces Employment Association.

Service Children's Education

4.

a. Responsibility for determination of policy on the education of Service children and the children of UK Based civilians serving overseas lies with the Secretary of State for Defence. Within the Department, the Principal Personnel Officers (PPOs) advise on this responsibility, with the assistance of the Chief Executive for the Service Children's Education (SCE) Agency.

b. The Secretary of State for Defence has ultimate authority for determining the policy and resources framework within which SCE operates. In practice, he delegates his ownership responsibilities to the Adjutant General (AG), who is the lead PPO on Service children's education issues and the "owner" of the Agency. The AG is responsible for Service children's education policy within the parameters set by the Secretary of State. He is accountable to the Secretary of State for the exercise of the SCE ownership functions delegated to him. He is also responsible for providing advice and support to the Chief Executive to ensure that the Agency achieves its Aims and Objectives. His responsibilities include approval of the SCE Corporate Plan and the Agency's budget, setting and revising key performance targets and monitoring and assessing the Agency's performance. He is assisted in this task by an Owner's Board.

c. The SCE Owner's Board provides AG, acting on behalf of the Secretary of State for Defence, with independent advice on the policies, programmes and performance of the Agency. It also provides a forum in which the views of the "customer" can be articulated directly to the Owner. It meets at least twice a year.

d. The role of SCE is to provide an educational service to meet the needs of dependant Service children, including the children of MOD UK based civilians and sponsored organizations serving outside the UK which, as far as possible, conforms in type, scope and standard to that required by the Education Acts in England and Wales (and takes into account developments in the education systems of Scotland and Northern Ireland). The Agency also

provides support, guidance and advice on independent and maintained schooling facilities in the UK. Additionally, the Agency will make provision for Gurkha children's education overseas as necessary.

e. Policy and guidance for the education of Service children is contained in the Education of Service Children (**JSP 342** (Revised 2000)), which supersedes The Education of Service Children Overseas (**JSP 302** (Revised 1991)) and the Education of Service Children (**JSP 342** (Revised 1988)).

Educational Accommodation and Supplies

5. Scales of accommodation stores are contained in Joint Service Scales of Accommodation (**JSP 308**). Other scales of accommodation and equipment are referred to in the appropriate Service manuals.

Language Training

Criteria

6. Members of the Services will be trained in foreign languages at public expense only if they are selected for an employment where the use of specific languages is essential. However, Commanding Officers should encourage personnel to acquire and maintain language skills whenever possible. The Operational and Basic Language Award Schemes (**JSP 752** Chap 9 Sect 13) exist to encourage the development of language capability and its recording on JPA.

Standards

7. Military language standards are in accordance with **NATO STANAG 6001** Ed 4, which describes competence at six levels. Detailed competence is specified in a Standardized Language Profile (SLP) identifying the skill level in listening, speaking, reading and writing (*e.g*. SLP 3321).

a. Level 0 – Negligible skills; this includes short Basic courses usually undertaken as Pre-Deployment Training.

b. Level 1 – Survival; sufficient skills to control activity in specific military scenarios.

c. Level 2 – Functional; ability to communicate well in most non-complex situations. This level provides a highly desirable contingent capability and foundation for higher level language training.

d. Level 3 – Professional; able to communicate accurately and quickly, including conceptual and argumentative discourse. This level is highly desirable.

e. Level 4 – Expert; a high-utility level achieved through frequent and stretching use of language.

f. Level 5 – Native: the most able speaker, likely to be a graduate and sufficiently able to train as a professional civilian translator or interpreter.

Civilian academic language qualifications should be recorded on JPA as educational achievements as they do not reflect required applied military contextual skills.

8. Interpreter and Linguist qualifications issued prior to November 1992 by the Civil Service Commission (CSC) and the Armed Services' Languages Examinations Consortium (ASLEC) are held to be equivalent to the current Diploma and Advanced Certificates (Joint Services Language Examinations Board (JSLEB) and MODLEB) respectively, for all Service purposes.

Selections and Examinations

9. Higher level language training requires time and effort; candidates for training, especially *ab initio*, must have high levels of aptitude and motivation if training is to be successful. Candidates should take the Modern Languages Aptitude Test (MLAT) at an Army Education Centre and should be interviewed by an AGC(ETS) linguist to assess the candidate's suitability for such training. This screening should take place prior to candidates being selected for either language training or language-essential assignments.

10. The methods of application and selection for language training, and details of language awards and qualifications required, are published in **AGAI 21** and DINs.

11. Military language examinations are arranged through the Defence Operational Languages Support Unit (DOLSU) as the Secretariat of the MOD Languages Examination Board (MODLEB), which is accredited by the University of Westminster. Illustrative papers and supporting documents, along with other relevant guidance, are published on the Defence Language and Cultural Capability Management Board (DLCCMB) intranet website.

ANNEX N TO CHAPTER 5
CERTIFICATE OF ACCEPTANCE OF A BUSINESS APPOINTMENT

(PARA **J5.077***a* REFERS)

1. Having received official permission to accept the business appointment of:

with (*name and address of firm*):

during the period of my service with Her Majesty's Forces, I hereby undertake that I will not:

a. allow the acceptance of such business appointment to interfere in any way with my military duties;

b. take part, or attempt to influence the placing of any Government order with the firm;

c. deal with or advise upon any tender that the firm may be invited to offer to any Government Department;

d. make use, for the benefit of my own business interests or those of the firm, of any information which has or may come to my knowledge in military capacity; and

e. contact any member of the Services or their dependants in the course of my business as designated above.

2. I understand that no special leave of absence will be granted and that approval to accept the appointment will not debar any requirement of service at home or abroad.

Station: _____ Number, Rank and Name: _____

Date: _____ Signed: _____

CHAPTER 6

Arrest, Custody, Charge, Summary Hearing and Trial

PART 1 - GENERAL

6.001 – 6.003. Reserved.

The Office for Standards of Casework (Army)

6.003A. The Office for Standards of Casework (Army) (OSC(A)) is the independent authority, outside the chain of command, with the aim of improving the efficiency of discipline casework and the handling of complaints.

6.003B. Role. OSC(A) is to oversee the process of casework so that the Army achieves the **Armed Forces Overarching Personnel Strategy (AFOPS)** goals for discipline and the handling of complaints.

6.003C. Independence. OSC(A) will be entirely independent of the chain of command below the level of the Army Board. The Director will report to the Executive Committee of the Army Board (ECAB).

6.003D. Tasks. OSC(A) is to:

a. Foster a culture of fairness across the Army that will engender the trust of individual officers and soldiers.

b. Promote the highest standards of staff work - and a complementary sense of urgency and priority - in handling administrative and disciplinary casework.

c. Establish and maintain visibility of the progress of all Army casework.

d. Identifying causes of unnecessary delay.

e. Identifying best practice in the resolution of administrative cases.

f. Advising on the optimum use of resources.

g. Analyse casework in order to inform policy making elsewhere in the Ministry of Defence.

h. Provide the Secretariat for processing of cases to the Army Board.

6.003E. Exclusions. OSC(A) will not:

a. Be involved in decision making in any particular disciplinary or administrative case, which is entirely a matter for the commanding officer and the Higher Authority under military law.

b. Supervise or monitor or in any other way oversee the Army Prosecuting Authority, which remains an independent authority under the superintendence of Attorney-General.

c. Act as an ombudsman for dissatisfied complainants.

d. Provide an alternative source of legal or policy advice.

PART 2 - ARREST AND SERVICE CUSTODY

General

6.004. The use of handcuffs on soldiers who are in service custody but are neither under sentence nor in transit under escort, may be authorized by commanding officers under the same conditions as are laid down for soldiers under **JSP 837**. No form of mechanical restraint other than handcuffs is to be used.

6.005. Reserved.

Arrest

6.006. Reserved.

J6.006A. Notification of Arrest. A person held in service custody shall be entitled, if he so desires, to have intimation of his arrest and of the place where he is being held sent to one person reasonably named by him without delay or, where some delay is necessary in the interests of the investigation or prevention of crime, the apprehension of offenders, or the operations, safety or security of the forces or any part of them, with no more delay than is necessary.

J6.006B. Communication of Arrest.

a. A person held in service custody should be supplied on request with writing materials, free for the purpose of his case, but otherwise at his own expense. Provided that no hindrance is reasonably likely to be caused to the interests of the investigation or the prevention of crime, the apprehension of offenders or the operations, safety or security of the Forces or any part of them:

(1) He should be allowed to speak on the telephone at public expense to his legal adviser (overseas usually only one such call is permissible at public expense), to make other calls to relations or friends at his own expense, and to receive incoming calls at reasonable times.

(2) His letters should be sent by post or otherwise with the least possible delay at his own expense.

(3) If a foreign national, his commanding officer is to ensure he is made aware of his right to consular access. If requested, the commanding officer or a person delegated by him should do so as soon as is practicable.

b. He should be informed that all his communications, other than those with his legal advisers and any defending officer, accused's adviser, assisting officer or other officer appointed to advise him, may be read or listened to as appropriate. Mail to and from persons in service custody should not normally be subject to censorship but a commanding officer may exceptionally order censorship to be imposed if he considers that the circumstances of the offence or of the individual render it necessary. However, letters passing between an accused person and his legal advisers, defending officer, accused's adviser, assisting officer or any officer appointed to advise him must not be censored. To maintain the inviolability of those letters, the commanding officer is to arrange with both parties that these letters carry distinguishing marks.

(*For Army Only*. When censorship of other letters is considered necessary, the instructions in Rule 68 of the Imprisonment and Detention Rules (Army) should be followed).

6.007 - 6.014. Reserved.

Suspension from Duty

6.015.

a. A commanding officer may suspend an officer, warrant officer, NCO or private soldier from duty during the investigation of an alleged offence or of any matter, if he considers that such action is necessary in the interests of the service or the individual.

b. When a commanding officer suspends an officer, warrant officer, NCO or private soldier, he is to appoint an assisting officer for that person immediately upon suspension. (*See* **AGAI 67**.)

c. If an officer warrant officer, NCO or private soldier is suspended from duty he is not permitted to visit his place of work or barracks, nor is he allowed to attend military social functions. Commanding officers must also consider the living arrangements of living-in personnel, whether married unaccompanied or single so as to best judge where suspended personnel may be best accommodated during the suspension period.

d. If the circumstances so require and with the sanction of the commander not below the rank of brigadier (under whose command he is serving), he may be permitted to go to an agreed civilian address other than one at which he would normally reside for work, at public expense to await further orders. When such permission is granted, the circumstances are to be reported immediately, through the next superior headquarters, to the Ministry of Defence (PS2(Army)) in the case of an officer and to the appropriate Manning and Career Management Division, in the case of a warrant officer, NCO or private soldier.

6.016 - 6.022. Reserved.

Drunkenness or Use of Drugs

6.023. Except in cases falling to be dealt with under road traffic legislation when normal civil practice will as far as possible apply, a person suspected of being drunk is not to be put through any drill or test for the purposes of ascertaining his condition.

6.024. A soldier who appears to be under the influence of drink or drugs and in need of supervision to prevent illness or injury is to be ordered to the nearest suitable accommodation and is to remain there until he no longer appears to be at risk. His condition is to be monitored during this time. If there are symptoms of illness or injury, which could require medical treatment, the medical officer is to be sent for immediately.

6.024A. An intoxicated soldier who is violent or disorderly and therefore has committed an offence may be arrested under the provisions of **MSL**, Vol 1, Ch 4, but his retention in service custody must be in accordance with **MSL**, Vol 1, Ch 5. It would not be practicable to bring such a soldier in front of a judicial officer until he was sober.

Arrest of Deserters and Absentees

6.025. *See* **MSL**, Vol 1, Chapters 4 and 10 and *see also* **LFSO 3200**.

6.026 – 6.045. Reserved.

PART 3 - INVESTIGATION OF CHARGES AND SUMMARY HEARING

Independence of Service Police Investigations

J6.046. All investigations undertaken by service police, regardless of their nature and of who initiated the investigation, are conducted independently of the chain of command. The Provost Marshal of the service police force in question is responsible for investigations, and for ensuring that service police investigations are free from interference. Interference includes any attempt by anyone who is not a service policeman to direct an investigation being carried out by the service police. Service police should not be obstructed or otherwise hindered, or influenced in any manner in the conduct of investigations. The chain of command has a clear duty to assist the service police and to facilitate their inquiries. Obstructing or failing to assist a service policeman may be an offence, as may interference with an investigation. Compelling reasons are required before assistance may be refused, and assistance should not be refused without seeking legal advice. None of these provisions imply any legal obligation on an individual to provide a statement.

6.047 - 6.051. Reserved.

Conduct at Summary Hearing

6.051A.

a. If an accused soldier is in service custody when he appears before the officer conducting the summary hearing he is to be accompanied by an escort; if not, there is to be no escort unless that officer otherwise directs.

b. Dress is a matter for commanding officers, but there is no requirement for the accused to dress differently from the others involved in the hearing and the accused is to be marched in to the room where the hearing is being conducted in a normal manner.

c. Summary hearings are to be conducted in a way that demonstrably upholds the fairness of the procedures. Specifically any practice that might indicate a presumption of guilt is prohibited.

d. The accused and his adviser must not be disadvantaged procedurally either by any lack of knowledge or experience or by the manner in which orders are conducted.

e. The officer conducting the hearing must be satisfied that the accused understands what is going on. He should be prepared to explain any aspect of the procedure at any time during the hearing.

f. The accused can consult with his Assisting Officer at any stage during the hearing and both should be permitted to consult the case papers and take notes during the hearing.

g. Guidance on sentencing is found in **MSL** Chap 14.

6.052. Disposal of Record of Summary Hearing (RSH). If the case against the accused is found proven and the accused declines to submit an appeal then the completed Record of Summary Hearing, and all case papers, should be sent to OSC(A), PS2(A) no sooner than 15 days and no later than 30 days after the summary hearing. OSC(A), PS2(A) will monitor the archiving, storage and retrieval and is the sole authority for the disposal of all RSH with respect to summary hearings not subject to appeal. If an accused appeals then, at the conclusion of the appeal, the RSH and case papers are placed in storage under the arrangements of the Service Prosecuting Authority. All Records of Summary Hearing must be retained for seven years from the date of the summary hearing.

6.053 - 6.062. Reserved.

Directions, Guidance and Opinions of Higher Commanders

6.063. Higher commanders (*see* **paras 2.002***a*, *b* and *c*(1)) may on their own initiative issue guidance on disciplinary matters whenever they consider it necessary to do so in the interests of military discipline. For example, a commander in chief may recommend as a matter of policy that certain offences committed within his command, such as loss of arms, should be considered for trial by Court Martial. He may issue guidance on the appropriate level of punishment for particular types of offence, for example alcohol-related motoring offences but he may not mandate compulsory or fixed penalty punishments. Guidance should be sought from DPS(A) PS2(A).

6.064. Before exercising any of their disciplinary functions, commanding officers may consult the Advisory Branch of the Army Legal Services (ALS) on any question of service law. They should always do so in cases which are likely to be tried by Court Martial or where the accused is charged with a number of offences and the intention is to deal with them summarily at one hearing or refer them to the Director of Service Prosecutions (DSP). In any event advice must be obtained from ALS for:

a. Any offence of dishonesty, indecency or drug abuse.

b. Any offence resulting in physical injury.

c. Any offence involving a weapon or an object that could be construed to be a weapon.

d. Any traffic offence of impaired driving and driving without insurance.

e. Any offence of long – term (120 days or more) absence or repeated absence.

f. Any offence investigated by the Service Police.

g. Any offence where an officer, warrant officer or civilian is to be dealt with summarily.

h. Any offence where a lance corporal or private soldier is likely to be awarded by a commanding officer detention for a period exceeding 28 days. (*See* **para 6.071A**.)

6.064A. A CO should, as a matter of policy, obtain legal advice from the staff legal advisor before proceeding to hear any of the following charges;

a. Theft contrary to section 1 (1) of the **Theft Act 1968**, where the value of the stolen property exceeds £300;

b. Destroying or damaging property contrary to section 1(1) of the **Criminal Damage Act 1971**, where the amount of damage does not exceeds £1000;

c. Unlawful possession of a controlled drug of class B or C, contrary to section 5(2) of the **Misuse of Drugs Act 1971**;
d. Abstracting of electricity contrary to section 13 of the **Theft Act 1968** up to the value £300.

6.064B. The following summary offences , as a matter of policy, require legal advice to be obtained from the staff legal advisor, before proceeding summary in view of their inherent complexity:
a. Dishonestly obtaining electronic communications services (Section 125 of the **Communications Act 2003**)
b. Possession or supply of apparatus *etc*. for dishonestly obtaining electronic communications services. (Section 126 of the **Communications Act 2003**.)
c. Fraud (Section 1 of the **Fraud Act 2006**),
d. Dishonestly obtaining services (Section 11 of the **Fraud Act 2006**).
e. Attempting to commit one of the offences listed above.
f. Low Flying (Section 34 **AFA 06**).
g. Annoyance by flying (Section 35 **AFA 06**).

Trial of a Deserter or Absentee Surrendered to a Consular Office Abroad
6.065. Where a deserter or absentee abroad surrenders himself to a consular officer, a certificate of surrender signed by the consular officer may be admissible in any proceedings which may be taken under section 8 or section 9 of the **Armed Forces Act 2006**. Any unit, which is advised of such surrender, is to contact DPS(A) PS2(A) for instructions.

Dispensation with Trial in Cases of Desertion
6.066. *See* **MSL**, Vol 1, Ch 17, para 22 Confession of Desertion.

6.067 – 6.069. Reserved.

Summary Awards by Commanding Officers
6.070. There is to be no departure from the system of punishment laid down within **AFA 06 AF(SH&ASSD)Regs 2009**,or these regulations. The guidance given in the Summary Hearing Sentencing Guide (**MSL**, Vol 1, Ch 14**)** is also to be followed.

6.071. Reserved.

6.072. Punishments. The punishments that may be awarded by a commanding officer are set out in section 132 of the **Armed Forces Act 2006**. The punishments referred to therein, which may be awarded by a commanding officer, are contained in **MSL**, Vol 1, Ch 13.
6.073 – 6.077. Reserved.

The Summary Appeal Court
6.078. For instruction on Summary Hearing Review and Appeals *see* **MSL**, Vol 1, Ch 15.
a. Officers who are required to perform the duty as a member of the Summary Appeal Court are to do so independently and impartially in accordance with the evidence and the law.
b. Summary Appeal Court members are not to be subjected to any external influences or pressures 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 Summary Appeal Court. Any such attempt prior to commencement or after conclusion of the trial should be reported to the Service police and the DSP; if this occurs during the trial it should be reported to the Judge Advocate presiding.
c. Written guidance as to the conduct and procedures of the court should be provided to those selected as members at least two weeks prior to the commencement of the hearing. Members must satisfy themselves they understand their duties and responsibilities; they will be required to sign a certificate to that effect by the Court Administration Officer.
d. For the duration of the court, 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, assessment 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.
e. The result of every Summary Appeal Court hearing is to be published in formation routine orders and the Part 1 orders of the unit to which the appellant belongs or is attached.

Delegation of Powers by Commanding Officers
6.079. For instruction on delegation of powers by commanding officers *see* **MSL**, Vol 1, Ch 6.

Powers of Subordinate Commanders
6.080. For instructions on powers of subordinate commanders *see* **MSL**, Vol 1, Ch13.

Communication with the Criminal Record Office
6.081. Unless specially authorized by DPS(A) PS2(A), no communication is to be made by units direct with the Criminal Record Office for any purpose whatsoever except through the SPCB, HQ PM(A).

Civilians subject to Service Discipline
6.082. For civilians subject to service discipline *see* **MSL**, Vol 1 Chap 3.
6.083. Reserved.

PART 4 - COURT MARTIAL

6.084. *See* **MSL**, Vol 2, The Service Courts Guide.

6.085 – 6.091. Reserved.

6.092. Instructions dealing with the psychiatric examination of persons liable to trial by the Court Martial under the **Armed Forces Act 2006** are laid down in **Annex C** to this Chapter.

6.093 – 6.147. Reserved.

PART 5 - MISCELLANEOUS PROVISIONS WITH REGARD TO TRIAL AND SENTENCE

Application of Service Law to Convicted Persons

6.148. Officers.

a. An officer sentenced to be dismissed the Service, but not sentenced to imprisonment, remains subject to Service discipline until the date of promulgation of that sentence to him, as notified in the London Gazette.

b. An officer sentenced by Court Martial to imprisonment whether with or without dismissal from the Service, remains subject to Service discipline until he ceases to hold his commission as notified in the London Gazette, but subsequently may be treated as if he were still subject to Service discipline until the sentence is completed.

c. An officer sentenced to imprisonment by a civil court remains subject to Service discipline until he ceases to hold his commission, as notified in the London Gazette.

6.149. Soldiers.

a. A soldier sentenced to be dismissed the Service, but not sentenced to imprisonment, remains subject to Service discipline until discharged from the Army under authority of **para 9.396** or **9.397**.

b. A soldier sentenced by Court Martial to detention and dismissal or to imprisonment remains subject to Service discipline until discharged from the Army under authority of **paras 9.396**, **9.397** or **9.404**. However, a soldier serving a sentence of detention in a military establishment remains liable to be dealt with for offences under Service discipline notwithstanding that his discharge from the Army has taken place.

c. A soldier sentenced by a civil court to imprisonment, whether at home or overseas, remains subject to Service discipline until discharged from the Army under authority of **para 9.404**.

6.150 – 6.165. Reserved.

Absentees-Protecting Certificates

6.166. When an absentee who has been located is not required for disciplinary proceedings or for further service as a soldier, a protecting certificate (**AF B 129**) should be issued to him by a brigade or equivalent commander. The Director of Manning (Army) is also authorized to issue an **AF B 129** and all cases where it is intended to issue an **AF B 129** should be referred to the Directorate of Manning (Army).

Military Penal Establishment and Execution of Sentence

6.167. Instructions regarding the treatment, employment, discipline and control of soldiers under sentence are contained in **JSP 837** – Service Code of Practice for the Management of Personnel in Service Custody and Committal to Service Custody Premises and Civil Prisons.

6.168. When a soldier is to rejoin his unit on release from imprisonment or detention an escort is not to be provided unless there is a requirement to take him into service custody in accordance with the provisions of the **Armed Forces Act 2006**. He is to be ordered to report to his unit and, if necessary, he is to be given written instructions as to his journey.

Sex Offenders Register

6.169. In every case where military personnel have been convicted of a sexual offence, and subject to any of the notification requirements or civil orders set out in Part 2 of the **Sexual Offences Act 2003** and are exceptionally being retained in the Service, the Service Police Crime Bureau (SPCB) are to notify PS2(A). Post Trials Section PS2(A) are to maintain a record of all Army personnel subject to any of the Sexual Offences Act orders and review with Army Personnel Centre (APC) and Director Manning (Army) (DM(A)) posting and appointments in accordance with **AGAI 62**.

6.170 - 6.173. Reserved.

PART 6 - CHARGES BY THE CIVIL POWER

Attendance of Civil Courts (*see also* para J7.025)

6.174.

a. When a soldier[1] whose unit is stationed in the United Kingdom is charged with any offence before a Crown court (or in Scotland a sheriff court or higher) an officer of his unit who knows him is to be detailed to attend the court.

b. Where practicable, similar action is to be taken when a soldier[1] whose unit is stationed in the United Kingdom is charged before a court of summary jurisdiction. If, however, the court is distant from the unit, the commanding officer, if he considers that the offence is of a minor nature, is to refer to the brigade or equivalent commander for a decision whether or not an officer should be detailed to attend the court and, if one is to attend, whether he should be detailed from the man's unit or from some other unit near to the court. In the latter case the commanding officer is to make the necessary arrangements with the officer commanding troops at the station from which the officer is to be detailed, forwarding all the information and documents required for the use of the officer, who must be prepared to explain to the court why an officer of the man's own unit has not attended. If the offence is of a minor character and the soldier[1] is offered the opportunity, and elects, to plead guilty by post then the commanding officer may decide that no officer should attend the court.

c. When a soldier[1] whose unit is stationed outside the United Kingdom is charged with any offence before any civil court in the United Kingdom, the appropriate Colonel Manning and Career Management Division at the Army Personnel Centre, Glasgow is to refer to the OC of the unit performing the depot function for the soldier's[1] regiment or corps for a decision on the matters referred to in sub-para *b*.

d. The Officer attending the court is to be prepared to give information to the court regarding:

(1) The soldier's[1] general character.
(2) Length of service.
(3) Net rate of pay with details of main deductions from gross pay.
(4) Present employment or trade.
(5) Any particular domestic problems.
(6) Particulars of any convictions by a Court Martial for any service offence involving serious violence, damage to property or dishonesty or for any attempt to commit any of the foregoing offences. The officer is not, unless required by the court to do so, to give any information regarding minor offences of a purely military character, the nature of which might be misunderstood to the prejudice of the soldier[1].
(7) Where a period of disqualification from driving is to be awarded to a soldier[1] by a court, the officer is to inform the court of the effect of the disqualification on the soldier[1]. S*ee* **AGAI 65**.

He is also to be prepared to tell the court, if asked, that a sentence of imprisonment (including a suspended sentence), detention or youth custody will almost certainly require the Army to discharge a convicted soldier[1] under **QR(Army), para 9.404***e*, and that his retention, if recommended by his commanding officer, must be approved by the Ministry of Defence (Army), and that this would only occur as an exceptional case. He is to inform the court, if asked, whether, in the case before the court, the accused's commanding officer considers there are, or are not, any exceptional grounds that would merit submitting a recommendation to a higher authority that the accused be retained in the Army if a custodial sentence is awarded. He is further, if necessary, to remind the court that, if bail is granted, the Army has no legal power to detain the accused in custody of any sort.

e. Should the soldier be unable to settle the fine, penalty, damages, compensation or costs ordered by the court, the officer attending the court is (subject to the stipulation below) to arrange payment to be made in accordance with the procedures laid down in the **MSL Chap 20**. If the amount of the fine, penalty, damages, compensation or costs exceeds the soldier's current available balance and is such that, in the ordinary course, recovery could not be effected from his account within a period of three months or before the date of his discharge or transfer to the Army Reserve, *etc*., if due to take place earlier, payment must be withheld. If the soldier is a recruit entitled to purchase his discharge under **para 9.415** payment is to be limited to the amount available within the soldier's current balance. The reason for withholding payment must be fully explained by the officer attending.

f. The officer attending the court is to be fully briefed in accordance with **AGAI 65**.

g. Where the court is considering a community sentence, the officer attending the court must be prepared to inform the court, if need be, of any imminent posting of the unit or the offender which might make a community service order inappropriate. He should also inform the court that if a community sentence is awarded, application may be made for the offender's discharge. (*See* **AGAI 65**.)

h. A suspended sentence of detention awarded summarily or by the SAC may be activated by a CO if the offender is found guilty of an offence in a civil court in the British Islands[2] during the operational period of the sentence. (*See* **MSL** Chap 20).

6.175.

[1] 'Soldier' in this instance means 'officer/soldier'

2 'British Islands'is a term that has been in use in the law of the United Kingdom since 1889. It means the United Kingdom, the Channel Islands and the Isle of Man (*see* **Interpretation Act 1978**).

a. When a soldier aged 18 years or over is awaiting trial by a civil court on a serious charge, his commanding officer is to advise him to keep his next of kin informed.

b. When a soldier under the age of 18 years is awaiting trial by a civil court, his commanding officer is to inform his parents or legal guardians as soon as possible stating the nature of the charge.

6.176. Reserved.

Absentees and Deserters

6.177. The **Armed Forces Act 2006**, section 330(4), provides that, where a person is brought before a court of summary jurisdiction as illegally absent, a certificate by a person's commanding officer that that person is a member of the regular forces and is illegally absent therefrom shall be admissible in evidence. Where a certificate is required, usually at the request of the civil police, it shall be in Annex C of Chap 10 of the **MSL**.

6.177A. Reserved.

Officers Convicted by the Civil Power

6.178.

a. Every case in which an officer has been found guilty by a court, other than a Court Martial, of any offence, including a case where a community sentence has been awarded or he has been discharged, absolutely or conditionally, is to be reported by his commanding officer with full details to the divisional, district, or equivalent commander.

b. The commander is to report to the Defence Council:

(1) All cases which are required to be so reported in accordance with instructions of the Defence Council. (*See* **AGAI 67**.)

(2) All other cases which are, in the opinion of the commander, sufficiently serious to be so reported having regard to the following considerations:

(a) Whether the offence would have merited trial by Court Martial or whether, if the case had been dealt with summarily, a substantial punishment would have been awarded.

(b) In the case of convictions by a court outside the United Kingdom, whether the proceedings and the concepts of justice generally in the country concerned were in basic accord with standards prevailing in the United Kingdom. If necessary, advice should be sought from Army Legal Services. Only in exceptional circumstances will a conviction be reported where the evidence would not have given rise to a criminal charge under the laws of any part of the United Kingdom. Guidance may, if necessary, be issued by the local Army headquarters.

c. Cases reported to the Defence Council are to be accompanied by a certificate of conviction obtained from the court. Where the court is in the United Kingdom, the commanding officer is to obtain a certificate signed by the clerk of the court. This certificate will, if issued during a period of 35 days following the conviction, or if application for appeal has been made, be a qualified certificate. If at the end of 35 days no notice of appeal has been given an unqualified certificate of conviction will be issued. Where the court is outside the United Kingdom the form and content of any certificate of conviction will depend on local law; and it may be necessary for the local Service headquarters to agree a suitable form of certificate with the local civil authorities. The certificate, signed by a competent court official whose appointment should be stated on the certificate, should set out the full names of the offender, the date of the hearing, the offence or offences of which the offender was convicted and the sentence. An accurate translation of the certificate should where necessary also be obtained. Before a certificate of conviction by a court outside the United Kingdom is forwarded to the Defence Council the certificate should be shown to the offender so that he may have an opportunity of disputing the accuracy of its contents or the fact that it relates to him. The commanding officer should confirm in writing that this has been done. If the certificate is disputed in any way further inquiries should be made. If it is impracticable to obtain a certificate of conviction from an overseas court any other available evidence of the conviction should be forwarded in lieu.

d. Should the finding of the court by which an officer was first tried be quashed or varied on appeal a further report is to be made by the officer's commanding officer, divisional, district or equivalent commander as the case may be.

Warrant Officers and NCOs Convicted by the Civil Power

6.179.

a. When a warrant officer or NCO, other than a lance corporal or lance bombardier, has been found guilty by a court, other than a Court Martial, of an offence, including a case where a community sentence has been awarded or he has been discharged absolutely or conditionally or where the soldier is bound over, his commanding officer is forthwith to report the case in writing to the commander, not below the rank of colonel, under whose command he is serving. This report is to be accompanied by the following documents:

(1) A short statement of the case together with the recommendation of the commanding officer. If the commanding officer considers the warrant officer or NCO should be reduced in rank, this is to include the rank to which reduction is recommended.

(2) Copies of the conduct sheets and record of service of the warrant officer or NCO.

(3) Proof of civil conviction (where a legal rather than administrative process is contemplated).
(4) Any statement that the warrant officer or NCO may wish to make or a certificate stating that he does not wish to make a representation.

b. If the commander considers that the warrant officer or NCO should be reduced in rank he is, unless he himself has power to order the reduction under section 332 of the **Armed Forces Act 2006**, to submit his recommendation to a competent authority under that section. The recommendation is to state the rank to which reduction is recommended and is to be accompanied by the documents mentioned in sub-para *a* above.

c. If the commander does not order or recommend the reduction in rank of a warrant officer or NCO who has been sentenced to imprisonment, he is to report the circumstances to an authority competent to order the reduction, stating his reasons for not ordering or recommending the reduction, as the case may be, and enclosing the documents mentioned in sub-para *a* above.

d. Intermediate commanders are to record their opinions when forwarding recommendations under sub-para *b* or reports under sub-para *c*.

e. When it is finally decided in any particular case that the warrant officer or NCO shall not be reduced in rank, the commanding officer is to forward a copy of his report on the case and of the decision to the appropriate Colonel Manning and Career Management Division at the Army Personnel Centre, Glasgow for retention.

f. For a lance corporal or lance bombardier the commanding officer is to act on his own authority and need not refer the matter to the commander under whose command he is serving.

Soldiers on Bail

6.180. A soldier released on bail from civil custody should be treated no differently from other soldiers, except that:

a. He is not to be posted out of the United Kingdom until the civil proceedings have been completed.

b. He is to be made available to surrender to his bail when required to do so.

c. Since one of the purposes of releasing him on bail is to enable him to prepare his defence to the civil charge he is to be allowed reasonable opportunities and facilities for that purpose, whether or not he is under arrest or undergoing punishment for a military offence.

Soldiers released from Imprisonment

6.181. Reserved.

6.182.

a. When a soldier who has undergone imprisonment and is exceptionally being retained in the Army, the appropriate Colonel Manning and Career Management Division at the Army Personnel Centre, Glasgow is to send posting instructions to the governor of the youth custody centre before the man is to be released, and notification of posting and general instructions to the officer commanding the man's new unit.

b. If on his return to military duty after serving such a sentence of imprisonment, it is found that the soldier has not responded to this opportunity to make good and persists in committing further offences against Service law, normal disciplinary action is to be taken. Cases in which the soldier has failed to make good on return to the Army are to be reported, together with the nature of the offences, other than trivial, and punishment awarded direct by the officer commanding the unit to:

Programmes Group
Prison Service Headquarters
Cleland House
Page Street
LONDON
SW1P 4LN.

Rehabilitation of Offenders Act 1974

6.183. The **Rehabilitation of Offenders Act 1974** enables all but the most serious criminal offender to 'live down' a criminal record after a specified period of time. Guidelines to the Act are to be found in the Personnel Administration Manual (PAM) (**AC 63791**).

6.184 - 6.999. Reserved.

ANNEX A TO CHAPTER 6

Reserved

ANNEX B TO CHAPTER 6

Reserved

ANNEX C TO CHAPTER 6
PSYCHIATRIC EXAMINATIONS OF PERSONS LIABLE TO TRIAL BY THE COURT MARTIAL

(PARA **6.092** REFERS)

Definitions

1. In this Annex:

a. 'Service psychiatrist' means a Royal Navy, Army, Royal Air Force or civilian psychiatrist employed under the authority of the Commander Medical of a command or district for the psychiatric examination of a person liable to be tried by Court Martial.

b. 'The defence' means an accused person who may be conducting his own defence before a Court Martial; that person's defending officer, solicitor or counsel.

Procedure

2. A commanding officer may at any time in consultation with the unit medical officer and, if necessary, the Commander Medical of the command or district, arrange for an accused to be examined by a Service psychiatrist.

3. In all cases when the unit medical officer is of the opinion that the accused may be suffering from a psychological illness or from a significant degree of mental disorder due to brain damage, disease or dysfunction, the opinion of a Service psychiatrist will be obtained.

4. If the Prosecuting Authority considers that a psychiatric report may assist him in deciding whether or not to order trial he may in consultation with the commander medical of the command, division or district arrange for an accused to be examined by a Service psychiatrist.

5. If an accused requests a psychiatric examination his commanding officer will explain to the accused that he may at his own expense be examined by a civilian psychiatrist but that he cannot demand to be examined by a Service psychiatrist.

6. In the case of an accused charged with murder committed overseas, his commanding officer will arrange for him to be examined by a Service psychiatrist at the earliest opportunity.

Documents and Information to be Submitted to a Service Psychiatrist

7. When a commanding officer or Prosecuting Authority orders a psychiatric examination, the following information will be supplied to the Service psychiatrist:

a. A report setting out the nature of the charge(s) and, if available, a copy of the witness statements or a short statement of the facts (including any available service police or civil police reports).

b. The charge report or any information regarding the accused's previous record in lieu together with any relevant procedure sheet.

c. **F Med 8 (Rev 1957)** in accordance with **Medical Documentation 1956**, para 101.

d. All other relevant documents.

e. The address of the commanding officer and of the Prosecuting Authority.

Delay

8. An application for trial by Court Martial will not normally be delayed until receipt of a Service psychiatrist's report.

Action to be Taken by a Service Psychiatrist

9. The object of the examination by the Service psychiatrist is to draw the attention of the appropriate authorities to any relevant mental disability. He will therefore:

a. Prepare a report on **F Med 288**. This report will not under normal circumstances indicate any disposal other than that, after disciplinary action has been completed, the person affected should be referred for a further psychiatric assessment and disposal as necessary;

b. Send completed copies of the report as follows:

(1) To the commanding officer - two copies;

(2) To the Prosecuting Authority - one copy;

(3) Return **F Med 8A** to the commanding officer making no mention of diagnosis or recommendations; **F Med 8A** is the tear-off portion on the reverse of **F Med 8**.

(4) Submit no other report, except that in any case of medical necessity he will forward to the unit medical officer his advice in writing as to any treatment recommended.

Use of Psychiatric Reports

10. A psychiatric report, whether ordered by the commanding officer or the Prosecuting Authority, will be shown to the unit medical officer. The medical officer will not disclose the contents to any unauthorized person.

11. A commanding officer will, whenever requested by the defence or so advised by the Prosecuting Authority provide the defence with a copy of the psychiatric report. On any such report being provided the defence will be required to give a written undertaking that the report will only be used for the purposes of the trial and that it will be returned to the Service authorities on conclusion of it.

12. If an accused is brought to trial and convicted any Service psychiatrist's report will accompany the record of the proceedings of the Court Martial if they are subject to an Appeal. If the accused is sentenced to imprisonment, youth custody or military detention, a copy of the report is to be forwarded to the governor of the prison or youth custody centre, or to the Commandant of the Military Corrective Training Centre, and the fact noted in a minute accompanying the record of proceedings of the Court Martial for review.

13. If the Prosecuting Authority decides not to bring an accused to trial in view of the nature of any psychiatric report he will as necessary draw the attention of the accused's commanding officer to the regulations regarding the discharge of soldiers mentally or temperamentally unsuitable for service.

14. A psychiatric report is a medical in confidence document and will in no circumstances be disclosed to any unauthorized person.

Action to be taken by the Commandant, Military Corrective Training Centre

15. If in the opinion of the Commandant a person undergoing sentence appears to be suffering from a mental illness or a mental disorder due to brain damage, disease or dysfunction, the Commandant will immediately refer the case to a Service psychiatrist and afford facilities for a psychiatric examination.

16. If a Service psychiatrist, as a result of his own examination, is of opinion that a person undergoing sentence is mentally or temperamentally unsuited for military service he will, if that person is a soldier, make a recommendation for his discharge on medical grounds. Medical board action will normally be taken towards the end of a period of detention, unless it is stated by the Service psychiatrist that a person is unfit for detention.

ANNEX D TO CHAPTER 6
LEGAL AID IN RESPECT OF PROVISION OF LEGAL REPRESENTATION

For instructions on Legal Aid *see* **JSP 838**.

CHAPTER 7
General Legal Matters

PART 1 - JURISDICTION

General

J7.001. Jurisdiction in respect of offences by members of the armed forces may lie either with the Service authorities under the Service Acts or with the civil authorities under the ordinary law, or it may lie with both; in the last case, the issue is subject to rules which differ at home and abroad. Before charges are brought it is necessary to consider carefully, according to the circumstances, where jurisdiction lies as to the offence and the place in which and the time at which it was committed.

J7.002. In general, jurisdiction lies as follows:

a. In the United Kingdom.

(1) Wholly with the Service authorities where the offence is against Service law only, *e.g*. disobedience of a lawful command, or desertion.

(2) Wholly with the civil authorities where the offence is treason, murder, manslaughter, treason-felony, rape, genocide or aiding, abetting, counselling or procuring suicide, an offence under Section 1 of the **Biological Weapons Act 1974** or an offence under Section 2 or 11 of the **Chemical Weapons Act 1996** or an offence under Section 1 of the **Nuclear Explosions (Prohibition and Inspections) Act 1998**.

(3) With both the Service authorities and the civil authorities where the offence is not one to which (1) or (2) applies; for the rules which determine in a particular case which authorities shall exercise jurisdiction *see* **para J7.003**.

b. Abroad.

(1) Wholly with the Service authorities where the offence is against Service law only but subject, in a foreign country or independent country within the Commonwealth, to the law of that country or the terms of a treaty or agreement permitting the Service authorities to exercise such jurisdiction.

(2) Wholly with the civil authorities where the offence is an offence solely under the local law.

(3) With both the Service authorities and the civil authorities where the offence is an offence against both Service law and the law of the country or colony concerned; subject, in a foreign country or independent country within the Commonwealth, to the law of that country or the terms of any treaty or agreement permitting the Service authorities to exercise jurisdiction; in such circumstances it will be the local law or the terms of the treaty or agreement which will decide in a particular case which authorities shall exercise jurisdiction.

(4) In the case of a force which is forming part of a United Nations force occupying former enemy territory, jurisdiction generally lies exclusively with the authorities of the force.

Jurisdiction in the United Kingdom

J7.003. In the United Kingdom a person subject to Service discipline may be tried for certain civil offences by either the Service or the civil authorities (*see* **para J7.002***a*(3)). The following paragraphs indicate how such cases are to be proceeded with.

J7.004. In most cases where it is necessary to involve the civilian authorities, a commanding officer should report the circumstances to the chief officer of Home Office Police for that area. However, where a Ministry of Defence employee or his property is involved, the matter may be left to the Ministry of Defence police, if available; if they are not readily available, a commanding officer should report to the Home Office Police force for that area.

J7.004A. In addition to reporting those cases excluded from Service jurisdiction under **para J7.002***a*(2), a commanding officer is to report to the chief officer of Home Office Police for that area, at the earliest possible moment, the following cases where the offence is alleged to have been committed by a member of the forces:

a. Any case of death or serious injury likely to lead to death, which may justify a charge of murder or manslaughter.

b. Any serious sexual assault which may afford grounds for a charge of rape.

c. Any other case where civilians are involved and Ministry of Defence Police are not in situ or readily available.

d. Any traffic offence which occurs on roads to which the public has access or in public places where these roads or places are:

(1) Outside the boundaries of Ministry of Defence property; or

(2) Inside the boundaries of Ministry of Defence property but at a place where Ministry of Defence Police are not in situ or readily available.

e. Any other offence which may require to be dealt with by the civil authorities, for example, because it is one of a category of offence of importance to the community either locally or nationally, or because the case falls within the requirements of **para J7.007***e*.

J7.005. Where jurisdiction lies with either the Service or the civil authorities, (including cases which come to the notice of the Home Office Police direct as well as those reported to them under **para J7.004**):

a. In cases reported to the Home Office Police for that area it is for the chief officer of Home Office Police to decide, (normally after consultation with the commanding officer), whether the alleged offender is to be tried by the civil court or is to be dealt with by the authorities of the Service concerned.

b. Although the decision whether an offender is to be tried by a civil court or under Service law always rests with the civil authorities, in cases referred to the Ministry of Defence Police, the decision will normally be taken on their behalf by an officer of the Ministry of Defence Police, not below the rank of inspector, in consultation with the commanding officer. No proceedings by the Court Martial are, in any event, to be undertaken in the United Kingdom in respect of an offence under the **Official Secrets Acts 1911 - 1939** or under the **Race Relations Act 1976** without prior authority from the Ministry of Defence (PS 2 (Army)).

J7.006. In making his decision, the chief officer of the Home Office Police for that area or the Ministry of Defence Police officer, in consultation with the commanding officer, will take into account the general principle that an offence, whether committed on Ministry of Defence property or premises or not, which affects the person or property of civilians should normally be dealt with by a civil court but that an offence which involves only Service personnel, their property or Service property should, unless specifically excluded from Service jurisdiction, normally be dealt with by the authorities of the Service concerned.

J7.007. The chief officer of Home Office Police will, however, also take into account the following qualifications:

a. If the alleged offence is committed by a member of the forces who is about to be sent overseas, the Home Office Police will normally hand the man over to the Service authorities unless it is a serious offence or one specifically excluded from the jurisdiction of the Service authorities or the circumstances are otherwise exceptional.

b. If the alleged offender was on duty at the time and the offence constituted a breach of that duty, the Home Office Police will normally hand him over to the Service authorities even though the offence may affect the property of a civilian. This would not apply to a charge such as dangerous driving which involves risk to the general public.

c. The Service authorities will generally deal with an offence committed by a member of the forces on Service premises, if it can be dealt with summarily, and was either a minor assault on a civilian or a minor offence against the property of a civilian.

d. If a Service offender has a civilian accomplice, proceedings against both will normally be taken in a civil court.

e. If the alleged offender is already the subject of a suspended sentence (‘deferred sentence' in Scotland), a community order, an order for conditional discharge or some other form of binding over by a civil court, any further offence will be required to be brought to the notice of the civil authorities notwithstanding that it would otherwise normally be dealt with by the Service authorities.

J7.008. A person subject to Service law who has been acquitted or convicted of an offence by a civil court, or has had an offence committed by him taken into consideration by a civil court, cannot thereafter be tried under the Service Acts for an offence which is substantially the same as that offence. Likewise, if a person has been acquitted or convicted of an offence, or has had an offence taken into consideration, when on trial under the Service Acts, a civil court is debarred from trying him thereafter for an offence which is substantially the same as that offence (Sections 63-66 **Armed Forces Act 2006**). These provisions, which follow the common law principle that a person may not be put in jeopardy twice for the same offence, should be borne in mind by commanding officers when seeking to agree with the chief officer of Home Office Police by which authority a case should be tried.

J7.009. No attempt is to be made to persuade the Home Office Police to accept for trial in a civil court a case which should, in accordance with these principles, be tried by the Service authorities or to persuade a civil court to hand over an offender who has been brought before it.

J7.010. If a commanding officer considers that the alleged offender should be tried by the Service authorities but the Home Office Police decide otherwise, he is to make a written request to the chief officer of Home Office Police to convey the decision to him in writing so that it may be kept with the Service records of the case.

J7.011. When an individual is handed over by the Home Office Police to the Service authorities the commanding officer is in due course to inform the Home Office Police of the result of the case.

J7.012. Scotland and Northern Ireland.

a. Scotland. The Home Office Police do not prosecute in Scotland where the procurator fiscal for the area, under the direction of the Lord Advocate, is responsible for deciding how an alleged offender should be tried. Accordingly in these regulations, in relation to Scotland, ‘procurator fiscal' should be substituted for the words ‘chief officer of Home Office Police' wherever they occur. An offence committed in Scotland by a member of the forces while on duty or on Service premises which affects the person or property of a civilian will normally be dealt with by the procurator fiscal in the civil court notwithstanding **para 7.007***b* and *c*.

b. Northern Ireland. In Northern Ireland, cases where a civil offence is alleged to have been committed by a member of the forces are referred by the civil police to the Director of Public Prosecutions and it is he and not the chief officer of Home Office Police who considers questions of jurisdiction there. **Paras J7.005 – J7.007** are to be construed accordingly.

Jurisdiction in Commonwealth and Foreign Countries

J7.013.

a. When United Kingdom forces are stationed in Commonwealth or foreign countries, or members of those forces are serving on loan or otherwise with the forces of such countries, it is the policy of Her Majesty's Government to secure arrangements which protect members of the United Kingdom forces, the civilian component, and their

dependants from the jurisdiction of local Service law and from the criminal jurisdiction of local courts. In some cases exclusive jurisdiction for the United Kingdom Service authorities is sought; elsewhere it is sought in respect of offences committed on duty and in certain other circumstances. Such arrangements are usually made by provisions included in Defence Agreements, Status of Forces, Loan or Training Team Agreements, or local Visiting Forces Acts.

b. When personnel are placed at the disposal of a Commonwealth force under Defence Council orders, jurisdiction lies with the Commonwealth Service authorities (*see* **MML**, Part II, Section XIII).

c. Information and advice on the provisions which apply in any particular country should be sought from the Services' legal advisers (*see* **para J7.020**) or from Her Britannic Majesty's Embassy or High Commission in the country concerned.

Jurisdiction in NATO Countries

J7.014.

a. Jurisdiction is dealt with in **Article VII** of the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty signed in London on 19 June 1951 (Command 9363) reproduced at **Annex A** to this Chapter.

b. Service authorities retain full disciplinary powers under the relevant Service Act in a NATO country, but difficulty may arise when the right to exercise jurisdiction may lie both with them and with the local judicial authorities, *e.g*. where the offence is one against both the Service Act and the law of the country in which the alleged offence has taken place. Such cases are governed by **para 3 of Article VII** of the Agreement. The general effect is that the United Kingdom Service authorities have the primary right of jurisdiction over purely Service offences; over offences against United Kingdom security or property of the United Kingdom Government; offences against another United Kingdom serviceman or a member of the civilian component or his property; and offences against local law committed in the course of official duty. In other cases the Receiving State has the primary right of jurisdiction; it may decide to waive this right in particular cases, or where there is a special reason it may be asked to do so. The United Kingdom Service authorities may be asked to waive their primary right of jurisdiction in particular cases considered to be of a special importance by the Receiving State. Any request for a waiver either way is to be submitted through the United Kingdom Service Liaison Staff, or British Service Attaché (or the Consul) as appropriate. The primary right of jurisdiction is not to be waived without full consultation with the appropriate higher authority. In cases where the right to exercise jurisdiction lies both with the United Kingdom Service authorities and with the judicial authorities of the Receiving State, the party which exercises jurisdiction in a particular case may notify disposition of the case to the other party.

c. The status of the forces of the United Kingdom stationed in Germany is governed by the NATO Status of Forces Agreement (Command 9363) as modified by the Supplementary Agreement (**Command 2191 of 1963** and **Command 2479 of 1994**). The main effect of the Supplementary Agreement is that Germany has made a general waiver of its primary right to jurisdiction as regards the United Kingdom forces, subject to recall by reason of special circumstances in a specific case. Provision is made for the United Kingdom Service authorities to notify the competent German authorities of individual cases falling under the general waiver, and for a German request for a recall to be made within 21 days from the date of such notification. There is also provision for administrative arrangements governing the disposal of minor offences, for dispensing with notification, and for modifying the period of time within which the waiver may be recalled. (Arrangements of this kind have been made in connection with minor traffic offences.)

Jurisdiction in Colonial Territories

J7.015.

a. In most colonial territories provision has been made by Order in Council - the United Kingdom Forces (Jurisdiction of Colonial Courts) Order 1965 (SI 1965 No 1203) reproduced at **Annex B** to this Chapter - for the jurisdiction of the civil courts to try members of Her Majesty's forces (or a civilian component of those forces) to be withdrawn in the case of offences against the law of the territory committed while on duty, and in the case of certain offences committed while off duty. The latter include offences against the person or property of another member of Her Majesty's forces, or of the civilian component, or against the property of a United Kingdom authority or authorized Service organization. The civil court may, however, proceed with a trial if the officer commanding Her Majesty's forces in the territory concerned notifies the Governor that the Service authority does not propose to deal with the case.

b. Detailed instructions issued separately in Defence Council Instructions or otherwise should be studied in consultation with the Service's legal advisers. Jurisdiction is not to be surrendered without full consultation with the appropriate higher authority.

c. It has also been agreed in principle that, in colonies where United Kingdom forces are stationed and which are not covered by the Order, local legislation should be enacted to provide similar jurisdictional arrangements to those provided by the Order.

Jurisdiction in Security Cases World Wide

J7.016. In cases where there has been a breach of security and it appears that:

a. The offence could involve damage to the public interest: or;

b. The offender could have been acting for a purpose prejudicial to the interests of the State,

the commanding officer of the accused is immediately to refer the case to the Ministry of Defence (PS2(Army), DALS and D Sy Pol) for a decision on reference to the civil authorities.

Murder and Manslaughter Abroad by Accompanying Civilians

J7.016A. Where it is alleged that an identified civilian subject to Service law has committed an offence of murder or manslaughter outside the United Kingdom and the authorities of the host country are not able or do not intend to exercise jurisdiction, the commanding officer is immediately to report the case to Service Police who will confer with DPS(A) PS2(A) for a decision by the Law Officers as to whether any trial should take place in the United Kingdom courts or by Court Martial overseas. Factors to be considered in making the decision will include delays, problems over the attendance of witnesses and host nation interests. Pending a decision, police inquiries and, if necessary, the formal investigation of the charge where the accused is in arrest, may continue. If the United Kingdom civil authorities decide to exercise jurisdiction, any proceedings under the **Armed Forces Act 2006** will be stayed.

Jury Service

J7.017. Under the terms of the **Juries Act 1974** as amended by the **Criminal Justice Act 2003**, full time serving members of the Armed Forces (including Reservists on full time duty and those with Additional Duties Commitments) are liable to be called upon to perform jury service in England and Wales, if they are registered as electors in those two countries. Full time members of her Majesty's Forces continue to be excused as of right from jury service in Scotland.

J7.018. For the present, full time members of Her Majesty's Forces continue to be excused as of right from jury service in Scotland. Members of Her Majesty's Forces are exempt from jury service in Northern Ireland under the terms of the **Juries (Northern Ireland) Order 1974**.

J7.019. Regulations covering the liability of officers and soldiers to be called for jury service are contained in **JSP 760**.

PART 2 - CIVIL LAW AND PROCEEDINGS

Note: this section does not cover either the provision of advice on Service law or the procedures connected with Service courts.

Civil Proceedings

J7.020. When an individual has been, or is likely to be, made a defendant in civil proceedings, arising out of an act which was sanctioned by Service authority or which occurred in the course of his duty, he is at once to report the matter to his commanding officer.

J7.021. On receipt of a writ, summons or other legal document naming a Serviceman or the Department as a defendant in these circumstances, the commanding officer is to take action as follows:

a. If it relates to common law claims for negligence, it should be sent to Directorate of Business Resilience, Common Law Claims & Policy (DBR CLCP) (*see* **para J7.047**).

b. If it relates to an Employment Tribunal (Industrial Tribunal in Northern Ireland), the Originating Application (**ET1/IT1**) should be sent to the Ministry of Defence (APC Litigation Wing).

c. For all other civil proceedings, a copy of the legal document is immediately to be sent to DBR CLCP. A full statement of the facts is to be sent with the legal document whenever possible, but the forwarding of the document must not be delayed on this account. Further action is to be taken only on the instructions of DBR CLCP.

Common Law Claims

J7.022. *See* **Part 4** of this Chapter.

Employment Tribunals

J7.023. Service (and civilian) personnel have certain rights to pursue complaints at Employment Tribunals (Industrial Tribunals in Northern Ireland). However, Service personnel are required to have made a complaint on the same matter under the Service redress procedures and that complaint must not have been withdrawn. The Service (or civilian) person bringing the case has to arrange for an Originating Application (an **ET1/IT1**) to be issued at a Tribunal Office. This sets out in detail the complaint and the remedy being sought, and will be sent to the named Respondent, normally "the Ministry of Defence". The Ministry of Defence has only 21 days from receipt of the **ET1/IT1** to respond, so any application received by a unit must be sent immediately to the Ministry of Defence APC Litigation Wing. On receipt of the **ET1/IT1** Ministry of Defence APC Litigation Wing will arrange with the Ministry of Defence's legal representative and C&L (F&S) Claims for the Ministry of Defence's Grounds of Resistance (the **ET3/IT3**) to be issued.

J7.023A. Where the Ministry of Defence accepts legal liability for the actions of its personnel, its legal representation will subsume the interests of individual defendants. However, if the Ministry of Defence's legal representative declares a conflict of interest, the Ministry of Defence's legal representative can no longer represent those defendants whose interests are in conflict with those of the Department. In such cases, the Ministry of Defence will not arrange or pay for separate legal representation. Any legal representation that individuals may feel is necessary will be at their own expense.

Inquiries into Deaths (*See also* paras J7.075 - J7.076)

J7.024. *See* **JSP 832**.

Civil Legal Proceedings involving an Individual's Private Affairs

J7.025. Service of Writs, Summonses or other Processes. *See* **MSL**, Vol 1, Ch 18.

J7.025A. Legal Advice and/or Representation. Since the actual or potential legal action relates to private affairs, the Ministry of Defence will not pay for either legal advice or any subsequent legal representation. Legal advice and assistance for personnel in commands abroad may be available from Service lawyers under the terms of their single Service regulations.

J7.025B. Attendance of Personnel at Civil Courts.

a. If, at a time when required to attend in person at a civil court in whatever capacity, the individual concerned is (or expects shortly to be) under orders to proceed outside the UK or otherwise outside the jurisdiction of the courts, he is to inform his commanding officer without delay. The commanding officer is immediately to notify the facts to higher authority. No assistance by way of payment of expenses is to be made to an individual to appear before a civilian court where the matter is not duty related.

b. Commanding officers are reminded that, in the UK, an individual must attend court when summoned to do so. If he does not attend, he may be prosecuted for contempt and action may also lie against anyone who sought to prevent his attendance. The position is not necessarily the same for personnel summoned by foreign courts and commanding officers should be guided by the appropriate legal advisers. It is open to commanding officers to ask the civilian authorities to adjourn a hearing, on the grounds that the date chosen is particularly detrimental to the Service interest, but permission must nevertheless be given for the individual to attend if the summons has not been cancelled by the time it falls due to be answered.

c. Uniform may be worn by personnel attending court if it is deemed appropriate by the Commanding Officer. (*See* **AGAI 59**, Annex A, para 7.)

Criminal Proceedings

J7.026. Legal Representation of Service Personnel facing Criminal Charges.

a. The Ministry of Defence has no responsibility in law to provide legal representation for personnel involved in any criminal proceedings. The decision whether or not it should support personnel in such circumstances is one of Departmental policy. Personnel should be reassured, however, that they will not be abandoned by the Department when their work takes them into difficult or unusual circumstances.

b. In certain circumstances the Ministry of Defence will consider paying for the defence of an individual charged with a criminal offence, including payment for legal representation before and during interview under caution. An individual in this position, either at home or abroad, may apply to the Department for funding for legal representation. In considering such applications, the Ministry of Defence will have regard to the following:

(1) Whether the alleged act was committed in the course of the individual's employment/duties and in accordance with any applicable regulations/instructions or orders (insofar as this can be determined at the time);

(2) The implications for Ministry of Defence policy, regulations, instructions (*e.g*. rules of engagement, operational procedures) and other relevant interests (this would include proceedings before international courts or tribunals); and

(3) The seriousness of the offence, the possible punishment and its impact on the individual's liberty and livelihood. (Departmental funding will not, as a general rule, be provided for those criminal charges in domestic courts that fall outside of the legal aid scheme such as minor driving offences.)

(4) The apparent weight or strength of evidence against an individual is not relevant. The decision to grant or refuse Ministry of Defence funding of legal representation is taken by the Director C&L (F&S), in conjunction with the Ministry of Defence Legal Adviser and the appropriate single Service staffs.

c. The presumption will be that the cost of defence will be borne by the Ministry of Defence if the alleged offence was committed in the course of the individual's duties and the proceedings have implications for Departmental policy, regulations and instructions (*e.g*. rules of engagement or operational procedures) or other relevant interests. Where the Ministry of Defence does not fund the legal representation, personnel will have to apply for legal aid (if available) under the normal rules of eligibility or pay for their own representation.

d. (*Army only*.) Cases that the chain of command considers may qualify for legal support should be passed to MOD PS2(A).

e. See **para J7.040** regarding proceedings which do not fall within this regulation.

Civil Criminal Legal Proceedings involving an Individual's Private Affairs

J7.027. Legal Advice and/or Representation. *See* **para J7.025A**.

J7.027A. Attendance of Personnel at Civil Courts. When an individual is charged by a civil court in respect of a criminal offence relating to his private affairs, he is to report the matter immediately to his commanding officer in order that the necessary arrangements may be made for his attendance at the court and for other relevant Service action to be taken as prescribed in regulations. He is also to inform the commanding officer if he intends, where appropriate, to plead guilty by letter without appearing in court. *See also* **para J7.025B**. The individual must inform the commanding officer of the outcome of the trial.

Institution of Legal Proceedings on Behalf of the Ministry of Defence

J7.028. The institution of legal proceedings on behalf of the Ministry of Defence is to be undertaken only on the authority of the Department.

Third Part Requests for Information for Legal Purposes

J7.029. Where the request relates either to an action or potential action to which the Ministry of Defence is not a party, or to criminal proceedings, the advice of C&L (F&S) Legal 1 is to be sought in the first instance.

Witness Evidence

J7.030. Service personnel may occasionally be asked to give evidence on a variety of matters. There are two categories of witnesses: a witness of fact and an expert witness.

J7.030A. Witness of Fact. (This category includes both observers of an incident and individuals who have knowledge of Service/Ministry of Defence procedures.) The Ministry of Defence has a duty to assist the Court in the giving of information likely to resolve the issues before it. It is quite permissible for a witness to give such evidence as is required of him at a Court hearing, subject to any security/sensitive considerations. The witness must stick to the facts and refrain from proffering a personal view. Expressions of opinion must be avoided unless specifically asked. The criteria to be used in nominating witnesses to attend Court to represent the Ministry of Defence regarding knowledge of Department procedures should be their suitability to answer the type of questions likely to be asked and their experience.

J7.030B. Expert Witness.

a. The role of an expert witness, acting in an official or private capacity, is to assist the Court by presentation of their evidence, rather than to help either party to the proceedings. This applies to both criminal and civil proceedings, regardless of which party has asked the witness to appear. An expert witness should present his evidence with strict regard to the truth, accuracy and completeness. If the Department is asked by a party to litigation other than the Crown to provide an expert witness, the request should be declined - unless the evidence required is peculiar

to the Ministry of Defence - on the grounds that it is not the Department's policy to supply expert evidence. The enquirer should be advised to seek assistance from a professional consultant.

b. Further guidance can be obtained from Directorate of Safety and Claims.

Bail Provision Abroad

J7.031. Where Service personnel charged with criminal offences in civil courts abroad can obtain release from custody on providing bail, the senior Service officer in the command or territory or the commanding officer of an HM Ship may, if necessary, make advances from public funds in respect of the sum required for bail and any incidental fees. Each case is to be considered on its merits, depending on the nature of the alleged offence and the character of the person concerned.

J7.031A. The following conditions apply:

a. The individual concerned must be unable to find the money himself or obtain it from any other source.

b. There is to be no unreasonable risk that the recognisance might be forfeited.

c. The individual concerned is to sign an acknowledgement at the time when the bail is paid into court that he has received the loan, which is repayable on demand, and that immediate recovery may be commenced by deduction from his pay by instalments. He is also to acknowledge that upon return of the bail money or any part thereof he will then pay such money to the Service or such part thereof as may be required to repay the loan and in the event of forfeiture of the bail the amount outstanding shall be immediately repaid, unless the forfeiture was caused by reasons outside his control, in which case recovery should be by monthly instalments over a period described in single Service regulations.

d. Action is to be taken by the commanding officer of the individual concerned to ensure that the bail money is duly handed over to the court authorities at the appropriate time and, whenever such procedure permits, in the presence of the individual concerned.

e. The bail money must be paid to the court by or in the name of the individual concerned and not in the name of the Service, the commanding officer or any other person.

J7.031B. Bail should only be advanced if it is in the interests of the Service that the individual concerned be released from custody of the overseas court. Bail should not be advanced if there is a likelihood of the individual's discharge from the Service before the debt could be repaid.

Affidavits and Statutory Declarations Abroad

J7.032. *See* **MSL**,Vol 1, Ch 22.

Provision of other General Legal Advice on Civil Law and Proceedings

J7.033. When other legal advice on civil law and proceedings is required, the question should be phrased as clearly as possible and supported by a concise statement of the facts of the case. The request is to be sent to C&L (F&S) Legal 1, who will consult the Department's legal advisers as appropriate.

J7.034 - 7.039. Reserved.

PART 3 - LEGAL ASSISTANCE SCHEMES

Legal Assistance, including Legal Aid, for Individuals under Service Arrangements

J7.040. Assistance in Criminal Matters.

a. Advice may be provided outside Great Britain, under the **Police and Criminal Evidence Act 1984**, to a serviceman suspected of a serious offence when interviewed by the Service police.

b. Criminal Proceedings. - Legal aid, *i.e.* financial assistance with legal expenses towards representation by a lawyer, may, in appropriate cases, be made available through Service channels:

(1) For the defence of servicemen, members of the civilian component and dependants charged before criminal courts abroad (but for offences committed on duty either in the UK or abroad *see* **para J7.026**).

(2) For those persons subject to Service law at custody hearings.

(3) For the defence of servicemen charged before the Court Martial.

(4) For the defence of civilians subject to Service law who are charged before standing civilian courts and/or the Court Martial abroad; and

(5) For the preparation of petitions, appeals and applications for leave to appeal in respect of persons convicted by standing civilian court or Court Martial and for appeals to the Summary Appeal Court.

Each applicant is required to pay such contribution towards the cost of legal aid as may be decided[1]. S*ee* **para J6.124** on refund of defence costs following acquittal by a standing civilian court or Court Martial and **para J6.078A** in respect of a person whose finding of guilt at summary dealing is quashed by the Summary Appeal Court.

c. When it appears to the commanding officer that a person for whom he is responsible may be eligible for a grant of legal aid, he is to arrange for that person to have the opportunity to apply for legal aid to the appropriate legal aid authority (*see* **JSP 838**).

d. (*Army only*) In an appropriate case, representation by a Service legal officer other than of the Army Legal Services, may be provided, if the accused so wishes and if a suitable officer is available for that duty. Representation by a Service legal officer may also be chosen by an accused for custody hearings or appearance before the Summary Appeal Court.

J7.041. Assistance in Non-Criminal Matters. Directorate of Legal Services (Royal Air Force) operate schemes for the assistance of servicemen and their families abroad.

a. Non-Criminal Proceedings (e.g. Matrimonial Matters, Traffic Accident Claims, etc). - The Royal Navy, the Directorate of Army Legal Services and the Directorate of Legal Services (Royal Air Force) operate schemes for the assistance of servicemen abroad and, to a lesser extent, those at home, in legal matters of a non-criminal nature. Help is also given to next of kin who may have a legal cause of action as the result of the death of a serviceman. Advice given by Service lawyers is free of charge. The Services do not, however, provide financial assistance to cover travel to and from legal assistance offices or other expenses and fees, *e.g*. The cost of obtaining marriage certificates or other evidence and the fees of inquiry agents or solicitors' or court costs.

b. The schemes referred to in *a* above include assistance with a claim under the Ministry of Defence Criminal Injuries Compensation (Overseas) Scheme, the Criminal Injuries Compensation Board (Great Britain) Scheme and the Northern Ireland Criminal Injuries Scheme and advice on and, in some cases assistance in, the preparation of a claim which may arise out of injuries sustained whilst on duty.

J7.042. General.

a. Apart from any exceptions the schemes specifically mentioned, the schemes referred to above do not cover any claim made by a serviceman against the Ministry of Defence or any other Government department, any British or allied serviceman on duty, any matter concerning discipline, Court Martial (other than preliminary evidence given prior to a possible application for legal aid under **Annex D to Chapter 6**), pay and allowances or on matters affecting the serviceman in his capacity as such.

b. (*Army only*). Commanding officers are to ensure that those under their command are acquainted with current instructions on this subject and to advise those in need of legal assistance, including next of kin, to seek it without delay. They are to see that persons sent home for medical treatment as a result of injuries sustained in accidents, *etc*., are made aware, if appropriate, of the address and telephone number of the nearest Divisional Headquarters Army Legal Branch.

c. (*Army only*). Detailed instructions on the application of Army Legal Assistance available to Service personnel and their dependants are given in **AGAI 89** commencing at para 89.091.

1 Civilian legal representation is provided at public expense under terms similar to the Duty Solicitors Scheme.

PART 4 - COMMON LAW CLAIMS AND COMPENSATION

Introduction

J7.043. This section deals with claims at common law made against the Ministry of Defence 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 Ministry of Defence or its servants. It also deals with common law claims brought by the Ministry of Defence 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 Defence Estates.

Mutual Waiver of Claims

J7.044. 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 Ministry of Defence (Directorate of Business Resilience, Common Law Claims & Policy (DBR CLCP)) with all supporting documents before any action is taken.

Division of Responsibility

J7.045. Within the Ministry of Defence responsibility for handling all common law claims lies with DBR CLCP and the appropriate Area Claims Officers overseas except those types of claims handling which have been contracted out to commercial claims handlers. Full details are given in **Annex A to Chapter 3**. Responsibility for handling claims arising from training and manoeuvres, within the United Kingdom, (except low flying) lies with the local Defence Land Agent under delegated authority from the Chief Claims Officer.

Method of Reporting

J7.046.

a. Traffic Accidents. Traffic accidents involving Ministry of Defence owned vehicles and leased vehicles are to be reported in accordance with Defence Road Transport Regulations (**JSP 800**), Vol 5, Chapter 12.

b. Aircraft Accidents. Accidents involving Ministry of Defence aircraft are to be reported in accordance with the following separate Service instructions:

Royal Navy Army	**JSP 550**
Royal Air Force	Manual of Flight Safety (**AP 3207**)

c. Maritime Accidents. Maritime accidents involving Ministry of Defence 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	**QR (RN) 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.

d. Hovercraft Accidents. Accidents involving Ministry of Defence hovercraft are to be reported to the Ministry of Defence (DS&C) using special accident report forms (**MOD Forms 95** and **95A**).

e. Accidents and Miscellaneous Occurrences. Accidents and miscellaneous occurrences not falling under **paras J7.046***a - d* are to be reported as follows:

(1) The accident reporting system (Central Health and Safety Project - CHASP) as defined in **JSP 442** specifies that a Ministry of Defence Accident Reporting Form (**MF 2000**) must be raised in all cases of death, injury or ill health to any Ministry of Defence Service or civilian employee and to any other person, where the cause might be attributable to the Ministry of Defence or when it has occurred on Ministry of Defence land or property. In the case of the death of, 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

(2) If at any time a compensation claim for death or personal injury, sustained in any theatre and reported in accordance with CHASP, is made or intimated by a Ministry of Defence 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

(3) Any other claims against the Ministry of Defence, arising from incidents occurring in the United Kingdom, resulting in death or personal injury to third parties or loss or damage to property where it is alleged that the Ministry of Defence was negligent should be forwarded to:

Ministry of Defence
DBR CLCP
7th Floor Zone A

2-12 Bloomsbury Way
LONDON WC1A 2SH

f. Overseas Areas.

(1) When an incident occurs which results in injury to, or death of, or in loss of or damage to the property of, Ministry of Defence locally employed civilian personnel arising out of and in the course of their employment any claim should be submitted 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* **Chapter 3, Annex A, Appendix 1**).

(2) 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 will be handled by the appropriate Claims Office.

g. Training and Manoeuvre Damage:

(1) In the United Kingdom any claims for damage occasioned to private property, including livestock, during training and manoeuvres will be investigated and settled by the local Defence Estates Organization under delegated authority from the Chief Claims Officer.

(2) In overseas areas training and manoeuvre damage claims are managed by the local Area Claims Officer, where there is one, or by the Ministry of Defence (DBR CLCP).

Writs and Summons

J7.047. 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 Ministry of Defence it is to be reported immediately by telephone or other available means to the appropriate authority. To be dealt with in accordance with **para J7.048** below.

General

J7.048.

a. 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.

b. 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 the Ministry of Defence (DBR CLCP) 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 the Ministry of Defence (DBR CLCP) may interpret what constitutes a letter of claim and how an acknowledgement should be phrased.

c. Units or 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 request from a Claims Officer or commercial Claims Handler acting for the Ministry of Defence 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.

d. 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 Service Inquiry (SI) reports, Service police reports and unit enquiries, are made both in the interests of the Ministry of Defence and of the Service, and is for the purpose of ensuring that a claim by or against the Ministry of Defence, 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 authorizing branch. Units, ships and establishments are, therefore, to comply fully with, and promptly to, such requests.

e. Personnel who receive claims for compensation addressed to them personally should forward them to the Ministry of Defence (DBR CLCP) 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.

Off Duty Claims

J7.049.

a. In the United Kingdom the Ministry of Defence 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.

b. Overseas there is provision in certain international agreements (*e.g*. NATO Status of Forces Agreement) for the Ministry of Defence to consider claims arising from off duty incidents and the Ministry of Defence (DBR CLCP) or the local Area Claims Office, as appropriate, should be contacted when any such claim arises.

(*Army only*. *See* **AGAI 90**, Annex Q).

7.050. Reserved.

PART 5 - INDEMNITIES

General

J7.051. As a general rule, when a facility or service is granted to another party which does not materially benefit the Ministry of Defence, or where the balance of benefit is to the other party, steps should be taken to ensure that the Ministry of Defence 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 authorized by Parliament for Defence purposes. Instructions on the more typical circumstances in which indemnities are required are given in this section.

J7.052. No amendment is to be made to an approved form of indemnity without the agreement of the appropriate Ministry of Defence authority.

J7.053. On occasions indemnities may be sought by other parties when facilities or services are granted by them to the Ministry of Defence. In such circumstances reference is to be made to the appropriate Ministry of Defence authority before any agreement is entered into.

J7.054. The Ministry of Defence authorities to whom questions concerning indemnities should be referred are:

a. Directorate of Business Resilience, Common Law Claims & Policy (DBR CLCP) - General policy for the Services.

b. Defence Estates - Use of Ministry of Defence land and property.

c. DGLS Sec - Repayment and Ministry of Defence matters.

d. Defence Commercial Policy - Procurement contract matters.

Passengers in Service Transport

J7.055. Passengers whose carriage in Service transport is clearly in the interests of the Ministry of Defence may be regarded as Ministry of Defence sponsored. Examples of Ministry of Defence-sponsored passengers are as follows:

a. Service personnel, Ministry of Defence civilians and other Crown servants carried in the course of duty.

b. Persons engaged in a Ministry of Defence contract whose carriage is necessary to the contract. (Such carriage should normally be subject to the indemnity provisions of the relevant Defence contract.)

c. Persons whose carriage is officially approved by DNR, DAR, or D of R(RAF) with a view to future recruitment.

d. Persons carried in an emergency on urgent compassionate grounds.

e. Persons carried for public relations reasons which have been approved by D Def Pub or the relevant Front Line Command staff.

f. 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.

g. Families carried in vessels on Royal Navy Families Days.

J7.056. Further instructions covering the carriage of passengers in Service vehicles are given in Joint Service Road Transport Regulations (**JSP 800**, Vol 5).

J7.057. Non Ministry of Defence Sponsored Passengers. 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**.

Visitors to Service Establishments

J7.058. No indemnity is required from persons wishing to enter Service establishments, units, ships or other Ministry of Defence 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 Ministry of Defence may be liable to pay compensation in the event of accidents occurring to visitors whilst on Ministry of Defence 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 a ship, dockyard, workshop *etc*..

J7.059. Liabilities arising from visits by contractors' personnel will normally be covered in the terms and conditions of the appropriate Defence contract.

Unofficial and Recreation Activities

J7.060. When approval is given for the use of Service facilities including transport (other than road transport - *see* **para J7.056**) for unofficial or recreational purposes then an indemnity is normally required.

J7.061. Reference should be made to the following instructions for recreational and other unofficial use of Service facilities:

a. By non Service organizations for activities such as dances, sports meetings, driver training and testing, rallies *etc*. - *see* Defence Estates Handbook (**JSP 362**).

b. For civil flying, use of Ministry of Defence airfields including civil participation in Open Day and At Home air displays - *see* **JSP 360**, Regulations for Civil Flying at Ministry of Defence Airfields and charges for non-UK Military Aircraft using Ministry of Defence Airfields (**JSP 360**).

c. By Service clubs and Service personnel for unofficial activities - *see* Defence Estates Handbook (**JSP 362**).

J7.062. Further advice may be obtained from the Ministry of Defence (DBR CLCP) or from the appropriate Defence Estates Office.

Testing and Evaluation of Commercial Equipment

J7.063. Where a commercial organization 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 Ministry of Defence (DBR CLCP and Defence Commercial Policy) is to be consulted as necessary.

Use of Ministry of Defence Property by the Media

J7.064. When Defence Public Relations staff are considering approval for representatives of the media to be admitted onto Ministry of Defence property for the purpose of producing feature films, documentaries or drama series then advice on indemnities is to be sought from Ministry of Defence (DBR CLCP) at an early stage. No indemnity is required when representatives of the media are admitted onto Ministry of Defence property for the purpose of covering the normal activities of the Services *e.g*. for news reports or similar. If any doubt exists as regards the necessity for indemnification then (DBR CLCP) is to be contacted.

Adventurous Training Expeditions

J7.064A. Details of insurance requirements for Adventurous Training Expeditions and a form of indemnity for civilian participants are contained in **AGAIs, Volume 1, Chapter 11**.

Service Participation in Non Service Band Engagements, Air Displays *etc.*

J7.064B. Service Bands. Reference is made to Instructions for Bands (**AC 14170**) for details of indemnity and insurance requirements which apply when Service bands participate in engagements for the benefit of non Service organizations, *i.e.* Category II and Category IV engagements.

J7.064C. Air Displays. The indemnity and insurance arrangements with which organizers of non Service air displays are required to comply are contained in **JSP 551**, Vol 1, Military Flight Safety Regulations.

Service Assistance to Outside Organizations

J7.064D. Instructions governing particular occasions when Service personnel are provided to render approved forms of assistance to civil authorities and other outside organizations, together with the relevant indemnity and insurance requirements, are contained in **paras J11.001 – J11.010**.

J7.064E. Details of indemnity requirements for other types of assistance which are not covered in this section may be obtained from the appropriate Ministry of Defence authority given at **para J7.054**.

PART 6 - BIRTHS, DEATHS AND MARRIAGES

General

J7.065. A member of Her Majesty's forces is to report to his commanding officer as soon as possible any change in his personal status category, including divorce, dissolution or separation, and (except in the Royal Navy) 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 commanding officer 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.

Adoption of Children

J7.066. Adoption of a child is to be reported in the same way as a birth and the commanding officer 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 Her Majesty's forces is adopted by some other person.

Marriages or Civil Partnership in the United Kingdom

J7.067.

a. The requirements of the law relating to the publication of banns or giving notice of marriage or civil partnership and to the solemnization and registration of a marriage or a civil partnership vary according to whether the marriage or civil partnership 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 or form a civil partnership, Service personnel are advised to consult their commanding officer or chaplain.

b. Explanatory leaflets are published as follows:

(1) Marriage or Civil Partnership in England and Wales:

General Register Office
Smedley Hydro
Trafalgar Road
Southport PR8 2HH

(2) Marriage or Civil Partnership in Scotland:

The Registrar General
General Register Office
New Register House
Princes Street
EDINBURGH EH1 3YT.

(3) Marriage or Civil Partnership in Northern Ireland:

General Register Office
Oxford House
49-55 Chichester Street
BELFAST BT1 4HL

J7.068. 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.

Marriages Outside the United Kingdom under the Foreign Marriage Acts

J7.069. The **Foreign Marriage Acts 1892-1947** and the **Foreign Marriage (Armed Forces) Order 1964** provide 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 **Annex D** to this Chapter.

J7.070. **Annex E** to this Chapter sets out the rules for the solemnization of marriages by 'authorized persons'.

J7.071. Persons who wish to marry or enter a civil partnership 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.

J7.072. 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* **Annex D** to this Chapter. Before a civil partnership can be entered into the authorized person must be in possession of a certificate signed by or on behalf of the senior officer of the Service in the territory.

J7.073. A person wishing to be married or enter into a civil partnership must give notice to his commanding officer with the following particulars regarding himself and (so far as they are within his knowledge) the other party to the marriage or civil partnership:

a. Full name.

b. Age.

c. Nationality.

d. Condition (bachelor, spinster, widower, widow, divorced, subject to dissolution).

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.

J7.074. After checking the particulars as far as possible from the records available to him, the commanding officer 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. 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.

Civil Registration of Births and Deaths in the United Kingdom

J7.075. When a member of Her Majesty's forces dies in the United Kingdom his commanding officer 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.

J7.076. Personnel are themselves responsible for notifying to the local civilian registrar births and deaths which occur in their families.

Service Registration of Births, Deaths and Marriages outside the United Kingdom

J7.077. The **Registration of Births, Deaths and Marriages (Special Provisions) Act 1957**, and the **Service Departments Registers Orders 1959, 1963, 1988 and 2002** and **Civil Partnership (Armed Forces) Order 2005** made thereunder (relevant extracts from which are reproduced in **Annex F** to this Chapter) provide for the registration of births, deaths and marriages and civil partnership occurring outside the United Kingdom 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 Her Majesty's 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. Copies or 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.

J7.078. Registration under the provisions of the Act is not to be applied in respect of births, deaths, marriages and civil partnerships 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 United Kingdom such as would justify entries in the records of the General Register Office.

Method of Registration

J7.079. Service personnel and civilians are responsible for ensuring the registration of their own marriages or civil partnerships and of the births, deaths or marriages or civil partnership which occur in their families (but *see* **para J7.081**). Notifications can be made either by personal attendance of 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.

Registration in Special Cases

J7.080. Attention is drawn to the conditions applying to late registrations (*i.e.* more than 12 months after the date of a birth, death, marriage or civil partnership) and to the registration or re-registration of births of legitimated children - *see* **Annex F** to this Chapter. 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 the Ministry of Defence, who will ask the Registrar General to authorize registration of the death. If he approves, he will give the necessary authority to the Overseas Registration Section at the General Registration Office, Southport. The late registration is then made in registers held by that office.

Registration of Marriages or Civil Partnerships under the Foreign Marriage Acts

J7.081. 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 to 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.

Local Registration of Births and Deaths outside the United Kingdom.

J7.082. In addition to the registration under the law of the United Kingdom (*see* **paras J7.077** and **J7.089**) 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. Commanding officers are to ensure that the attention of all concerned is drawn to this requirement.

J7.083. On the death of a member of Her Majesty's forces or of a civilian serving or working with the Forces as set out in the Schedule to **Annex F** to this Chapter (excluding those specified in **para J7.078** above), the commanding officer is to ensure that the necessary action is taken to effect registration.

J7.084. The captain of one of Her Majesty's 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* **paras 7.085 – J7.087**).

J7.085. In the case of a birth, marriage or a civil partnership 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 Ministry of Defence (PS4(Army)(Casualty) 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 the Manning and Career Management Support Division for officers or the Ministry of Defence (PS4(Army)) for soldiers.

Registration of Deaths on RAF Passenger Carrying Aircraft outside the United Kingdom and outside its Territorial Waters

J7.086. Following the practice in civil aircraft accidents occurring outside the United Kingdom, where all deaths on an aircraft are registered on one register by the Department of Trade, all deaths (Service and civilian) on a RAF passenger carrying aircraft outside the United Kingdom and outside its territorial waters will be registered by RAF PMA (Casework) Casualty under the Service Departments Registers Orders.

J7.087. Deaths in the above cases should not be registered elsewhere (unless there is such a requirement under local law).

J7.088. Deaths occurring overseas after an air accident, *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 Ministry of Defence (DM(A)), *e.g*. citizens of the Irish Republic or of Commonwealth countries.

The British Nationality Act 1981

J7.089. The **British Nationality Act 1981**, which came into force on 1 January 1983, provides that:

a. Anyone born in the United Kingdom is a British Citizen *by birth* (*see* Note), if at least one of his parents was then a British Citizen, or 'settled in the United Kingdom' (*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 United Kingdom Crown servant recruited in the United Kingdom, 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 United Kingdom for not less than three 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.

J7.090. It follows therefore that **para J0.089***c* gives an advantage to the children of servicemen born abroad over those whose parents were not in Crown service at the time and it is in everyone's interest to establish the fact of Crown service when registering the birth of a serviceman's child. The commanding officer is to advise the father to take the following action on obtaining birth certificates:

a. Obtain a Service's certificate of birth through a Service registering officer (*see* **para J7.077**). 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 United Kingdom, where similar documentary evidence and payment will be required, and the Services certificate will become very important.

Burial in the United Kingdom following Death aboard a Ship or Aircraft

J7.091. When, following a death aboard a ship or aircraft outside territorial waters or in an aircraft while airborne over the United Kingdom (in which case 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 J7.024**) 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 United Kingdom; the authorities in **para J7.067***b* should be consulted if cremation is proposed or any difficulty arises.

Removal of Cadavers out of, or into England or Wales

J7.092.

a. Where it is intended to remove the body of a deceased person out of England or Wales for disposal in Scotland, Northern Ireland, the Irish Republic, the Isle of Man, the Channel Islands or any foreign country, dominion or colony, notice of such intention must be given by the person effecting the removal to the coroner within whose jurisdiction the body is lying. The body must not be taken out of the country before the expiration of four clear days after the day on which the notice was received by the coroner, unless the coroner has previously stated that he does not intend to hold an inquest. Forms on which the notice to the coroner should be given may be obtained from the registrar of births and deaths.

b. In the event of the removal of the body of a deceased person into England or Wales for disposal application should be made by the person effecting the disposal to the registrar of births and deaths of the sub district in which it is intended to dispose of the body for a certificate of no liability to register, and this certificate must be produced at the burial. This procedure will also apply when a death occurs on board ship and the body is brought ashore for burial.

Service and Private Funerals

J7.093.

a. The term 'Service funeral' means a burial or cremation which is arranged by the Service authorities and which is paid for out of public funds.

b. A Service funeral may be provided for an officer, rating, soldier or airman who dies while in receipt of full pay or for one who ceases to be entitled to full pay while undergoing treatment as an in-patient in a hospital and who dies without leaving the hospital. If practicable, the relatives are to be offered the alternative of themselves arranging a private funeral. A Service funeral, or a grant towards the expenses of a private funeral, may also be provided for other categories of personnel as defined in Regulations for Army Allowances and Charges (**AC 10**).

c. The wishes of the next of kin about funeral arrangements are to be obtained as prescribed in Casualty Procedure 2000 (**AC 12974**).

d. Funerals of members of the families of Service personnel are the responsibility of the officer or soldier concerned. In the case of deaths in countries abroad, however, certain assistance may be granted as laid down in Casualty Procedure 1995 (**AC 12974**).

e. When an individual who is eligible for a Service funeral dies while he is serving with a Service other than his own, the commanding officer of the unit with which he is serving at the time of death should, whenever practicable, get in touch with the parent unit in order that suitable funeral arrangements can be agreed. If necessary, he may accept the responsibility of carrying out the funeral.

f. The regulations regarding the provision of funeral honours are contained in **paras 8.116 – 8.122**.

g. *Army only*. Provided that it is the wish of the next of kin a Service representative may attend at public expense in the United Kingdom the privately arranged funeral of a Regular Army officer or soldier.

Repatriation of Bodies of Servicemen and Servicewomen

J7.094. Repatriation of bodies of UK service personnel (service and civilian) is to be carried out in accordance with extant operational orders (*see* **JSP 751** para 0924). These operations describe the levels of activity required in accordance with direction from the chain of command, covering routine repatriation, the repatriation of those killed in action, and a national ceremony as appropriate. The regulations relating to coffin dressing are at **J8.123**.

7.095 - 7.100. Reserved.

PART 7 - WILLS

General

J7.101. The recommended methods of making a will which are available to Service personnel may be summarized as follows:

a. As for Civilians.

(1) By drawing up a will on expert advice.

(2) By using one of the printed forms which can be purchased.

(3) By writing a simple will on a sheet of paper.

b. Methods Available to Service Personnel Only.

(1) Use of **MOD Form 106** (*see* **para J7.104**).

(2) In exceptional circumstances, as stated in **para J7.106**.

J7.102. Subject to the exceptions stated in **para J7.106**, the laws which apply to the making of wills by civilians apply to the making of wills by members of the armed forces. The laws for England, Wales and Northern Ireland differ from those for Scotland and other parts of the world. Personnel domiciled outside these countries, or who are not British subjects, and who wish to make a will are advised to obtain legal advice in order to ascertain the procedure which must be followed and the formalities which must be observed. Persons under the age of 18 years cannot make a will under the law applicable to England, Wales and Northern Ireland. Persons domiciled in Scotland may, however, make a will at the age of 14 years.

Duties of Commanding Officers

J7.103. Commanding officers are to ensure that all personnel entitled to make a will are urged to do so. Personnel making a will should be advised that if for any reason they afterwards wish to change the distribution of their estate they should make a fresh will. In addition commanding officers are to remind personnel that it may be desirable to make a will (or a fresh will) on any alteration of marital status or change of next of kin and that it is desirable to make a will before proceeding overseas. They should point out that if no will is made the estate (including money, balance of pay and personal belongings) must be distributed in the event of death according to the laws of the country of domicile governing intestate estates, which may result in the estate having to be distributed in a way which the deceased would not have wished, and that the nomination of a next of kin does not take the place of a will.

Making of Wills

J7.104. A form of will (**MOD Form 106**) may be obtained on application to the unit orderly room. The attention of personnel using this form should be drawn to the notes on the reverse side of the form. Personnel may make their own arrangements for drawing up a will if they prefer to do so.

7.105. Advice on the making of a will outside the United Kingdom can be obtained from Army Legal Services. Personnel serving in the United Kingdom should be advised to seek the aid of a solicitor.

J7.106. Service personnel, including those under 18 years of age, may be able to make informal unwitnessed wills, usually during war time, but in the interests of their beneficiaries they should make a formal will at the earliest opportunity.

Custody of Wills

J7.107. Completed wills should not be kept with personal belongings, but should be deposited in safe custody. Officers must make their own arrangements for the safe custody of their wills. A rating, soldier or airman may hand a completed will to his commanding officer who is to forward it by recorded delivery to the Army Personnel Centre (Document Handling Centre (DHC) Wills Section). He is to record the fact that he has done so and ensure that a receipt is obtained in respect of each will. He is to retain the receipt of registration until he has been informed by the recipient that the will has been deposited in safe custody. Alternatively, a serviceman can make his own arrangements for custody.

7.108 - 7.120. Reserved.

PART 8 - THE LAW OF ARMED CONFLICT

Prevention, Reporting and Investigation of Breaches of the Law of Armed Conflict
J7.121.

a. It is the duty of all ranks to:

(1) Abide by the law of armed conflict.

(2) Do all in their power to prevent any breaches taking place.

(3) Upon becoming aware of an allegation of any breach of the law of armed conflict, report the circumstances to their commanding officer.

b. The commanding officer, upon receipt of any such allegation of a breach of the law of armed conflict, is to report it to his higher authority and ensure that it is thoroughly investigated without delay. Normally the Royal Military Police are to be tasked to conduct the investigation.

7.122 - 7.130. Reserved.

ANNEX A(J) TO CHAPTER 7
AGREEMENT REGARDING THE STATUS OF FORCES OF PARTIES TO THE NORTH ATLANTIC TREATY
(Cmd. 9363)

(PARA **J7.014** REFERS)

Article VII

1. Subject to the provisions of this Article,

a. The military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;

b. The authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependants with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2.

a. The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences to its security, punishable by the law of the sending State, but not by the law of the receiving State.

b. The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependants with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

c. For the purposes of this paragraph and of paragraph **3** of this Article a security offence against a State shall include

(1) Treason against the State;

(2) Sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

a. The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to

(1) Offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;

(2) Offences arising out of any act or omission done in the performance of official duty.

b. In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.

c. If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

5.

a. The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

b. The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

c. The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6.

a. The authorities of the receiving and sending State shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

b. The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7.

a. A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

b. The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled -

a. To a prompt and speedy trial;

b. To be informed, in advance of trial, of the specific charge or charges made against him;

c. To be confronted with the witness against him;

d. To have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;

e. To have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;

f. If he considers it necessary, to have the services of a competent interpreter; and

g. To communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

10.

a. Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

b. Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

ANNEX B(J) TO CHAPTER 7
STATUTORY INSTRUMENT No 1203 of 1965
OVERSEAS TERRITORIES

(PARA **7.015** REFERS)

The United Kingdom Forces (Jurisdiction Of Colonial Courts) Order 1965

Made	*1st June 1965*
Laid before Parliament	*9th June 1965*
Coming into Operation	*10th June 1965*

At the Court of Buckingham Palace, the 1st day of June 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers by section 112 of the **Government of India Act 1833**[1] (**a**), the **British Settlements Acts 1887** and **1945** (**b**), the **Foreign Jurisdiction Act 1890** (**c**) or otherwise in Her Majesty vested or reserved to Her in pursuance of the **British Guiana Act 1928** (**d**) or the **West Indies Act 1962** (**e**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

Citation and Commencement

1. This Order may be cited as the **United Kingdom 'Forces (Jurisdiction of Colonial Courts) Order 1965** and shall come into operation on 10th June 1965.

Application and Interpretation

2.

(1) This Order shall apply to each of the territories specified in the Schedule to this Order and in its application to any territory references in this Order to 'the Territory' mean that territory.

(2) In this Order

'coroner' means any person or authority having jurisdiction under the law of the Territory to hold inquests;

'court of the Territory' means a court exercising jurisdiction in the Territory other than a service court;

'dependant' in relation to any person means any of the following –

(a) The wife or husband of that person; and

(b) Any other person wholly or mainly maintained by him or in his custody, charge or care;

'Governor' in relation to Basutoland means the British Government Representative and in relation to any other territory the officer for the time being administering the government of the territory;

'Her Majesty's forces' means the naval, military or air forces of Her Majesty in right of Her Government in the United Kingdom but does not include a force raised under a law enacted by the legislature of the Territory;

'law of the Territory' means law for the time being in force in the Territory or any part thereof;

'service court' means an officer or court exercising jurisdiction under the **Naval Discipline Act 1957**[2](**a**), the **Army Act 1955**(**b**) or the **Air Force Act 1955**(**c**) and includes a confirming officer or reviewing authority under any of those Acts.

(3) In this Order a reference to the holder of an office by the term designating his office shall be construed as including, to the extent of his authority, a reference to any person for the time being authorized to exercise the functions of that office.

(4) The **Interpretation Act 1889** (**d**) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting or in relation to Acts of the Parliament of the United Kingdom.

(5) References in this Order to a member of a civilian component of any of Her Majesty's forces are references to persons (being persons subject to the jurisdiction of a service court) of any such description as may be prescribed by order made by the Governor of the Territory.

(6) References in this Order to a person's having at any time a relevant association with Her Majesty's forces are references to his being at that time a person of one or other of the following descriptions, that is to say –

(a) A member of Her Majesty's forces or a member of a civilian component of any of those forces;

(b) A person who is a dependant of any such member.

(7) References in this Order to any law are references to that law as from time to time amended or extended by or under any other law.

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1 (a) 3& 4 Will. 4. c.85. (b) 50 & 51 vict. c. 54 and 9 & 10 Geo. 6. c. 7. (c) 53& 54 Vict. c. 37. (d) 18 & 19 Geo. 5. c. 5. (e) 10 & 11 Eliz. 2. c. 19.

2 (a) 5 & 6 Eliz. 2. c. 53. (b) 3 & 4 Eliz. 2. c. 18. (c) 3 & 4 Eliz. 2. c. 19. (d) 52 & 53 Vict. c. 63.

(8) In the exercise of the powers conferred upon him by this Order the Governor shall not be obliged to obtain the advice of or otherwise to consult with any other person or authority in the Territory.

Restriction of Trial of Service Offenders by Courts of Territory

3.

(1) Subject to the provisions of this section, a person charged with an offence against the law of the Territory shall not be liable to be tried for that offence by a court of the Territory if at the time that the offence is alleged to have been committed he was a member of Her Majesty's forces or a member of a civilian component of any of those forces and –

(a) the alleged offence, if committed by him, arose out of and in the course of his duty as a member of Her Majesty's forces or a member of that civilian component, as the case may be; or

(b) the alleged offence is an offence against the person, and the person or, if more than one, each of the persons in relation to whom it is alleged to have been committed had at the time thereof a relevant association with Her Majesty's forces; or

(c) the alleged offence is an offence against property, and the whole of the property in relation to which it was alleged to have been committed (or, in cases where different parts of that property were differently owned, each part of the property) was at the time thereof the property either of a department of the Government of the United Kingdom or of some other authority of the United Kingdom or of Her Majesty's forces or of the Navy, Army and Air Force Institutes or of any other institution or organization operating for the benefit of Her Majesty's forces that is prescribed by order of the Governor of the Territory or the property of a person having such an association as aforesaid.

(2) Noting in subsection (1) of this section -

(a) shall prevent a person from being tried by a court of the Territory in any case where a certificate is issued by or on behalf of the Governor, either before or in the course of the trial, that the officer commanding Her Majesty's forces in the Territory has notified the Governor that it is not proposed that the case should be dealt with by a service court; or

(b) shall affect anything done or omitted in the course of a trial unless in the course thereof objection has already been made that by reason of that subsection the court is not competent to deal with the case; or

(c) shall, after the conclusion of a trial, be treated as having affected the validity thereof if no such objection was made in the proceedings at any stage before the conclusion of the trial.

(3) In relation to cases where the charge (by whatever words expressed) is a charge of attempting or conspiring to commit an offence, or of aiding, abetting, procuring or being accessory to the commission of an offence, paragraphs (b) and (c) of subsection (i) of this section shall have effect as if references in those paragraphs to the alleged offence were references to the offence which the person charged is alleged to have attempted or conspired to commit or, as the case may be, the offence as respects which it is alleged that he aided, abetted, procured or was accessory to the commission thereof; and references in those paragraphs to persons in relation to whom, or property in relation to which, the offence is alleged to have been committed shall be construed accordingly.

(4) Nothing in this section shall be construed as derogating from the provisions of any law of the Territory restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.

(5) The Governor of the Territory may by order prescribe the offences against the law of the Territory which shall respectively be offences against the person and offences against property for the purposes of this section.

(6) Nothing in this section shall be construed as precluding a court of the Territory from trying any person for an offence against the law of the Territory in respect of which he has, before the date on which this Order was made, been charged before a court of the Territory.

Courts of Territory not to try Offences tried by Service Courts

4. Without prejudice to the provisions of section 3 of this Order, where a person has been tried by a service court he shall not be tried for the same crime by a court of the Territory..

Saving of Powers of Arrest, *etc.*

5. Nothing in section 3 or 4 of this Order shall affect -

(a) any powers of arrest, search, entry, seizure or custody exercisable under the law of the Territory with respect to offences committed or believed to have been committed against that law; or

(b) any obligation of any person in respect of a recognisance or bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence; or

(c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.

Coroners' Inquests

6.

(1) If any coroner having jurisdiction to hold an inquest touching a death is satisfied that the deceased person at the time of his death had a relevant association with Her Majesty's forces, then, unless the Governor otherwise

directs, the coroner shall not hold the inquest or, if the inquest has been begun but not completed, shall adjourn the inquest.

(2) Subject to the provision of subsection (i) of this section, if on an inquest touching a death the coroner is satisfied -

(a) that a person who is subject to the jurisdiction of a service court has been charged before a service court with the homicide of the deceased person, whether or not that charge has been dealt with; or

(b) that such a person is being detained by an authority of the United Kingdom with a view to being so charged,

then, unless the Governor otherwise directs, the coroner shall adjourn the inquest.

(3) Where an inquest is adjourned under this section, the coroner shall not resume it except on the direction of the Governor.

(4) Where an inquest is adjourned under this section, the jury (if any) shall be discharged; and if the inquest is resumed the coroner shall proceed in all respects as if the inquest had not previously been begun except that any requirements to view the body shall not apply.

Evidence

7.

(1) For the purposes of this Order a certificate issued by or on behalf of the officer commanding Her Majesty's forces in the Territory, stating that at a time specified in the certificate a person so specified either was or was not a member of Her Majesty's forces shall in any proceedings in any court of the Territory be sufficient evidence of the fact so stated unless the contrary is proved.

(2) For the purposes of this Order a certificate issued by or on behalf of the officer commanding Her Majesty's forces in the Territory, stating as respects a person specified in the certificate, -

(a) that he has been charged before a service court with the homicide of a deceased person or is detained in custody by an authority of the United Kingdom with a view to being so charged; or

(b) that he has been tried, at a time and a place specified in the certificate, by a service court for a crime so specified,

shall in my proceedings in any court of the Territory be conclusive evidence of the facts so stated.

(3) Where a person is charged with an offence against the law of the Territory and at the time when the offence is alleged to have been committed he was a member of Her Majesty's forces or a member of a civilian component of any of those forces, a certificate issued by or on behalf of the officer commanding Her Majesty's forces in the Territory, stating that the alleged offence, if committed by him, arose out of and in the course of his duty as a member of Her Majesty's forces or that component, as the case may be, shall in any such proceedings as aforesaid be sufficient evidence of that fact unless the contrary is proved.

Revocation

8. Subsections (3) and (4) of section 2 of the **British Guiana (United Kingdom Forces) Order 1964**[3](**a**) are revoked.

N.E. Leigh.

[3] (a) S.I. 1964/1193 (1964 II, p. 2771).

The Schedule

Anguilla
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands (Colony and Dependencies)
Gibraltar
Hong Kong
Pitcairn, Henderson, Ducie and Oeno
St Helena
Turks and Caicos Islands
Virgin Islands

Explanatory Notes

(These Notes are not part of the Order.)

J.1. This order makes provision withdrawing the jurisdiction of the civil courts of certain colonial territories to try members of Her Majesty's forces, or of a civilian component of those forces, for offences against the law of the territory committed whilst on duty and for certain offences committed whilst off duty.

2. (*Army only*) Subsequent to the issue in 1965 of the Schedule to the Statutory Instrument, certain territories have been granted independence and they are not therefore listed above. British Indian Ocean Territory was added to the Schedule by the Order in Council of 21 July 1985.

3. Anguilla and Virgin Islands added with effect from 14 March 1990 by Order in Council dated 14 February 1990 (Statutory Instruments 239 and 240 of 1990).

ANNEX C TO CHAPTER 7

Reserved

ANNEX D(J) TO CHAPTER 7
FOREIGN MARRIAGES ACTS

(PARAS **7.069** AND **7.072** REFER)

Relevant Extracts of The Foreign Marriage Act 1947 and The Foreign Marriage (Armed) Forces Order 1964

Foreign Marriage Act 1947

'Validity of Marriages solemnized by Chaplains of H.M. Forces serving Abroad and other Persons.'

2. - For the said section twenty-two of the **Foreign Marriage Act 1892**, the following section shall be substituted:

22.[1] –

(1) A marriage solemnized in any foreign territory by a chaplain serving with any part of the naval, military or air forces of His Majesty serving in that territory or by a person authorized, either generally or in respect of the particular marriage, by the commanding officer of any part of those forces serving in that territory shall, subject as hereinafter provided, be as valid in law as if the marriage had been solemnized in the United Kingdom with a due observance of all forms required by law.

(1A) Subsection (1) above shall not apply to a marriage unless –

(a) at least one of the parties to the marriage is a person who -

(i) is a member of the said forces serving in the foreign territory concerned or is employed in that territory in such other capacity as may be prescribed by Order in Council; or

(ii) is a child of a person falling within sub-paragraph (i) above and has his home with that person in that territory; and

(b) such other conditions as may be so prescribed are complied with.

(1B) In determining for the purposes of subsection (1A) above whether one person is the child or another -

(*a*) it shall be immaterial whether the person's father and mother were at any time married to each other; and

(*b*) a person who is or was treated by another as a child of the family in relation to any marriage to which that other is or was a party shall be regarded as his child.

(2) In this section the expression "foreign territory" means territory other than:

(a) any part of His Majesty's dominions;

(b) any British protectorate; or

(c) any other country or territory under His Majesty's protection or suzerainty or in which His Majesty has for the time being jurisdiction: Provided that His Majesty may by Order in Council direct that:

(i) any British protectorate or any such other country or territory as is referred to in paragraph (c) hereof; or

(ii) any part of His Majesty's dominions which has been occupied by a State at war with His Majesty and in which the facilities for marriage in accordance with the local law have not in the opinion of His Majesty been adequately restored;

shall, while the Order remains in force, be treated as foreign territory for the purposes of this section.

(3) Any reference in this section to foreign territory, to forces serving in foreign territory and to persons employed in foreign territory shall include references to ships which are for the time being in the waters of any foreign territory, to forces serving in any such ship and to persons employed in any such ship, respectively.

(4) His Majesty may by Order in Council provide for the registration of marriages solemnized under this section.

(5) Where a marriage purports to have been solemnized under this section, it shall not be necessary in any legal proceedings touching the validity of the marriage to prove the authority of the person by or before whom it was solemnized, nor shall any evidence to prove his want of authority be given in any such proceeding.

(6) Any Order in Council made under the foregoing provisions of this section may be varied or revoked by a subsequent Order in Council, and any Order in Council made under this section shall be laid forthwith before each House of Parliament.

Provisions as to Dominions

3.

(1) References in this Act to the naval, military or air forces of His Majesty shall not be construed as referring to any such forces raised in a Dominion:

Provided that any reference to a member of the naval, military or air forces of His Majesty shall be construed as including a reference to a member of the said forces raised in a Dominion who is temporarily attached under sub-section (2) of section four of the **Visiting Forces (British Commonwealth) Act 1933**, to a part of the said forces raised in the United Kingdom.[2]

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[1] Re-enactment of s. 22 of the **Foreign Marriage Act 1892**.1844 c.44

[2] 23 & 24 Geo. 5, c.6

(2) His Majesty may by Order in Council provide for securing that any law in force in any dominion which makes, in relation to forces raised in that Dominion, provision appearing to His Majesty to be similar to any provision made by section twenty-two of the **Foreign Marriage Act 1892**, whether as originally enacted or as re-enacted by this Act, shall have effect as part of the law of the United Kingdom.

(3) In this section the expression 'Dominion' means a Dominion within the meaning of the Statute of Westminster 1931, except Newfoundland, and includes any territory administered by the government of that Dominion.[3]

(4) Any Order in Council made under the foregoing provisions of this section may be varied or revoked by a subsequent Order in Council, and any Order in Council made under this section shall be laid forthwith before each House of Parliament.

4.

(1) Section 12 of the **Foreign Marriage Act, 1892** (which provides for the solemnization of marriages on board His Majesty's ships at foreign station) is hereby repealed.

(2) In subsection (2) of section 13 of the said Act the words 'or on board one of Her Majesty's ships' shall be omitted in paragraph (e) of subsection (1) of section 21 of the said Act the words 'to marriages on board one of Her Majesty's ships and' shall be omitted and in paragraph (f) of that subsection the words 'or on board one of Her Majesty's ships' shall be omitted.

Short Title and Citation

7.

(1) This Act may be cited as the **Foreign Marriage Act 1947** and the **Foreign Marriage Acts 1892** and **1934**, and this Act may be cited together as the **Foreign Marriage Acts 1892 to 1947**.

(2) This Act shall come into operation on such date as His Majesty may by Order in Council appoint.

The Foreign Marriage (Armed Forces)Order 1964 coming into Operation On 1st October 1964

(As amended by The **Foreign Marriages (Armed Forces)(Amendment) Order No 2 1990**)
S.I. 1964 No 1000 (As amended by **S.I. 1965 No 137** and **SI No 2592 1990**)

Her Majesty, by virtue and in exercise of the powers in this behalf conferred upon Her by section 18(2) and (3), 21 and 22 of the **Foreign Marriage Act 1892**, as amended by sections 2, 3, 4(2) and 6 of the **Foreign Marriage Act 1947** or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:[4]

"1.

(1). For the purposes of section 22(1A) of the **Foreign Marriage Act 1892** (requirements for the validity of marriages solemnized by chaplains of Her Majesty's forces serving abroad and other persons) employment in any of the capacities specified in Article 2 of this Order shall, in the case of persons serving Her Majesty or otherwise employed in the territory where the marriage is solemnized who, by virtue of Part II of the **Army Act 1955**(c), Part II of the **Air Force Act 1955**(d) or the **Naval Discipline Act 1957**(e);are civilians subject to military law when not on active service, be employment in a prescribed capacity.

(2). For the said purposes the conditions prescribed in Article **3** of this Order shall be the prescribed conditions.

2. The capacities referred to in Article 1 of this Order are capacities involving the performance of any of the following functions, namely - administrative, executive, judicial, clerical, typing, duplicating, machine operating, paper keeping, messengerial, professional, instructional, scientific, experimental, technical, industrial or labouring functions."

3. The prescribed conditions referred to in Article 1 of this Order are:

(a) that before a marriage is solemnized under the said section 22(1), there shall be produced to the Chaplain or other person authorized pursuant to the said section 22(1) a certificate signed or purporting to be signed by or on behalf of the Commander in the territory in which that party to the marriage is serving or employed such certificate to state that the Commander has no objection to the marriage; Provided that if both parties to the marriage shall be persons to whom the said section 22(1) applies certificates in respect of both such persons shall be produced as hereinbefore provided;

(b) that the certificate referred to in paragraph (*a*) of this Article shall contain the full names, addresses, rank (where appropriate), and marital status of the parties to the marriage and the capacity in which the person signing or purporting to be signing the same does so;

(c) that the marriage shall be solemnized in the presence of not less than two witnesses in addition to the parties and the person solemnizing the marriage.

4. For the purpose of this Order the expression 'the Commander in the Territory' means:

(a) where a party to the marriage is a member of the naval forces, or a person employed in any of the capacities specified in Article 2 of this Order, the officer commanding the naval forces of Her Majesty in the territory;

(b) where a party to the marriage is a member of the military forces, the officer commanding the military forces of Her Majesty in the Territory;

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[3] 22 & 23 Geo. 5, c. 4

[4] 55 & 56 Vict. c. 23. 10 & 11 Geo. 6, c. 33

(c) where a party to the marriage is a member of the air forces, the officer commanding the air forces of Her Majesty in the territory.

5. Where a marriage has been solemnized under section 22 of the **Foreign Marriage Act 1892**, whether before or after the date of this Order, the same shall be registered (if not registered at the date of this Order) in the manner provided for in the Service Departments Registers Order 1959.[5]

6. The provisions set forth in Schedule 1 to this Order, being laws in force in New Zealand and Australia respectively and which make provisions appearing to be similar to the provisions of section 22 of the **Foreign Marriage Act 1892** as originally enacted or as re-enacted by section 2 of the **Foreign Marriage Act 1947**, shall have effect as part of the law of the United Kingdom in relation respectively to forces raised in these Dominions."

[5] S.I. 1959/406 (1959 II, p. 2303).

Article 6

Schedule 1

NEW ZEALAND - Section 44 of the **Marriage Act 1955** reads as follows:

'A Service marriage solemnized out of New Zealand by any member of the forces who is a chaplain or who is duly authorized in that behalf shall be deemed to have been and to be valid as if it had been solemnized in New Zealand in accordance with the provisions of this Act.'

AUSTRALIA - Sections 71 and 73 of the **Marriage Act 1961** read as follows:

'71.

(1) Subject to this Part a marriage between parties of whom one at least is a member of the Defence Force may be solemnized in an overseas country by or in the presence of a chaplain.

(2) The Governor General may, by Proclamation declare that a part of the Queen's Dominions that has been occupied by a state at war with the Commonwealth and in which facilities for marriage in accordance with the local law have not, in the opinion of the Governor General, been adequately restored shall be deemed to be an overseas country for the purpose of this section.'

'73. A marriage solemnized under this Part, being a marriage which, if it had been solemnized in Australia in accordance with Division 2 of Part IV of this Act, would have been a valid marriage, is valid throughout the Commonwealth and all the Territories of the Commonwealth.'

ANNEX E(J) TO CHAPTER 7
SOLEMNIZATION OF MARRIAGES

(PARA **7.070** REFERS)

Rules for the Solemnization of Marriages and Civil Partnerships by Officers or Other Persons authorized under the Provisions of Section 22 of The Foreign Marriage Acts 1892 and 1947, The Civil Partnership Act 2004 and The Civil Partnership (Armed Forces) Order 2005

1. The appointed officer is to cause a copy of the notice of marriage or civil partnership to be shown in a public place, *e.g*. on a unit notice board.

2. Before the marriage is solemnized or civil partnership takes place, each of the parties intending marriage or participate in a civil partnership is to appear before the appointed officer and make and subscribe in a book kept by him for the purpose a solemn declaration in the following terms:-

'I hereby declare that I know not of any lawful impediment why I _____
may not be joined in matrimony or enter into a civil partnership to _____'

3. A marriage must be solemnized or civil partnership entered into with open doors (*i.e.* doors not so closed as to prevent persons from entering between the hours of eight in the forenoon and six in the afternoon) and in the presence of the contracting parties, the appointed officer, and two credible witnesses who must in all cases be provided by the parties to the marriage or civil partnership.

4. The appointed officer must not, in any circumstances, allow any religious service or ceremony whatever to be used at a marriage solemnized or civil partnership conducted by him. The giving and receiving of a ring, does not, however, constitute a religious ceremony and may, therefore, be allowed.

The appointed officer is to insist always upon the seemly behaviour of the parties and witnesses as befitting the importance of the occasion.

5. Should any impediment be alleged, or any false statement of particulars relating to either party be discovered before the declaratory and contracting words have been pronounced by the parties, the appointed officer is to refuse to proceed further until the truth of the matter has been ascertained. Should no sufficient hindrance be discovered, the appointed officer must address the parties as follows:-

In the case of marriage:

'Before you are joined in matrimony it is my duty to remind you of the solemn and binding character of the vows you are about to make. Marriage according to the law of the United Kingdom is the union of one man and one woman, voluntarily entered into for life, to the exclusion of all others.'

In the case of a civil partnership:

'Before you are joined in civil partnership it is my duty to remind you of the solemn and binding character of the vows you are about to make. Civil partnership according to the law of the United Kingdom is the union of two people of the same sex, voluntarily entered into for life, to the exclusion of all others.'

Following this address, each of the parties must, in the presence of the appointed officer and the witnesses, declare as follows:-

In the case of marriage:

'I do solemnly declare that I know not of any lawful impediment why I (naming himself or herself) may not be joined in matrimony to (naming the other party)'.

Each of the parties must also say to the other:-

'I call upon these persons here present to witness that I (naming himself or herself) do take you (naming the other party) to be my lawful wedded (wife or husband)'.

In the case of civil partnership:

'I declare that I know of no legal reason why we may not register as each other's civil partner. I understand that on signing this document we will be forming a civil partnership with each other'

The appointed officer is to recite the declaration and the form of contracting words so that the parties may repeat them; he is to insist upon the parties doing this in a serious and proper manner, and with as distinct an enunciation of the words as possible.

The full import of the declaratory and contracting words is to be clearly explained to the parties whenever they appear to be either ignorant or careless in that respect.

6. Until the foregoing declaratory and contracting words have been spoken by the parties, no entry or any part thereof may or is to be made in any certificate of marriage or civil partnership, but, when these words have been pronounced by both parties, they at once become joined, and the appointed officer must forthwith cause certificates of marriage or civil partnership to be completed, signed and disposed of in the manner required by **para 7.081**.

7. These rules do not apply to marriages solemnized by chaplains.

ANNEX F(J) TO CHAPTER 7
THE SERVICE DEPARTMENTS REGISTERS ORDER 1959

(PARAS **7.077**, **7.080** AND **7.082** REFER)

(As amended by The Service Departments Registers (Amendment) Orders 1963, 1988 and 2002)
S.I. 1959, No 406
(incorporating S.I. 1963, No 1624, S.I. 1988, No 1295, SI 2002 No. 3122 and SI 2005 No. 3188)

Her Majesty, in pursuance of the powers conferred upon Her by sections one, two, three, five and six of the **Registration of Births, Deaths and Marriages (Special Provisions) Act 1957** in this order referred to as 'the Act' and of all other powers Her enabling, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

Application of Order

1. This Order applies to:-

(*a*) Deaths and births occurring, marriages and civil partnership taking place, outside the United Kingdom among, or among the families of, persons of the classes mentioned in **Part I** of the Schedule to this Order,

(*b*) Deaths and births occurring outside the United Kingdom among persons of the class mentioned in **Part II** of the Schedule to this Order,

(*c*) Deaths and births occurring in any part of the world (not being deaths or births registrable under the provisions of the Acts relating to the registration of deaths and births in England, Scotland or Northern Ireland) on board ships belonging to Her Majesty,

(*d*) Deaths and births occurring in any part of the world (not being deaths or births registrable under the provisions of the Acts relating to the registration of deaths and births in England, Scotland or Northern Ireland) on aircraft belonging to Her Majesty, or any other aircraft not registered in the United Kingdom but for the time being employed for the purposes of Her Majesty's forces, and

(*e*) The death outside the United Kingdom of any person who, being a traveller on such an aircraft, is killed on the journey in consequence of an accident,

and applies to any such death, birth or marriage notwithstanding that it occurred or was solemnized before the commencement of the Act.

Registering Officers and Provision of Registers

2.

(1) The following persons (in this Order referred to as 'registering officers') may record deaths, births, marriages and civil partnership to which this Order applies:-

(*a*) Any person authorized in that behalf by the Defence Council,

(*b*) Any person holding an office or appointment, the holder for the time being of which has been authorized in that behalf by the Defence Council.

(2) The Registrar General for England and Wales shall provide registering officers with registers for the purpose of recording deaths, births, marriages and civil partnership to which this Order applies, and shall also provide them with forms for making certified copies of entries in such registers.

(3) Until a registering officer has been provided with a register in accordance with paragraph (2) of this article, he may record births, deaths, marriages and civil partnership to which this Order applies in a register provided under the **Registration of Births, Deaths and Marriages (Army) Act, 1879**, as amended under the **Air Force (Constitution) Act, 1917**, and such a register shall for the purposes of this Order be deemed to be a register provided under this Order.

Qualified Informants

3.

(1) Subject to the provisions of paragraph (5) of this article, a registering officer shall not make an entry in a register provided under this Order recording any death, birth, marriage or civil partnership to which this Order applies, unless information as to the particulars to be registered is given by a qualified informant.

(2) An entry in a register provided under this Order may be made on information given by a qualified informant in writing, provided that the document containing that information is signed by the qualified informant and provided that, unless he is a qualified informant by reason of his being:-

(a) A captain of a ship belonging to Her Majesty on which a death or birth to which this Order applies has occurred,

(b) An officer in command of an appropriate record office, in relation to the death of a member of the naval, military or air forces of the crown on active service, or

(c) A person who has conducted a marriage or civil partnership to which this Order applies under section twenty-two of the **Foreign Marriage Act, 1892** (as re-enacted by section two of the **Foreign Marriage Act, 1947**).

his signature is attested by an officer of the naval, military, or air forces of the Crown, or by a person serving in an established capacity in the permanent civil services of the State who holds his appointment directly from the Crown or has been admitted into the Civil Service with a certificate from the Civil Service Commissioners, or by a person qualified to practise law or medicine in the country where the document is signed.

(3) An entry in a register provided under this Order of particulars information as to which is given by a qualified informant orally shall not constitute an entry in such a register for the purposes of this Order unless the entry is signed by the qualified informant.

(4) For the purposes of the Order 'qualified informant' means any of the following: -

(a) In relation to a death -

(i) Any person present at the death;

(ii) Any person who has seen the dead body;

(iii) Any person who has caused the dead body to be buried or cremated;

(iv) If the death occurs on a ship belonging to Her Majesty, the Captain of the ship;

(v) If the death occurs on an aircraft belonging to Her Majesty, the person in command of the aircraft;

(vi) If the death is of a person, who being a traveller on an aircraft belonging to Her Majesty is killed on the journey in consequence of an accident, the person in command of the aircraft; or

(vii) If the death is of a member of the naval, military or air forces of the Crown on active service, an officer of his ship or unit, or the officer in command of the appropriate record office;

(b) In relation to a birth -

(i) If the child is legitimate, either parent;

(ii) If the child is illegitimate, its mother;

(iii) Any person present at the birth;

(iv) The person having charge of the child;

(v) If the birth occurs on a ship belonging to Her Majesty, the Captain of the ship; or

(vi) If the birth occurs on an aircraft belonging to Her Majesty, the person in command of the aircraft;

(c) In relation to a marriage or civil partnership -

(i) Either party to the marriage or civil partnership; or

(ii) The priest or other person conducting the ceremony.

(5) The Registrar General for England and Wales may authorize a registering officer to make an entry recording a death, birth or marriage to which this Order applies, notwithstanding that information as to the particulars to be registered has not been given by a qualified informant, if a qualified informant is not readily available and satisfactory evidence of the death, birth, marriage or civil partnership is produced to the Registrar General.

(6) After the expiration of twelve months from the date of death, birth, marriage or civil partnership to which this Order applies, that death, birth or marriage shall not be registered without the written authority of the Registrar General for England and Wales and the fact that his authority has been obtained shall be entered in the register.

Legitimated Persons

4.

(1) If by virtue of section five of the Act (which provides for the re-registration or registration of the births of certain legitimated persons), the appropriate Registrar General authorizes the re-registrations or registration of a birth, the re-registration or registration shall be effected in accordance with the provisions of this article.

(2) The authority of the said Registrar General shall be forwarded to the Defence Council as may be appropriate, who shall on receipt of the authority direct a registering officer to make an entry recording the birth in a register provided under this Order.

(3) The entry shall be made in such form and shall contain such particulars as may be specified in the authority.

(4) Where the entry is a re-registration, the person having the custody of the register in which the original entry was made shall enter a note in the margin of the original entry in the following form -

'Re-registered under section 5 of the **Registration of Births, Deaths and Marriages (Special Provisions) Act, 1957**, on the _____ 19 _____, on the authority of the Registrar General _____ dated _____' inserting the official description of the appropriate Registrar General and the date of the authority.

[Note: Section 5 of the Act, to which Article 4 refers, reads as follows:

"**5.**

(1) Where in the case of -

(a) A person whose birth is recorded in the Service Departments Registers, or

(b) A person born outside the United Kingdom whose father at the time of the birth was a member of Her Majesty's naval, military or air forces or a person of a description falling within paragraph (b) of sub-section (1) of section one of this Act,

evidence is produced to the appropriate Registrar General which appears to him to be satisfactory that that person was, whether before or after the commencement of this Act, legitimated by the subsequent marriage of his parents, the said Registrar General may authorize at any time the re-registration or, as the case may be, the registration of that person's birth and the re-registration or registration shall be effected in such manner and at such place as may be provided by an Order in Council under this Act:

Provided that, except where -

(i) The paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction, or

(ii) A declaration of the legitimacy of the legitimated person has been made by a court of competent jurisdiction in the United Kingdom,

the said Registrar General shall not authorize re-registration or registration unless information with a view to obtaining it is furnished by both parents.

(2) In this section 'the appropriate Registrar General' means, 'in relation to a person whose father was at the time of the marriage domiciled in Scotland, the Registrar General of Births, Deaths and Marriages in Scotland, in relation to a person whose father was at the time of the marriage domiciled in Northern Ireland, the Registrar General for Northern Ireland, and in any other case the Registrar General for England and Wales."]

Correction of Errors

5.

(1) An error of fact or substance in any register or other record to which sub-section (3) of section three of the Act applies may be corrected in accordance with that sub-section by the person having the custody of the register or other record in which the original entry containing the error was made.

(2) If a registering officer making an entry in a register provided under this Order finds that he has made a clerical error in that entry, he shall before completing the entry correct the error and initial the alteration.

(3) If a registering officer or a Registrar General is satisfied that a clerical error has been made in a completed entry in any such register or other record as is mentioned in paragraph (1) which is in his custody, he shall correct the error and make a note of the correction in the margin of the entry in the following form -

'Clerical error in _____ corrected on the _____ 19_____ by me _____'

[Note 1: Subsection (3) of section three of the Act, (as amended by the **Deregulation (Correction of Birth and Death Entries in Registers or Other Records) Order 2002)** to which Article 5 above refers, reads as follows:

"(3) An error of fact or substance in any register or other record kept in pursuance of this Act _____ or of section thirty-seven of the **Births and Deaths Registration Act 1874**, may be corrected by an entry in the margin (without any alteration of the original entry) by such officer as may be specified in an Order in Council under this Act upon production to him of a statutory declaration setting forth the nature of the error and the true facts of the case made either by two credible persons having knowledge of the truth of the case or, where it applies, in accordance with section 3A of this Act, and Her Majesty may by Order in Council provide for the correction of the clerical errors in any such register or other record."]

Alternative Procedure for Certain Corrections

3A. -

(1) This section applies where, in an entry relating to a birth or death in a register or other record to which section 3(3) of this Act applies, a person is wrongly shown as the father of the person to whose birth or death the entry relates.

(2) Where this section applies, the statutory declaration required by section 3(3) of this Act may be made by one credible person having knowledge of the truth of the case.

(3) Such a statutory declaration must be accompanied by documentary evidence of a finding that the person shown as the father was not the father.

(4) But subsection(5) applies if it appears to the officer specified in accordance with subsection(3) of section 3 of this Act that the only evidence on which the finding was made was that of the person making the statutory declaration.

(5) In that case, the officer may correct the error only if satisfied that another person, who is a credible person having knowledge of the truth of the case, has (whether before or since the making of the declaration) confirmed the material facts stated in the declaration.

(6) "Finding" means a finding made expressly in judicial proceedings in the United Kingdom or elsewhere.'

[Note 2: The form for a statutory declaration is obtainable from the Registrar General.]

Form of Entries

6.

(1) A registering officer shall sign each entry and each correction of a completed entry made by him in a register provided under this Order.

(2) A registering officer shall state in every entry made by him on information given by a qualified informant the capacity in which the informant is qualified by virtue of paragraph (4) of article three of this Order, and, if that information is given in writing in accordance with paragraph (2) of that article, shall also state the name of the qualified informant.

(3) Where an entry is made in accordance with the provisions of paragraph (5) of article three of this Order the registering officer shall in the place provided in the register for the name of the qualified informant write the words -

'No qualified informant available. Entered on the authority of the Registrar General dated _____' inserting the date of the authority.

(4) Where an entry is made in accordance with the provisions of paragraph (6) of article three of this Order the registering officer shall in the place provided in the register for the date of registration write, in addition to the date of registration, the words: -

'Entered on the authority of the Registrar General dated _____' inserting the date of the authority.

Transmission of Entries and Registers to Registrars General

7.

(1) A registering officer making an entry or correcting an entry in a register provided under this Order shall transmit or cause to be transmitted to the Registrar General for England and Wales a certified copy of such entry, or of such entry as corrected, on a form provided under this Order.

(2) A person having in his custody a register provided under the **Registration of Births, Deaths and Marriages (Army) Act, 1879**, as amended under the **Air Force (Constitution) Act, 1917**, which contains an entry a certified copy of which has not been transmitted to the Registrar General for England and Wales, shall transmit a certified copy of that entry to the Registrar General for England and Wales.

(3) A person having in his custody a log book containing an entry made under sub-section (1) of section thirty-seven of the **Births and Deaths Registration Act 1874**, of a birth or death on one of Her Majesty's ships, in respect of which no return under sub-section (6) of that section had been made, shall transmit a certified copy of that entry to the Registrar General of Births and Deaths to whom the return under that sub-section should have been made, but for the repeal by the Act of the said section thirty-seven.

(4) Where an entry is made in a register provided under this Order on information given in writing by a qualified informant, the registering office shall transmit the document containing that information to the Registrar General for England and Wales with the certified copy of the entry.

(5) If it appears to the Registrar General for England and Wales that a certified copy of an entry in a register transmitted to him under this Order records the death or marriage of a person or the birth of a child of a person ordinarily resident in Scotland or Northern Ireland, he shall send a copy of that entry to the Registrar General of Births, Deaths and Marriages in Scotland, or to the Registrar General for Northern Ireland, as may be appropriate.

8. Persons having in their custody registers provided under this Order or registers kept under the **Registration of Births, Deaths and Marriages (Army) Act, 1897**, as amended under the **Air Force (Constitution) Act, 1917**, shall transmit them when they have been completed or are no longer required to the Registrar General for England and Wales.

Interpretation

9. The **Interpretation Act, 1889**, applies for the purposes of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.

Citation and Commencement

10.

(1) This Order may be cited as the **Service Departments Registers Order, 1959**.

(2) This Order shall come into force on the first day of April 1959.

The Schedule

Part I - Classes of Persons referred to in Paragraph (a) of Article One of the Order

1. Member of the naval, military or air forces of the Crown.

2. Other persons in the service of the Crown employed with or accompanying any naval, military, or air force of Her Majesty outside the United Kingdom.

Part II - Classes of Persons referred to in Paragraph (b) of Article One of the Order

1. Persons in the service of any of the following organizations who performing their service outside the United Kingdom in connection with any naval, military or air force of Her Majesty:

(*a*) Navy, Army and Air Force Institutes;

(b) Services Sound and Vision Corporation;

(c) British Red Cross Society;

(d) The Venerable Order of the Hospital of St John of Jerusalem;

(e) Council of Voluntary Welfare Work including the Young Men's Christian Association, the Young Women's Christian Association, the Catholic Women's League, the Salvation Army, the Church Army, Methodist Church Forces' Clubs, Toc H, the Church of England Soldiers', Sailors', and Airmen's Clubs and the Mission to Military Garrisons;

(f) Soldiers', Sailors' and Airmen's Families Association;

(g) Soldiers' and Airmen's Scripture Readers' Association;

(h) Malcolm Clubs;

(i) Women's Royal Voluntary Service;

(j) Royal Naval Film Corporation;

(k) Royal Naval Lay Readers' Society;

(l) British Sailors' Society;

(m) Missions to Seamen.

2. Members of the family of a person of the class specified in paragraph 1 of this part of this schedule residing with him at or in the vicinity of the Station of the force with which he is employed or which he is accompanying.

CHAPTER 8
Ceremonial

PART 1 - PRECEDENCE

Precedence of Corps and Regiments

8.001. The following table gives the order of precedence of corps and regiments in the Army. Regiments shown collectively therein take precedence amongst themselves as shown in the Army List.

Order	*Corps or Regiment*
1	Household Cavalry.
2	Royal Horse Artillery (*a*).
3	Royal Armoured Corps.
4	Royal Regiment of Artillery (Royal Horse Artillery excepted).
5	Corps of Royal Engineers.
6	Royal Corps of Signals.
7	Regiments of Foot Guards.
8	Regiments of Infantry (*b*), ~~(*c*).~~
9	Special Air Service Regiment.
10	Army Air Corps.
11	Special Reconnaissance Regiment
12	Royal Army Chaplains' Department.
13	The Royal Logistic Corps.
14	Royal Army Medical Corps.
15	Corps of Royal Electrical and Mechanical Engineers.
16	Adjutant General's Corps.
17	Royal Army Veterinary Corps.
18	Small Arms School Corps.
19	Royal Army Dental Corps.
20	Intelligence Corps.
21	Army Physical Training Corps.
22	General Service Corps.
23	Queen Alexandra's Royal Army Nursing Corps.
24	Corps of Army Music.
25	The Royal Monmouthshire Royal Engineers (Militia) (Territorial Army).
26	The Honourable Artillery Company (Territorial Army).
27	Territorial Army (*c*).
28	The Royal Gibraltar Regiment.
29	The Bermuda Regiment

Notes:

a. But on parade with their guns to take the right and march at the head of the Household Cavalry.

b. All corps shown in the Corps Warrant[1] as composed of regiments of Infantry (and this includes the Parachute Regiment and the Brigade of Gurkhas) are deemed to have equal precedence. The precedence of individual Infantry regiments remains as it was before the grouping of Infantry regiments was introduced.

c. In order of Arms as for the Regular Army.

8.001A. Precedence within the Household Cavalry.

a. The Life Guards

b. The Blues and Royals (Royal Horse Guards and 1st Dragoons)

Following the Union of the Household Cavalry the two regiments operate as two major units of mixed composition, namely the Household Cavalry Regiment and the Household Cavalry Mounted Regiment.

[1]Text of the Corps Warrant appears in **AGAI 69**.

8.001B. Precedence of Royal Armoured Corps Regiments.

a. 1st The Queen's Dragoon Guards.
b. The Royal Scots Dragoon Guards (Carabiniers and Greys).
c. The Royal Dragoon Guards.
d. The Queen's Royal Hussars (The Queen's Own and Royal Irish).
e. 9th/12th Royal Lancers (Prince of Wales's).
f. The King's Royal Hussars.
g. The Light Dragoons.
h. The Queen's Royal Lancers.
i. Royal Tank Regiment.

8.001C. Precedence of Regiments of Foot Guards.

a. Grenadier Guards.
b. Coldstream Guards.
c. Scots Guards.
d. Irish Guards.
e. Welsh Guards.

8.001D. Precedence of Regular Infantry Regiments.

a. The Royal Regiment of Scotland.
b. The Princess of Wales's Royal Regiment (Queen's and Royal Hampshires).
c. The Duke of Lancaster's Regiment (King's, Lancashire and Border).
d. The Royal Regiment of Fusiliers.
e. The Royal Anglian Regiment.
f. The Yorkshire Regiment (14th/15th, 19th and 33rd/76th Foot).
g. The Mercian Regiment.
h. The Royal Welsh.
i. The Royal Irish Regiment (27th(Inniskilling), 83rd, 87th and The Ulster Defence Regiment).
j. The Parachute Regiment.
k. The Royal Gurkha Rifles.
l. The Rifles.

8.001E. Precedence within the Adjutant General's Corps.

a. Adjutant General's Corps (Staff and Personnel Support Branch).
b. Adjutant General's Corps (Royal Military Police).
c. Adjutant General's Corps (Military Provost Staff).
d. Adjutant General's Corps (Educational and Training Services Branch).
e. Adjutant General's Corps (Army Legal Services Branch).

8.001F. Precedence of Yeomanry Regiments.

a. The Royal Yeomanry.
b. The Royal Wessex Yeomanry.
c. The Royal Mercian and Lancastrian Yeomanry.
d. The Queen's Own Yeomanry.

8.001G. Precedence of Territorial Army Infantry Regiments and Battalions.

a. 52nd Lowland, 6th Battalion The Royal Regiment of Scotland.
b. 51st Highland, 7th Battalion The Royal Regiment of Scotland.
c. 3rd Battalion the Princess of Wales's Royal Regiment (Queen's and Royal Hampshires).
d. 4th Battalion The Duke of Lancaster's Regiment (King's, Lancashire and Border).
e. 5th Battalion The Royal Regiment of Fusiliers.
f. 3rd Battalion The Royal Anglian Regiment.
g. 4th Battalion The Yorkshire Regiment.
h. 4th Battalion The Mercian Regiment.
i. 3rd Battalion The Royal Welsh.
j. 2nd Battalion The Royal Irish Regiment (27th(Inniskilling), 83rd, 87th and the Ulster Defence Regiment).
k. 4th Battalion The Parachute Regiment.
l. The London Regiment.
m. 6th Battalion The Rifles.
n. 7th Battalion The Rifles.

8.002. As a general principle, the order of infantry battalions on parade is to be by Army List order from right to left with the following reservations:

a. Battalions of the Guards Division will stand on the right of all other infantry battalions and will be arranged in order amongst themselves in accordance with the established custom of the Guards Division (*i.e.* senior regiment, right flank; next senior, left flank; third senior, right centre; fourth senior, left centre; junior, centre). Should two battalions of the same regiment form part of a brigade they will be drawn up next to one another in seniority of battalions, from right to left - 1st battalion on the right, 2nd battalion on the left.

b. Rifle battalions will stand on the left of the parade in Army List order from right to left.

c. Where units of the TA and forces from other parts of the Commonwealth are on parade with regular battalions, the order of standing from right to left is to be:

Regular Units

Royal Monmouthshire Royal Engineers (Militia)

The Honourable Artillery Company

Territorial Army

Colonial Forces

Commonwealth Forces

with internal order of precedence from right to left, except that when rifle battalions are included in the parade they are on all occasions to stand on the left flank in order of organizations as stated above.

Order of March on Combined Service Parades

J8.003. The arrangements set out below are normally to apply at combined parades. In order to meet the special purpose of any particular parade the arrangements may be varied, provided that they are agreed by the flag, general and air officers concerned, but not otherwise.

J8.004. The definition of a combined parade is 'a number of separate units of more than one armed Service, paraded in combination for ceremonial purposes'.

J8.005. Parades organized by and held in an establishment of one Service and attended by small detachments of other Services attached to that Service are to be under the orders of the commanding officer of the establishment concerned.

J8.006.

a. The order of precedence for the grouping of the Services in a combined parade is normally to be:

Royal Navy
Army
Royal Air Force

whether regular and/or auxiliary units, and irrespective of whether they are male or female units, except as stated in **para J8.007**a(3).

b. The precedence of units within a Service is for decision by that Service (for the Army *see* **paras 8.001 – 8.002**).

J8.007. Royal Naval Women's Contingent. Personnel of the Royal Naval Women's Contingent (comprising the Queen Alexandra's Royal Naval Nursing Service) are subject to the **Naval Discipline Act** and members of that contingent should:

a. Form part of a naval contingent whenever other Royal Naval or Royal Naval auxiliary contingents are present;

b. Lead the parade when no male forces are on parade; and

c. Parade after all regular and auxiliary forces of the other Services in a combined parade of male and female forces which does not include male naval contingents.

J8.008. Royal Marines. The Royal Marines and Royal Marine Reserve form part of the naval contingent.

J8.009. The Honourable Artillery Company. The traditional claim of the Honourable Artillery Company to lead all combined parades when regular or militia forces are not present is recognized.

J8.010. Pre-Service Cadets. Pre-Service cadets should march behind all the armed forces of the Crown in the following order:

a. Sea Cadet Corps

b. Combined Cadet Forces

c. Army Cadet Forces

d. Air Training Corps.

Within the Combined Cadet Force, contingents should march in an agreed order of school seniority, irrespective of the sections they maintain.

J8.011. Ancillary Services (*i.e.* civil organizations which are integrated with the armed forces). The order of precedence of all ancillary services behind the armed forces is a matter for the department concerned and one over which the Ministry of Defence has no jurisdiction.

J8.012. Female Cadet Organizations. The position on parade of female cadet organizations is not a matter for Service regulations.

Precedence in the Commonwealth

J8.013. Precedence in each independent member country of the Commonwealth is determined by that country and in the associated states by each state.

J8.014. Precedence in dependent territories is determined by local enactments, by Royal Charters, by instructions either under the Royal Sign Manual and Signet or through the Secretary of State, or by authoritative local usage.

J8.015. In the absence of any special authority Governors shall guide themselves by the following general table of precedence:

The Governor or officer administering the government.

The officer in command of the naval forces in the area in which the territory is included if holding rank equivalent or superior to that of rear admiral, the officer in command of the land forces in the territory if holding rank equivalent or superior to that of major general, and the officer in command of the air forces in the territory if holding rank equivalent or superior to that of air vice marshal, their own relative rank and precedence being determined by the rules in **para J2.042**.

The Chief Justice.

The Speaker.

The officer in command of the naval forces in the area in which the territory is included if of the rank of commodore; the officer in command of the land forces in the territory if of the rank of brigadier; and the officer in command of the air forces in the territory if of the rank of air commodore; their own relative rank and precedence being determined by **para J2.042**.

The Deputy Governor (if any).

The Chief Secretary.

The Chief Minister (if any).

The other ministers (if any), and other members of the Executive Council.

The Chief Secretary.

The Members of the Executive Council.

The officer in command of naval forces in the area in which the territory is included if of the rank of captain or commander, the officer in command of the land forces in the territory if of the rank of colonel or lieutenant colonel; and the officer in command of the air forces in the territory if of the rank of group captain or wing commander; their own relative rank and precedence being determined by **para J2.042**.

The Puisne Judges.

The Members of the Legislative Council.

The principal officers of Government in such order as shall be especially assigned.

The officer in command of the naval forces in the area in which the territory is included if below the rank of commander; the officer in command of the land forces in the territory if below the rank of lieutenant colonel; and the officer in command of the air forces in the territory if below the rank of wing commander; their own relative rank and precedence being determined by **para J2.042**.

Precedence with Officers of the Consular Service

J8.016. An officer of the Consular Service will take precedence with Service officers as follows:

Consul General	With but after major general
Consul	With but after colonel
Vice Consul	With but after major
Consular Agent	With but after captain

8.017 - 8.018. Reserved.

PART 2 - STANDARD, GUIDONS AND COLOURS

Traditions and Ceremonial

8.019. Information on the origin of standards, guidons and colours and details of the traditions associated with them are contained in Ceremonial for the Army (**AC 64332**). This publication also lays down when and how standards, guidons and colours are to be carried and contains instructions for all ceremonial connected with them.

J8.020. When standards, guidons and colours are uncased they are to be saluted with the highest honours, except when carried by personnel forming part of the escort of a military funeral.

Presentation of New Standards, Guidons and Colours

8.021. The occasions when new standards, guidons and colours may be provided and their method of issue are contained in the Defence Supply Chain Manual (**JSP 336**), Volume 12 Part 3, Pamphlet 14.

8.022. When it is known that new standards, guidons or colours are ready for presentation the colonel or honorary colonel of the regiment concerned is to advise the Ministry of Defence (PS12 (Army)) that the regiment desires the presentation and is to ask that Her Majesty's pleasure be taken.

8.023. Standards, guidons and colours are presented, exceptionally by the Sovereign in person, or by a personage nominated to act on the Sovereign's behalf. Where a regiment is serving abroad it is usual for either the Sovereign's chief representative or the senior military officer in the command to undertake the presentation.

8.024. When forwarding his advice to the Ministry of Defence (PS12 Army)), the colonel or honorary colonel is to include:

a. Whether the standards, guidons or colours are ready for presentation, if not, when they are expected to be ready.

b. The date (with alternatives) on which it is desired that the ceremony should take place.

c. The station of the regiment at the time of the proposed ceremony.

d. By whom and where the existing standards, guidons or colours were presented.

e. Whether the regiment has any particular wish with regard to the personage who should make the presentation in the event of Her Majesty being unable to do so in person.

8.025. New standards, guidons and colours are issued to units shortly before the date fixed for presentation under arrangements made between the Ministry of Defence (UC 1c of DCTA) and headquarters of the formation or district concerned.

Consecration of Standards, Guidons and Colours

8.026.

a. The consecration of standards, guidons and colours for units which consist predominantly of members of the Church of England is to be performed by the Chaplain General, or by another officer of the RAChD detailed by him, in accordance with **Form A**, the authorized form of prayer.

b. When the majority of the men of the unit are Roman Catholics the consecration is to be performed by the Roman Catholic Bishop in Ordinary for the British Army, or by an officer of the RAChD detailed by him, and **Form B** is to be used.

c. When the majority of the men of the unit are Church of Scotland, a Church of Scotland chaplain is to be detailed by the Chaplain General to perform the consecration, and **Form A** is to be used.

d. In special circumstances, with the consent of the personage presenting standards, guidons or colours, an authorized shortened form of prayer, **Form D**, may be used.

e. Copies of the appropriate forms of prayer may be obtained from the Ministry of Defence (Chaplains (Army)).

8.027. Chaplains of the other denominations in the stations should be invited to be present at the ceremony, and all chaplains on parade are to be included in the parade state for the day.

8.028. For the ceremonial of consecration, *see* Ceremonial for the Army (**AC 64332**).

Movement of Consecrated Standards, Guidons and Colours

8.029. When consecrated standards, guidons or colours are being moved from, or to, the place where they are usually kept, an escort is invariably to accompany them. When it is necessary to send them to be deposited for safe keeping the escort is to consist of the usual colour party as laid down in Ceremonial for the Army (**AC 64332**).

Disposal of Standards, Guidons and Colours

8.030.

a. Old standards, guidons or colours which are provided from public funds remain the property of the State. After replacement it will be normal practice for them to be laid up in a church or other building which is open to the public, *e.g*. a regimental museum. Circumstances may however arise where standards, guidons or colours cannot be accepted in a suitable public building or where it is considered more meaningful that they should be laid up in a building such as an officers' or sergeants' mess; preferably, where appropriate, in a static location such as a

depot or training establishment. All standards, guidons or colours which have been replaced are to be laid up at the earliest opportunity, unless special dispensation has been obtained from the Ministry of Defence (PS12(Army)) to do otherwise Converted regiments with no longer an entitlement to either a standard, guidon or colours, may, if they so wish, retain them up until their due replacement date, whereupon they are to be laid up. In such cases the standard, guidon or colours concerned are not to be paraded when other units are present.

b. There will be no disposal of colours without Ministry of Defence sanction and CinCs or commanders are to ensure that all proposals are submitted by the commanding officer to the Ministry of Defence (PS12(Army)) through formation, division or district headquarters.

c. Where colours are to be laid up in a church or other public building proposals should contain the following information:

(1) The eventual location of the standard, guidon or colours.

(2) The date on which it is proposed that they should be laid up.

(3) Certification of approval by the colonel of the regiment.

d. Where disposal is proposed other than in *c* above the following information is to be forwarded:

(1) A statement of the circumstances which warrant deviation from the normal practice.

(2) The proposals for the disposal including the eventual location of the standard, guidon or colours and details of the method of preservation.

(3) The appointment of the officer responsible for their care - this will normally be the commanding officer of the regiment or establishment concerned.

(4) The approval of the colonel of the regiment.

(5) The approval of the district or formation commander.

On receipt of the application the Ministry of Defence (PS12(Army)) will obtain the approval of the Chaplain General before the proposal is considered.

e. Where colours have not been provided from public funds the above conditions apply only if they have been consecrated. In such cases any stipulations made by the donor regarding the disposal of such colours will be included in the application.

f. When colours are being laid up honours may be paid, the escort, if provided, being found from the regiment concerned.

g. When it is essential for either a standard, guidon or colours to be laid up in an officers' or sergeants' mess, application may be made for a display case, special lighting *etc*., to be provided at public expense. Units should apply through the chain of command for the appropriate funding. If this cannot be provided, then the matter is to be referred to the TLB holder for resolution.

h. Colours once laid up are intended to remain where deposited in perpetuity, but should it become necessary to change their location, the procedure set out in **para 8.030***b-d* is to be repeated.

i. Other than as authorized in ***g*** and in **Regulations for Army Allowances and Charges**, Chapter 4 Section 1, no maintenance or other charges against public funds are permissible when colours are laid up or otherwise disposed of.

j. If desired, unserviceable belts for standards, guidons and colours may be retained by the unit and struck off charge on replacement.

8.031.

a. The ceremonial appropriate to the laying up of standards, guidons and colours is contained in Ceremonial for the Army (**AC 64332**), Chapter 13.

b. The form of prayer may be obtained from the Ministry of Defence (Chaplains (Army)).

8.032. When Colours are deemed completely disintegrated the remains are to be buried with the staff and lion and crown colour pole mount in consecrated ground without any marking.

8.033 - 8.034. Reserved.

PART 3 - HONOURS, SALUTES AND COMPLIMENTS

Guards of Honour

J8.035. A guard of honour not exceeding a total of 104 all ranks (further details can be found in Ceremonial for the Army (**AC 64332**), a band and Colour, or equivalent, may be mounted:

a. For The Queen or a Member of the Royal Family who is a Royal Highness.

b. For a foreign sovereign, head of state, or a member of a reigning foreign imperial or royal family, when attending Service occasions or on other occasions when ordered to do so by the Defence Council or a CinC. When a CinC proposes to mount a guard of honour for one of these personages on his arrival in the United Kingdom, the Defence Council is to be informed immediately.

c. At State ceremonies when ordered to do so by the Defence Council.

d. For a governor general, governor, high commissioner or officer administering a British Commonwealth country, associated state or dependent territory, or for an ambassador when taking the salute on the occasion of The Queen's Birthday Parade when British troops are stationed in a foreign country, or for a high commissioner when taking the salute on the occasion of The Queen's Birthday Parade when British troops are stationed in a Commonwealth country of which The Queen is not head of state.

J8.036. A Guard of Honour not exceeding a total of 55 all ranks (further details can be found in Ceremonial for the Army (**AC 64332**), a band and Colour, or equivalent, may be mounted:

a. To receive a foreign head of government.

b. To receive the Secretary of State for Defence at a Service station.

c. To receive the Chief of the Defence Staff, the Chief of the Naval Staff and First Sea Lord, the Chief of the General Staff or the Chief of the Air Staff on an official visit to any formation of the three Services.

d. To receive a CinC or a flag, general or air officer commanding in chief on his arrival and departure on a ceremonial occasion within his command and when he first takes up and finally quits his command if outside the United Kingdom.

e. To receive a Commonwealth or foreign officer of flag, general or air rank who is a Chief of Defence Staff or a Chief of a single Service, or an officer holding a 4 or 5 star appointment in a Commonwealth or foreign country, on his arrival in the United Kingdom, or at a Service station within a territory subject to Her Majesty's authority to visit the civil governor or officer in command.

f. To receive a Minister of Defence of a Commonwealth or foreign country on his arrival in the United Kingdom in an official capacity.

g. To receive the Secretary General of the North Atlantic Treaty Organization, or other international organization of similar status of which the United Kingdom is a member country, on his arrival in the United Kingdom in an official capacity.

h. On other occasions, subject to the approval of the Defence Council at stations in the United Kingdom, or of the British representative in the territory or senior service officer as may be appropriate at stations abroad.

8.037. When the provision of a guard of honour would occasion expenditure from Army funds other than is permitted by current regulations it is not to be approved without the prior sanction of the Ministry of Defence PS12(A).

Ceremonial Guards

8.038. A guard mounted over The Queen, The Duke of Edinburgh, a Member of the Royal Family who is a Royal Highness or a governor general, governor, high commissioner, or officer administering the government in his capacity as Her Majesty's representative within the area of his jurisdiction, or a foreign sovereign, the president of a republican state or a member of a reigning foreign imperial or royal family is to consist of:

a. When the Queen's colour is carried, one major or captain, two subaltern officers (one carrying the colour) and a sufficiency of other ranks.

b. When no colour is carried, one officer below the rank of captain and a sufficiency of other ranks.

Honours and Salutes to Members of the Royal Family and Other Personages

J8.039. The honours and salutes to be given by guards of honour and on parades on the arrival and departure of The Queen and other Members of the Royal Family are as follows:

a. To The Queen, The Duke of Edinburgh and The Prince of Wales. Royal Salute - Arms presented, standards, guidons and colours lowered. The band is to play the first verse of the National Anthem for The Queen and The Duke of Edinburgh , but only the first six bars for The Prince of Wales. If The Duke of Edinburgh or The Prince of Wales arrives or departs during The Queen's presence the National Anthem is not to be played.

b. To other Members of the Royal Family who are Royal Highnesses. Royal Salute - Arms presented, standards, guidons and colours lowered and the first six bars of the National Anthem played (but *see* **para J8.040**).

J8.040.

a. When any of the personages at **para J8.039***a* are present, six bars of the National Anthem are to be played only if specially ordered for the member for whom the parade is held.

b. When none of the personages mentioned at **para J8039***a* is present, but more than one other member of the Royal Family is present, the first six bars of the National Anthem are to be played only for the member for whom the parade is held.

J8.041. Arms are to be presented to the Crown when in ceremonial procession and not in the presence of the Sovereign, but standards, guidons and colours are not to be lowered and bands are not to play the National Anthem.

J8.042. The honours and salutes to be given by guards of honour and on parades on the arrival and departure of the personages are mentioned below.

a. *To Foreign Sovereigns and the other Personages mentioned in* **para J8.035***b*. Royal Salute - Arms presented, standards, guidons and colours lowered and the band plays the whole of the National Anthem of the personage.

b. *To a Governor General and the other Personages mentioned in* **para J8.035***d*. Royal Salute - Arms presented, standards, guidons and colours lowered and the band normally plays the first six bars of the British National Anthem. Within independent states, however, the playing of national anthems will be subject to local instructions.

c. *To a Head of Government as mentioned in* **para J8.036***a*: General Salute - Arms presented and the band plays the National Anthem of the recipient. Standards, guidons and colours are not to be lowered.

d. *To the Personages mentioned in* **para J8.036***b* and *c and to Admirals of the Fleet, Field Marshals and Marshals of the Royal Air Force, other Officers of Flag, General or Air Rank, and Commonwealth or Foreign officers of Corresponding Rank, and Inspecting Officers of Lower Rank*. General Salute - Arms presented and the band plays the general salute or in the Royal Navy the appropriate salute. Standards, guidons and colours lowered only for the personages mentioned in **para J8.039***a* and *b* and for admirals of the fleet, field marshals and marshals of the Royal Air Force.

e. Personages in **J8.036***f*, *g* and *h* receive a general salute with arms presented and the band plays general salute (Scipio). Colours are not lowered. The Household Division pay compliments in accordance with **para 60 of Annex A to Ch 2**.

J8.043.

a. Personages mentioned in **para J8.035**d who are also officers of flag, general or air rank are entitled to the honours due to their rank as well as those due to their civil office.

b. Service officers acting in any civil office are entitled to the honours appertaining to such office.

The National Anthem

8.044. Whenever the National Anthem is played as part of a salute or on a parade other than a church parade, all ranks in military uniform, not under the orders of the parade commander are to salute.

8.045.

a. Officers in attendance on The Queen and other Members of the Royal Family, or the personal staff of governors general and governors (when such governors general or governors represent the Sovereign on official occasions), are not to salute when the National Anthem is played for the Royal Salute. The exception to the above is on the occasion of the Trooping of the Colour on the Queen's Birthday Parade, when the National Anthem is played on the presentation of arms to the colour. All officers, including those in attendance on Her Majesty, are then to salute.

b. On a parade after the Royal Salute has been given, the CinC or GOC alone is to be regarded as in attendance and is to take up his position in rear of Her Majesty.

8.046. The National Anthem is not to be played for officers who are serving as governors or high commissioners or administering any Commonwealth country, associated state or dependent territory, when they go on board any of Her Majesty's ships.

Compliments by Guards and Sentries

J8.047. Compliments are to be paid by guards and sentries as follows[1][2]:

	Guards mounted on		Action
a.	The Queen, The Duke of Edinburgh.	(1) (2) (3)	Guard to turn out and present arms to: The Queen, The Duke of Edinburgh. Sentry to present arms to: All Members of the Royal Family. Sentry to salute: All officers in uniform
b.	Other Members of the Royal Family	(1) (2) (3)	Guard to turn out and present arms to: All Members of the Royal Family Sentry to present arms to: All members of the Royal Family Sentry to salute: All officers in uniform
c.	Governors general, governors, high commissioners or officers administering British Commonwealth countries, associated states or dependent territories	(1) (2) (3)	Guard to turn out and present arms to: All Members of the Royal Family. The personage on whom the guard is mounted. Personages of similar or higher degree Sentry to present arms to: All members of the Royal Family. The personage on whom the guard is mounted. Personages of similar or higher degree Sentry to salute: Personages of lower degree. All officers in uniform
d.	Officers of flag, general or air rank	(1) (2) (3)	Guard to turn out and present arms to All Members of the Royal Family. The personages in *c* above. Officers of flag, general and air rank when in uniform Sentry to present arms to: All Members of the Royal Family. The personages in *c* above Officers of flag, general and air rank when in uniform Sentry to salute: Officers below flag, general or air rank when in uniform
e.	Officers below flag, general or air rank	(1) (2) (3)	Guards to turn out and present arms to: All members of the Royal Family. The personages in *c* above. Officers of flag, general or air rank when in uniform. Once a day to the officer on whom the guard is mounted Sentry to present arms to: All members of the Royal Family. The personages at *c*(2) above. Officers of flag, general or air rank when in uniform. Field officers or the equivalent when in uniform Sentry to salute: All other officers in uniform
f.	Regimental guards	(1) (2) (3)	Guard to turn out and present arms to: All Members of the Royal Family. The personages in c above. Officers of flag, general or air rank when in uniform. Once a day to their commanding officer Sentry to present arms to: All Members of the Royal Family. The personages in c above. Officers of field rank or the equivalent, and above, when in uniform or recognized Sentry to salute: All other officers in uniform or when recognized

1 Guards are also to turn out and to present arms to armed parties.

2 *See also* **para 8.053**.

8.048. An officer under the rank of a general officer is not entitled to the compliment of the bugle sounding the salute, or the drum beating a ruffle when guards present arms to him. Officers not in uniform, except members of the Royal Family and governors general, governors, high commissioners or officers administering the government, are not entitled to the compliment of a guard turning out. Brigadiers are not entitled to the compliment of the guard turning out, except in the case of those guards found by troops under their command and mounted under their immediate order or under the orders of their unit commanders.

8.049. When a general officer in uniform, or a person entitled to a salute, passes in rear of a guard, the commander is to cause his guard to turn out, and stand with shouldered arms, facing the front, but no drum is to beat or bugle to sound. When such officers pass guards while in the act of relieving, both guards are to salute as they stand, receiving the word of command from the senior commander.

8.050. Guards on the march are to pay the prescribed compliments to general officers in uniform.

8.051.

a. All guards and sentries are to pay the same compliments to commissioned officers of the Royal Navy, Royal Marines and Royal Air Force when in uniform, as are directed to be paid to officers of the Army.

b. Special regulations relating to the compliments to be paid by the Household Division are contained in Her Majesty's Regulations for the Household Division (*see* **Annex A to Chapter 2**).

8.052.

a. Guards are to turn out at all times when armed parties approach their posts. For this purpose an armed party is defined as a body of troops of any branch of the Service armed with swords, guns or rifles, or wearing sidearms, or two or more tanks or armoured cars.

b. Guards are to present arms to armed parties of at least the following size:

Household Cavalry or RAC	A regiment
RHA or RA	A battery
RE or R SIGNALS	Three squadrons
Foot Guards and Infantry (*see* Note *b* to **para 8.001**)	A battalion (with or without colours)
RLC or REME	Three squadrons or equivalent

To smaller armed parties they are to stand with shouldered arms.

c. They are not to pay compliments between the hours of Retreat and Reveille except to ‘grand rounds', *i.e.* the field officer of the week inspecting barracks or camp for security.

d. They are not to turn out to unarmed parties.

Compliments on the March

8.053. Armed parties, in paying compliments on the march, are to be called to attention, infantry are to shoulder arms, and rifle and light infantry battalions are to trail arms, and the command, ‘*Eyes right* (or *left*)' is to be given; mounted units are to carry swords. Armoured units are to dip their guns.

Compliments in Special Cases

J8.054.

a. An officer of Her Majesty's diplomatic or other non military service is entitled to the honours and salutes appertaining to his office.

b. An officer holding a civil office who is also an officer of flag, general or air rank is entitled to the honours due to that rank if they are higher than those due to his civil office.

c. The compliments laid down in these regulations are to be paid to officers of corresponding rank in the service of any power formally recognized by Her Majesty.

Saluting

8.055. All Service personnel are to salute on the occasions and in the manner prescribed in the Drill Manual 1990 (**AC 70166**).

8.056.

a. All officers are to salute their seniors before addressing them on duty or on parade; when swords are not drawn they are to salute with the right hand in the manner prescribed. Officers, except when their swords are drawn, are to return the salutes of junior officers and of soldiers. A salute made to two or more officers is to be returned by the senior only. When not on duty or parade but in uniform, officers under the rank of major are to salute all officers of field rank and upwards. General officers and field officers are to salute their superiors in rank.

b. Officers in uniform are to salute their seniors in rank in the Royal Navy and Royal Air Force.

8.057.

a. Warrant officers, NCOs and soldiers are to salute all commissioned officers who they know to be such, whether in uniform or not, including officers of the Royal Navy, Royal Marines and Royal Air Force, Warrant officers, NCOs and soldiers are to salute with the right hand. Where from physical incapacity a right hand salute is impossible, the salute is to be given with the left hand.

b. NCOs and soldiers are to address warrant officers in the same manner as for officers, but are not to salute them.

8.058. All ranks passing troops or naval landing parties with uncased colours are to salute the colours and the commanding officer (if senior).

8.059.

a. All ranks and colour parties passing a military, naval or air force funeral are to salute the body and are to pay appropriate compliments to Standards, Guidons and Colours, except as otherwise provided for in Ceremonial for the Army (**AC 64332**).

b. All ranks in uniform, whether singly or in formed bodies, are to salute when passing the Cenotaph. Service personnel in civilian clothes are also to pay appropriate compliments when passing the Cenotaph.

8.060. All ranks boarding any of Her Majesty's ships or a foreign warship are to salute the quarterdeck.

8.061. The rules for saluting in boats are as given in Ceremonial for the Army (**AC 64332**) paras 16.07-16.10.

Gun Salutes

8.062.

a. Gun salutes are authorized to be fired from the following Army stations:

At Home

Colchester[3]	Dover Castle[3]	Plymouth (The Royal Citadel)[3]
Belfast (Hillsborough Castle)	Edinburgh Castle	Stirling Castle[3]
Cardiff	London (Hyde Park, HM Tower of London, Woolwich[3] (Firepower Museum))	Larkhill (Royal Artillery Barracks)[3]
York (Museum Gardens)[3]		RN Blockhouse

Abroad

Gibraltar - Devil's Cap Battery or Europa Point.

b. Salutes other than Royal Salutes are not to be fired from Hyde Park without Ministry of Defence authority.

c. At funerals in London of general officers entitled to a salute of cannon the salute is, unless otherwise ordered, to be fired from the grounds of the Royal Hospital, Chelsea.

8.063. Royal Salutes consist of 21 guns, except those fired from Hyde Park, which consist of 41 guns, and HM Tower of London, for which the number is laid down in the regulations for that fortress. Royal Salutes *may be* fired at the request of the Defence Services Secretary or with the approval of the district commander, or, in the case of stations abroad, the commander in chief, on the following occasions:

a. On the arrival of The Queen or a member of the Royal Family who is a Royal Highness.

b. On the arrival of a foreign crowned head, or sovereign prince, or his consort; a prince who is a member of a reigning imperial or royal family; the president of a republican state.

NB. Royal Salutes will not normally be fired on the departure of the above except as requested by the Defence Services Secretary or with the approval of the Ministry of Defence.

c. On the passing of a vessel flying the Royal Standard and flags denoting the presence of The Queen (or members of the Royal Family who are Royal Highnesses representing The Queen), or The Duke of Edinburgh.

No other flag is to be saluted in the presence of either the Royal Standard, or the standard of other members of the Royal Family, except the standard of a foreign reigning imperial or royal family, or of the president of a republican state.

8.064. Royal Salutes are to be fired at saluting stations of the four capital cities of the United Kingdom and at saluting stations abroad on the following occasions:

a. The birthday, accession and coronation of The Queen.

b. The birthday of The Duke of Edinburgh.

c. The birthday of the Prince of Wales.

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3 Salutes from these stations are subject to the division or district commander's ability to provide the necessary saluting troop.

These salutes are to be fired on the actual date anniversary, but when the anniversary falls on a Sunday the salute is to be fired at noon on the following day.

d. The day announced in the London Gazette as the official birthday of The Queen. They are not to be fired at stations abroad on this day, except in connection with a parade held in honour of The Queen's birthday, as a result of a decision made by The Queen's chief representative after consultation with any local authorities of the Royal Navy, the Army and the Royal Air Force. Should the date of The Queen's official birthday coincide with the birthday of The Duke of Edinburgh, both salutes are to be fired in sequence on the same day from saluting stations at home. From saluting stations abroad two salutes are to be fired, subject to the conditions above.

e. The Royal Salutes listed above may also be fired from other saluting stations in **para 8.062**, subject to the direction of the division or district commander concerned and the availability of the necessary gun troop within his division or district.

f. A Royal Salute is also to be fired, at Edinburgh only, on the occasion of the opening of the General Assembly of the Church of Scotland.

g. Royal Salutes are also to be fired at HM Tower of London and in Hyde Park on the occasion of the Sovereign opening, proroguing or dissolving Parliament in person, or passing through London in procession on special occasions.

8.065. With the approval of Her Majesty, Royal Salutes will also be fired on the occasion of The Queen or a member of the Royal Family who is a Royal Highness attending a ceremony to mark an occasion of Royal or national importance.

8.066. On the occasion of the celebration of the birthday of the sovereign or the consort of a sovereign of a foreign nation, or of other important national festivals and ceremonies, by any warships of such nation, a salute not exceeding 21 guns may be fired in conjunction with any of Her Majesty's ships that may be present, on official intimation of the intended celebration being received by the commander of the troops at the station.

8.067. Salutes to foreign royal personages and other foreign authorities and flags are authorized only in the case of a government formally recognized by Her Majesty.

8.068. Salutes, other than Royal, may be fired at the stations enumerated in **para 8.062** on the arrival of the following personages when visiting a station officially:

19 Guns.

Ambassadors extraordinary and plenipotentiary.

The Secretary of State for Defence.

The Chief of the Defence Staff.

NB. Salutes are not to be fired on the departure of the above without authority of the Ministry of Defence, or, at stations abroad, the commander in chief.

8.069. Salutes may also be fired on the following occasions:

a. The Lord Warden of the Cinque Ports, 19 guns; by the station within The Lord Warden's jurisdiction only, on the customary occasions.

b. Admirals of the fleet, 19 guns; admirals, 17 guns; vice-admirals, 15 guns; rear-admirals, 13 guns; commodores, 11 guns; on landing for the first time, being in actual employment. Similar compliments may be accorded to officers of equivalent rank in the Royal Air Force, when in command. These salutes are not to be repeated more than once in 12 months abroad and three years at home unless the officer shall have received an advance of rank.

c. Governors general, 21 guns; the commissioners general, 19 guns; governors or high commissioners of countries under Her Majesty's protection, 17 guns; lieutenant governors and officers administering an associated state or dependent territory and if holding a commission direct from the Sovereign, or acting temporarily for an officer so commissioned, 15 guns:

(1) On the first landing in their governments.

(2) On the reading of the Royal Commission and taking oaths of office.

(3) On departing from their governments on leave of absence.

(4) On returning from leave of absence exceeding three months.

(5) On finally quitting their governments on expiration of their term of office.

(6) On official visits within their governments, but not more often at any one place than once in 12 months.

8.070. Salutes in honour of officers of the Army, other than those mentioned above, are not to be fired except at their funerals, when the number of guns is to be as given in **para 8.121**.

8.071. Salutes consisting of the number of guns stated below are also to be fired at the funerals of the following personages, whether of British or foreign nationality, when within the jurisdiction of the state to which they are accredited:

Ambassadors, 19 guns; envoys extraordinary and ministers plenipotentiary and others accredited to sovereigns (except such as are accredited in the specific character of minister resident), 17 guns; ministers resident and diplomatic authorities below the rank of envoy extraordinary and minister plenipotentiary and above that of chargé d'affaires, 15 guns; chargés d'affaires, or subordinate diplomatic agents left in charge of missions, 13 guns; British consuls general, 13 guns; foreign consuls general, 11 guns; consuls, seven guns.

8.072.

a. Naval, army and air force officers temporarily acting in any higher command are entitled, during their temporary tenure, to all the honours or salutes that may appertain to that office.

b. Such personages mentioned above as may, from their rank and appointments, be entitled to be saluted in more than one capacity are to be saluted under the rank which entitles them to the greatest number of guns, but on no occasion is the same individual to be saluted in more than one capacity.

8.073. A subordinate naval, army or air force officer is not to be saluted in the presence of a superior naval, army or air force officer of the same nationality. Personal as well as other salutes are included in both cases.

8.074. A foreigner of high distinction, or a foreign general, flag or air officer, when visiting the governor general, governor, high commissioner, lieutenant governor or officer administering the government of, or the military officer in command of, a station within a British Commonwealth country, associated state or independent territory may, on landing, be saluted with the number of guns which, from his rank, he is entitled to receive from a warship of his own nation, or with such number, not exceeding 19, as may be deemed proper; but such salute is not in any case to exceed the number of guns given to officers of corresponding rank in the Royal Navy, Army or Royal Air Force.

8.075. All salutes from warships of other nations to the British nation are to be returned gun for gun, but Her Majesty's ships and forces are not to exchange salutes in any part of the British Commonwealth.

8.076. The governor general, governor, high commissioner, lieutenant governor or officer administering the government of a British Commonwealth country, associated state or dependent territory is authorized to continue to sanction such salutes as may have been customary, and which he may deem right and proper, at religious ceremonies, and further, to cause the usual salutes to be fired at the opening and closing of the Houses of Parliament or the legislature. Such salutes are in no case to exceed 19 guns.

8.077. Salutes other than those authorized by these regulations are not to be allowed, except such as may be necessary for the fulfilment of any treaty obligation, provided that, on any important occurrence (*e.g*. A great victory gained by Her Majesty's forces) the governor of any of Her Majesty's territories abroad may direct such salutes to be fired as the occasion may seem to him to require. Should there be any of Her Majesty's ships present, the decision is to be taken in conjunction with the senior naval officer, and salutes are not to be fired unless the two officers concur in the matter.

8.078. Normally salutes are not to be fired before 0800 hours or after retreat, or during the usual hours for divine service on Sundays. In exceptional cases this may be varied locally.

8.079. Details concerning funeral honours which may be accorded are contained in **paras 8.115 – 8.124**.

Salutes in the Air

J8.080.

a. The approved method of saluting from aircraft consists of a shallow dive and climb, but it is to be carried out only when there is a saluting base on the ground at a display or on special occasions when duly authorized by the commanding officer of the station concerned. The flying restrictions prescribed in Military Flying Regulations (**JSP 318**) are to be observed.

b. Salutes are not to be exchanged between aircraft.

Honours awarded by Civic Authorities to Regiments and Corps

8.081. Instructions governing the award of honours to Regiments and Corps by Civic Authorities are contained in **AGAI 2**, paras 2.141 - 2.145.

8.082. Reserved.

PART 4 - FLAGS

The Royal Standard and Personal Standards

J8.083. Royal Standard. The Royal Standard, being the personal flag of The Sovereign, is to be hoisted on board HM ships and on official buildings and enclosures only when The Sovereign is present. It is to be hauled down at the moment of departure. The only exception to this rule is that the Royal Standard is to be flown if available at parades in honour of the birthday of The Sovereign. The Royal Standard is never hoisted when The Sovereign is passing in procession.

J8.084. Personal Standards.

a. When, in the absence of The Sovereign, a Member of the Royal Family is present, the Member's personal standard is to be hoisted (at the main, when on board one of HM ships) and is to be treated with the same respect and saluted in the same manner as the flags denoting the presence of The Sovereign. When two or more Members of the Royal Family are present, one standard only - that of the senior Member present - is to be hoisted.

b. The standard which is provided for 'other Members of the Royal Family' is to be flown similarly for any Member who does not possess a personal standard.

c. If circumstances arise in which the standards referred to in sub-paras *a* and *b* are not available, the White Ensign, Union Flag or RAF Ensign is to be hoisted and treated in a similar manner.

Flags at Headquarters and Establishments

J8.085. Unified Headquarters. The distinguishing flag of the unified CinC or commander is to be flown at the mast head and the Union Flag at the peak.

J8.086. Joint Service Units and Establishments. The Joint Service Flag is to be flown at units and establishments provided that they are:

a. Under the control, of the relevant complementing authority.

b. Manned by members of more than one Service for a joint purpose.

c. Under the direct functional control of either the Ministry of Defence or the headquarters of a unified commander;

and that there are no local circumstances that may make it undesirable for him or her to fly this flag. Other establishments which although manned by personnel from more than one Service which are primarily single Service, are to fly the flag of that Service. Exceptions to the foregoing rules are the staffs of the UK National Military Representatives to International Defence Organizations and UK Support Units, for whom the national flag is the appropriate flag to be flown alongside those of units from other countries.

8.087. Single Service Establishments.

a. The ceremonial Army Flag is the Union Flag. Only the Union Flag is to be flown at any event of a ceremonial nature.

b. The Army Flag (non-ceremonial) is a Flag with red background with two swords in saltire proper pommels and hilts or surmounted by the Royal crest. The Army Flag (non-ceremonial) is authorized to be flown at any Army or inter-Service events of a non ceremonial nature, such as sporting events, tattoos, pageants and displays. It may also be flown at Army headquarters and recruiting offices. The Army Flag is not to be flown as the principal flag denoting Army participation at any international event where the Union Flag should be flown.

c. When there is only one flagpole the flag distinguishing the appropriate Army headquarters is flown at the masthead and the Union Flag at the peak.

d. Units are to have permission from their superior British 3 star (or above) headquarters to fly the Army ceremonial flag (Union Flag) daily.

e. The rules for the flying of the Union Flag, in its national capacity, and the establishment at which it is to be flown, are shown in **Annex A** to this Chapter.

f. The Union Flag, in its national capacity, is also to be flown at half-mast as detailed in **para J8.088** below.

Half-masting of Flags

J8.088. Instructions on the half-masting of ships' colours, Union Flags or ensigns will be issued by the Ministry of Defence to PJHQ, principal independent RN, RM, Army and RAF commanders and to the United Kingdom National Military Representatives at International Defence Organizations. Recipients of these instructions are to make arrangements to disseminate the information by the quickest means available to subordinate headquarters and units and to British elements of organizations within their areas. Implementation of these instructions overseas may be subject to variation at the discretion of Service commanders abroad who should liaise with their local United Kingdom political representative so as to ensure a common policy applicable to local circumstances. The following are a guide to procedures until confirmation has been promulgated by the Ministry of Defence:

a. On the Death of The Sovereign. All flags are flown at half-mast from the announcement of the death of The Sovereign up to the end of the day of the funeral, with the exception of Proclamation Day, when they are hoisted to the top of the flagpole from 11am (local time) to sunset.

b. On the Death of a Member of the Royal Family. All flags are flown at half-mast, subject to The Sovereign's wishes, from the day of death up to the end of the day of the funeral.

c. On the Death of a Foreign Sovereign, Head of State or other Distinguished Foreign or Commonwealth National (as promulgated by the Ministry of Defence). All flags are flown at half-mast on the day of the funeral.

d. On the Death, when holding office, of a Defence Minister, the Chief of the Defence Staff, the Chief of the Naval, Army or Air Staff of the Defence Board or the Permanent Under Secretary of State. All flags are flown at half-mast on the day of death and all day on the day of the funeral.

e. On the Death of a Serving Military Officer or Other Rank. Flags to be flown at half-mast on the day of death and on the day of the funeral until after the burial when the flag will be full masted to denote the end of military mourning. It is anticipated that usually action would be limited to the unit, its Regimental or Corps Headquarters and the immediate superior formation of the deceased.

J8.089. Ships' colours, Union Flags and ensigns may, at the discretion of the senior officer in consultation with the local political representative be half-masted as a matter of courtesy to conform to local national action (including Scotland, Northern Ireland and Wales).

J8.090. Where the Union Flag or ensign is flown in company with the national flag or flags of any other country or countries (including Scotland, Northern Ireland and Wales) it is to be half-masted as a matter of courtesy whenever the other national flag is half-masted.

J8.091. In foreign ports, HM ships and vessels should conform when warships of the country concerned half-mast their colours on the death of one of their nationals other than the sovereign or head of state. If a foreign ship is in a British port on such an occasion, HM ships and vessels in company should half-mast their colours on the day of the funeral only unless the Defence Council issues special orders.

J8.092. HM ships and vessels approaching or leaving an anchorage where any other of HM ships or vessels are flying a foreign ensign or national flag at half-mast, or have their colours at half-mast, are to conform while in sight of the ships in port.

Flags in Vessels and Boats

8.093. Seagoing vessels in service as operational units of the Army, flying the Army Ensign, commanded by Army officers and manned by Army personnel in uniform are designated 'HM Army Vessels' (HMAV) and are permitted to wear the Union Flag at the jack staff when in harbour or under way and dressed with masthead flags.

8.094. All Army vessels designated 'HM Army Vessels' are authorized to wear the Army Ensign, which is the Blue Ensign defaced by the Army Badge in gold. All other Army vessels, that are vessels manned by mixed crews of Army and civilian personnel, are authorized to wear the Blue Ensign defaced with the RLC 'crossed swords' device.

8.095. HM Army Vessels and other Army vessels are to wear the appropriate ensign subject to the following rules:

a. Wearing the Ensign in Vessels - The ensign is to be worn -

(1) *In Harbour* - At the ensign staff.

(2) *At Sea* - At the ensign staff whenever possible, but in bad weather, or whenever the ensign staff is not available from any cause, such as the vessel being cleared for action, it should be worn:

(a) In vessels with one mast, on a staff in a suitable position on the after superstructure.

(b) In vessels with two masts, either as in (a) or at a small gaff to be fitted as a 'peak' on the mainmast.

The local commander is to arrange for the necessary uniformity.

b. Ensign, Hoisting and Hauling Down, in Vessels -

(1) Vessels, when lying in home ports and roads, are to hoist their Ensigns at 0800 hours from 25 March to 20 September inclusive, and at 0900 hours from 21 September to 24 March inclusive; but, when abroad, at 0800 hours or 0900 hours as the local commander will direct; and they are to be worn if the weather permits, or the senior officer present sees no objection thereto, throughout the day until sunset, when they are to be hauled down.

(2) Whenever a vessel takes up her berth, or gets under way, if there be sufficient light for the Ensign to be seen, it is to be hoisted, though earlier or later than aforesaid; also on her passing, meeting, joining, or parting from, any of Her Majesty's ships; and also, unless there should be sufficient reason to the contrary, on her falling in with any other ship or ships at sea, or when in sight of, and near, the land, and especially when passing or approaching forts, batteries, signal or coastguard stations, lighthouses, or towns.

c. Wearing the Ensign in Boats - Boats are to wear their Ensigns on the following occasions:

(1) In foreign waters.

(2) In British waters -

(a) When the parent vessel is dressed;

(b) When going alongside a foreign warship on all occasions day and night.

(3) In British waters, boats are to wear their Ensigns in accordance with (2) above between the times the colours are hoisted in the morning and sunset only, except as provided for in (2)(b).

(4) In foreign waters, boats are to fly their Ensigns when away from their vessels at any time between dawn and dusk, and also as in (2)(b).

(5) When the colours are half-masted in vessels, boats' Ensigns (if flown) are also to be half-masted.

(6) When a corpse is being conveyed in a boat, either in British or foreign waters, that boat is to fly her Ensign at half-mast.

J8.096. The Chief of the Defence Staff is authorized, when embarked in vessels or boats, to fly a distinguishing flag. This is of equal dark blue, red and light blue horizontal bands with the tri-Service emblem embroidered on both sides.

J8.097. CinCs or GOCs when embarked in vessels or boats, are authorized to fly a special Union Flag bearing in its centre, as a distinguishing mark, the Royal Cypher surrounded by a garland on a blue shield and surmounted by a crown. When a CinC or GOC embarks in one of HM ships to proceed on any military duty, this flag may, with the approval of the senior naval officer, be hoisted at the fore of such vessel, and be kept flying within the limits of the military command.

J8.098. CinCs or GOCs who are also governors of territories and the lieutenant governors of Guernsey and Jersey, when embarked in vessels or boats, are to use the distinguishing flag appointed for governors, or for such lieutenant governors, *viz*, the Union Flag with the approved arms or badge of the territory emblazoned in the centre thereof on a white ground surrounded by a green garland instead of the general officer's flag.

J8.099. When joint operations are being carried out, should the officer commanding the army, air or Royal Marine components be embarked in a warship or transport, the appropriate distinguishing flag of the senior non naval officer of the equivalent rank of commodore or above may be hoisted at the fore to denote the presence of the headquarters. Such a flag is not to displace any flag officer's flag, broad pennant or masthead pennant, and is to be flown in an inferior position to it.

Distinguishing Flags on Motor Cars

J8.100. When Royal or distinguished persons entitled to fly personal standards or distinguishing flags travel in Service vehicles, the appropriate standard is to be flown.

J8.101. Lists of the Service officers entitled to fly car flags and descriptions of the appropriate flags are contained in **Annex B** to this Chapter.

J8.102. All distinguishing flags of Service officers are to be flown from a forward position on the front bonnet of the car, but only when the car is occupied by the officer entitled to the flag.

J8.103. Occasions on which Car Flags are to be Flown.

a. Flags are to be flown (*see* **Annex A**):

(1) On official occasions only: only the senior officer attending the function may authorize a departure from the normal practice.

(2) In areas where there is a need for the car or its occupant to be recognized, *e.g*. because of the proximity of Service establishments, *etc*.. On cross-country journeys flags are not normally to be flown but are to be hoisted at a short distance from the destination.

b. A car flag may be flown by an officer wearing civilian clothes on duty, if the officer considers it desirable.

c. An officer is not to fly the flag of his superior officer when acting as his representative, but is to fly the flag, if any, to which he is entitled.

d. In foreign and Commonwealth countries, officers may fly their car flags on those occasions when the British Ambassador or High Commissioner considers that it would be appropriate for them to do so. In certain countries the flying of car flags may be completely precluded by laws, customs or local conditions.

e. A Defence Attaché, or Adviser who is also accredited as a single Service Attaché, or Adviser may fly the car flag of his own Service when attending functions relating to that Service as opposed to those of a Defence character.

f. Subject to these general rulings, commanders may limit the flying of flags when they consider the political or local circumstances in the area make it desirable to do so.

Flying of Flags on Aircraft

8.104. Flags are not flown on Army aircraft nor are they to be flown on any operational aircraft. The Chief of the General Staff is authorized to fly the Union Flag with the Royal Crest embroidered on both sides, when he is a passenger in a transport aircraft of the RN or of the RAF.

Star Plates

J8.105. Star plates may be displayed on cars carrying senior officers and officers of equivalent rank in the other Services. The number of stars denotes rank and are as follows:

Admiral of the Fleet/Field Marshal/Marshal of the Royal Air Force	Five stars
Admiral/General/Air Chief Marshal	Four stars
Vice-Admiral/Lieutenant General/Air Marshal	Three stars
Rear-Admiral/Major General/Air Vice-Marshal	Two stars
Commodore/Brigadier/Air Commodore/Matron in Chief QARNNS/Matron in Chief PMRAFNS	One star

J8.106. The plates are to be displayed only on journeys made on duty. The star plates are to be covered when the entitled officer does not occupy the vehicle.

J8.107. The star plates are royal blue for naval officers, red for Army and RM officers and air force blue for air force officers. Officers in joint Service appointments are to display plates in the joint Service colours of vertical bands of dark blue, red and light blue.

8.108. Star plates may be displayed on Army aircraft. The rules in **paras J8.105 – J8.107** above are to apply.

8.109 - 8.111. Reserved.

PART 5 - FUNERALS AND MOURNING

Royal and VIP Funerals

J8.112. The Service involvement on the demise of The Sovereign, or any member of the Royal Family, will be promulgated by the Ministry of Defence (PS12(A)). Headquarters London District will be designated as the Mounting Headquarters.

J8.113. On the death of The Sovereign or a Member of the British Royal Family, or of a foreign sovereign or head of state or other distinguished foreign national, instructions on funeral honours will be issued by the Defence Council by signal. These instructions may be subject to variation in overseas commands at the discretion of the local political representative in the light of local national requirements.

J8.114. A governor general, governor, high commissioner or officer administering the government or special royal commissioner of any British Commonwealth country, associated state or dependent territory under The Sovereign's protection, who is also Commander-in-Chief and who dies whilst holding the appointment is entitled to a military funeral with honours. This applies whether the deceased was a military officer or a civilian.

Military Funerals

J8.115. All Service personnel, who have died while serving, are entitled to either a private funeral or a funeral at public expense. Service Casualty Procedure Manuals (*for Army:* Casualty Procedure 2000 (**AC 12974**)) detail the limit of admissible expenses to both types of funeral. There is normally no ceremonial at private funerals. The degree of ceremonial at public expense funerals, or lack of it, is normally a matter for the next of kin in conjunction with the unit. It may range from the minimum of formality to full scale military honours. No other military funeral will be accorded without the previous authority of the single Service staff branches (NP Sec 2b, (PS4(A) or PMA Casework (RAF)).

Military Funeral Honours

J8.116. Funeral honours consist of some, or all, of the following:

a. Bearer Party. *See* **para J8.120**.

b. Pall Bearers. *See* **para J8.121**.

c. Insignia Bearers if appropriate.

d. Escort and Firing Party or Gun Salute. *See* **paras J8.125 – J8.126**.

e. Musical support as appropriate.

f. Minute Guns. *See* **paras J8.127 – J8.128**.

J8.117. The following are guidelines on funeral honours:

a. Serving personnel of all ranks are entitled to funeral honours at public expense provided that the troops involved are stationed within reasonable distance of the burial ground or crematorium.

b. Funeral honours are not to be paid officially at the funerals of discharged personnel of any rank. They may, however, be authorized as a special case, at the discretion of the general officer commanding (or corresponding rank equivalent) provided the funeral is to take place within a reasonable distance from barracks and that only minimum public expense is incurred.

c. If the deceased is to be cremated, ceremonial may have to be on a reduced scale and in any case, there should be prior consultation with the crematorium authorities.

d. Chaplains or, where necessary, local clergy are to be consulted about the form of religious service.

e. The Drill Manual (**AC 70166**) details the ceremonial involved in a military funeral.

J8.118. Knights of the Garter. Where a senior officer who was a Knight of the Garter has his funeral or memorial service in St George's Chapel, Windsor, special arrangements are made through the single Service staff branches (DNLM 4, PS 12(A) or P1 (Cer)(RAF)).

J8.119. London. In London there is to be no procession unless the military service is held either at the Chapel of the Royal Hospital, Chelsea Barracks or the Royal Military Chapel, Wellington Barracks. If the next of kin of the deceased officer wish the funeral service to be performed at one of these churches, there may be a short procession after the ceremony, if desired. Requests for exceptions to the above are to be made to the Ministry of Defence (PS 12(A)).

J8.120. Bearer Party. A senior non-commissioned officer or warrant officer normally commands a bearer party. At the funeral of a general officer (or corresponding rank equivalent), who died whilst serving, the bearer party should be commanded by an officer and the coffin should be carried by warrant officers or non-commissioned officers.

J8.121. Pall Bearers. At a funeral of a general officer (or corresponding rank equivalent), who died whilst serving, officers of the same rank as held by the deceased will support the pall. If a sufficient number of that rank cannot be obtained, then by such officers as the Service authorities may desire to invite.

J8.122. Draping of Drums and Colours. Drums and colours are to be draped only at a funeral, except that on other occasions connected with the death of The Sovereign or a Member of the Royal Family when draping may also be ordered by the Ministry of Defence (PS12(A)).

J8.123. Dressing the Coffin. As a rule the coffins of all UK service personnel will only be draped with the Union Flag. Personnel attached from foreign services would have their national flag on the coffin. Any flag on the coffin is to be placed over the coffin with an imaginary pike at the head of the coffin across the top of the shoulders and the royal crest of the pike over the left shoulder, leaving the face of the flag uppermost. The following are guidelines for coffin dressing;

a. In Theatre and for Repatriation. When a coffin is to be dressed with a flag, for all UK service personnel it is to be the Union Flag. Deceased attached foreign personnel should be dressed in their own national flag. No other items are to be placed on the coffin for repatriation.

b. For British Service Funerals. A Service Funeral is defined at **J7.093***a*. At British service funerals only the Union Flag is to be placed on the coffin. Other items may also be placed on the coffin: headdress; decorations; belt; sword or sidearms; family wreath. (*Army*: For precise dressing details *see* the **Drill Manual** para 0906.b.3)

c. For Private Funerals or onward Repatriation from the United Kingdom. At private funerals and onward repatriations families may choose the deceased's national flag for the coffin. Should families choose to have the coffin dressed in the deceased's national flag for onward repatriation the consent of the receiving nation's MOD is first to be sought. A coffin so dressed may be borne by a military bearer party.

Salutes and Escorts

J8.124. Military funerals are to be saluted and escorts may be provided. The number of troops in attendance is to be determined by local Service authorities. Where possible, if the deceased was a military officer, then the escort should be in accordance with the numbers in the table below.

Rank or corresponding rank	*Salute*		*Escort*
	Guns	*Rounds of small arms*	
Field marshal	19	-	As may be authorized by the Ministry of Defence.
General	17	-	Not to exceed 1000 all ranks
Lieutenant general	15	-	Not to exceed 875 all ranks
Major general	13	-	Not to exceed 750 all ranks
Brigadier	-	3	Not to exceed 600 all ranks
Colonel	-	3	Not to exceed 500 all ranks
Lieutenant colonel	-	3	Not to exceed 150 all ranks
Major	-	3	Not to exceed 100 all ranks
Captain	-	3	Not to exceed 50 all ranks
Lieutenant or second lieutenant	-	3	Not to exceed 35 all ranks
Soldiers	-	3	Not to exceed 20 all ranks

J8.125. Salutes of guns or small arms will be fired after the body has been laid to rest in the grave. Should a salute be fired at a Crematorium (*see* **para J8.117***d*) then it is to be fired as the coffin enters the chapel. For gun salutes fired in London *see* **para 8.062***c*.

Minute Guns

J8.126. At the funeral of a general officer (or corresponding rank equivalent), who died whilst serving, minute guns of the appropriate number are to be fired during the period while the body is being borne to the burial ground. Any such officer who dies at sea and is to be buried ashore may be accorded the appropriate number of minute guns from a warship whilst the body is being borne ashore. If the means exist, minute guns will be fired from the shore while the procession is moving from the landing place to the burial ground. The total number of minute guns so fired is not to exceed twice the number given in **para J8.124**.

J8.127. At the funeral of a civic functionary dying whilst in office, minute guns may be fired if the deceased was so entitled when alive, in accordance with **para 8.069** subject to the availability of guns. If the deceased was a military officer whose rank entitled him to a greater number of guns than his civic status, the conditions of **paras J8.124 – J8.125** are to apply.

Mourning

J8.128. Mourning is observed by the Armed Forces as follows:

a. Royal Mourning. Royal Mourning was previously known as Court Mourning.

(1) Royal Mourning is observed by the Royal Family and their Households, by HM representatives at home and abroad and their staffs, by officers nominated for duty at Court, and related ceremonies and by Household troops. Royal Mourning is also observed by any Service units actually engaged on ceremonial or Court duties normally undertaken by Household Division in support of HQ London District or by any Service unit providing the Balmoral Guard and/or limited ceremonial or Court duties, when mounted, in support of HQ Scotland. Extraordinarily, Royal Mourning may also be observed by those units and organizations as highlighted at **para J8.129***i*.

(2) At stations abroad where Service personnel, other than members of the Household Division, are attending functions at which HM's representatives present are observing Royal Mourning, advice should be sought from the United Kingdom local political representative as to whether it would be appropriate to wear some suitable mark of mourning.

(3) Those observing Royal Mourning may fulfil official engagements. Social engagements are not to be accepted and those entered into beforehand should be cancelled.

b. National Mourning. National Mourning (previously known as Service Mourning) is observed by the remainder of the Armed Forces.

J8.129. Guidelines for Mourning. Precise direction cannot be issued to cover the full period of Royal and/or National Mourning until The Sovereign's wishes have been ascertained. Detailed instructions will be issued by the Ministry of Defence (PS 12(A)) as soon as they are known and may involve some or all of the following measures:

a. Entirely private hospitality already arranged or accepted by individuals may continue on a small scale but social engagements at which attendance might be construed as representational or official should be cancelled.

b. Any previously arranged celebratory parade, official reception, business or social function should normally be cancelled. In cases where there might be a significant financial penalty or it is thought that embarrassment or offence might be caused by cancellation the Ministry of Defence (PS 12(A)) is to be consulted.

c. A parade of a routine nature or which is part of a curriculum may continue. Passing out parades are considered to be part of, or the climax of, a course and should therefore normally take place; with a period of silence included as a mark of respect. In the event of the death of The Sovereign separate instructions will be issued by the Ministry of Defence (PS 12(A)) concerning the Sovereign's Parade at RMA Sandhurst and the Lord High Admiral's Divisions Parade at BRNC Dartmouth.

d. Bands may play for marching troops on, or to, a parade but neither inspection nor incidental music should be played during inspections or other pauses in the parade. Bands may also continue to fulfil civilian engagements for which they have previously contracted to play but should not play at Service or civilian functions of a social nature.

e. Service sports events may continue, except on the day of the funeral; a one minute silence should be observed at the beginning of the event.

f. Individuals who have accepted official engagements should fulfil them. Unless otherwise ordered mourning bands need not be worn.

g. Service commanders abroad should liaise with their local United Kingdom political representative so as to ensure a common policy applicable to local circumstances. Senior officers abroad should similarly liaise, consulting their command if necessary.

h. Flags are to be flown at half-mast in accordance with instructions at **paras J8.088 – J8.092**.

i. During a period of Royal Mourning a unit or organization that had a special relationship with a deceased Member of the Royal Family, or continues to have a special relationship with a Member of the Royal Family who has suffered the loss of an immediate heir and is not covered under **para J8.128***a*(1), may wish to observe the guidelines covered under Royal Mourning. This would be entirely appropriate and naturally the prerogative of the relevant local Service commander. In all cases where there is such a desire the Ministry of Defence (PS 12(A)) must be consulted.

j. Any questions should be referred to the Ministry of Defence (PS 12(A)), the tri-Service lead on this matter.

J8.130. Mourning Bands. A mourning band is a piece of black crepe 3¼ inches wide. It is worn on the left sleeve, positioned so that the bottom of the band lies two inches above the elbow. The rules concerning the wearing of mourning bands in general are listed below. The only extraordinary exceptions are **paras J8.130***f - g* that relate to a state of private mourning within a unit that remains the prerogative of the commanding officer.

a. A mourning band will only ever be worn with parade uniform where there is a jacket or coat. It is not to be worn on combat clothing of any type.

b. During a period of National Mourning only officers and warrant officers class 1 of the Household Cavalry dressed in parade uniform are to wear mourning bands. During a period of Royal Mourning this practice is restricted specifically to those defined at **para J8.128***a*(1) and included by the Ministry of Defence (PS12(A)) at **para J8.129***i*. The only exceptions to this rule are listed below.

c. In addition or concurrent with **para J8.130***b* officers attending Service funerals in parade uniform are to wear a mourning band. Officers on duty at these events will also wear mourning bands, whether in the procession, acting as ushers, or in another capacity. These rules apply to officers attending associated memorial services held on the same day.

d. In addition or concurrent with **para J8.130***b* warrant officers attending Service funerals in uniform, or acting as ushers, are to wear mourning bands. They are not to wear them if they are on duty in the procession (including bearer parties), lining the route or elsewhere. These rules apply to warrant officers attending associated memorial services held on the same day.

e. Mourning bands are not to be worn at any other memorial service or other ceremonies such as unveiling of memorials and Remembrance services unless directed to do so in accordance with **para J8.130***b*.

f. Exceptionally, during private mourning, for example following the death of a member of a unit, or at reception ceremonies related to the repatriation of a body or remains, mourning bands may be worn by officers and warrant officers only, but in accordance with the instructions listed above.

g. Extraordinarily, when, Service personnel are given permission to wear uniform during private mourning at a family funeral they may wear a mourning band if so desired. It should be noted that this is the only occasion on which Service personnel below the rank of warrant officer may wear mourning bands.

h. After a military burial, personnel should remove mourning bands after return to barracks.

J8.131. Mourning Dress. Mourning dress and/or mourning bands are not to be worn at Court unless the Court is in Mourning. Officers who wear plain clothes on duty during periods of mourning are recommended to wear black ties. Those observing Royal Mourning, and those wearing plain clothes when on duty at Court during National Mourning, should dress as follows:

a. Gentlemen's civilian dress - Dark colours, black ties.
b. Ladies civilian dress Black dress.

Remembrance

J8.132. Armistice Day. Armistice Day originally commemorated the fallen of the 1914-18 War and included a two minute silence in November each year on the anniversary of the day and the time of the cessation of hostilities in 1918. Any observance of a two minute silence on 11th November at 1100 hours each year is a matter of discretion by commanding officers and individuals. Although optional it is strongly recommended.

J8.133. Remembrance Sunday. Remembrance Sunday embraces all Service personnel and civilians who have laid down their lives in the service of their country in the First World War and all subsequent wars, campaigns and emergencies. It is now observed on the second Sunday in November each year, when the two minute silence is to be observed at 1100 hours, during which time all personnel are to stand at attention and guards are to turn out and present arms. No aircraft, other than those on scheduled services, are normally to be in the air during the two minute silence. Establishments and units are to conform generally to such arrangements as may be made by local authorities for the celebration of Remembrance Day services. Transport required to convey personnel invited to attend local religious observances or municipal ceremonies may be used at the discretion of commanding officers but neither travelling expenses nor subsistence allowance will be payable unless authority has been obtained from the single Service staff branches (DNLM, PS12(A) or P1(Cer)(RAF)).

J8.134. Memorials. Memorial statues, plinths or plaques are normally organized by Regimental or Service Associations in memory of Service personnel who have died in past and present wars and conflicts. Additionally, commanders overseas may wish to sanction the erection of local memorials. Before the construction or erection of any memorial is considered the following guidelines must be followed and approval sought from the relevant chain of command:

a. *Memorials in the UK*.

(1) Before a memorial is erected in the UK consideration must be given to the financial aspects of Reference A, in particular the financial provision for a memorial's 'long term care and maintenance'. The erection of an outdoor memorial will inevitably require the permission of the local authority, whether on military or civilian real estate, if it is to be permanent. No MoD money may be used to erect or maintain memorials. No memorial should be erected that does not have a long term funded maintenance provision. Movable memorials such as inscribed blocks or small cairns based within a unit's lines are more easily approved by the chain of command as they remain unit property and can be removed in the event of a change of unit location.

(2) Less contentious are the installation of plaques/stained glass windows in appropriate Churches/Chapels provided their long term care and maintenance can be assured to the satisfaction of the relevant Church authority. In any event the erecting unit is responsible for the memorial and relocation and maintenance costs must be met by non public funds. The addition of names to existing War Memorials is a matter for the local civic authority.

b. *Overseas Memorials*.

(1) The position of overseas memorials is complicated by the fact that there are no guarantees that once HM Forces have left a particular country that memorials will be respected or that access will subsequently be granted to anyone wishing to provide for their 'long term care and maintenance'. Painted memorials are unlikely to remain on walls at the end of any conflict.

(2) Owing to the temporary nature of overseas deployments and bases, the erection of memorials in operational bases overseas, while wholly understandable with benefit to the morale and well-being of the local forces, is also problematic. Memorials should in general be discouraged by the chain of command unless the unit erecting the memorial 'in theatre' also has a plan for the end state. Only exceptionally should a memorial remain in position locally, as it should neither be vandalised nor available to vandals, nor should it become a problem for any remaining British Embassy, High Commission or other British interests. The unit is to make adequate financial provision for the disposal of the memorial or its return in any form to the UK and recognize its commitment for maintenance. It is recommended that unit memorials should therefore be of such a size or nature that they or the plaque can be returned to the UK at minimal private cost with the unit concerned once operations are completed.

(3) It should be recognized that the MoD has no role or resources for memorials' erection or maintenance. The burden of memorials must be borne by the erecting authority as well as the need to furnish their successors with the means for custody of the memorial.

(4) Should the Command and PJHQ agree a course of action for a memorial to be returned to the United Kingdom from a foreign field, the Command must be responsible for the deconstruction of the memorial and the return of the essential memorial plaque/plaques. Local masonry should be demolished.

(5) Before any decision is made on the relocation of a memorial or its return to the United Kingdom, it will be necessary to secure the appropriate funding from private subscription or appeal, as necessary funding from Services, Regimental and Corps non-public funds may not be guaranteed. Where Services, Regimental and Corps non-public funds are sought and provided, where possible, these should be pro-rata to those being remembered. Any new memorial to be erected as such should be in accordance with sub-para *a*(1) above.

In all cases the advice of the appropriate single Service staff branch (FLEET DN Pers, AG PS12(A) or RAF Cer) should be sought.

J8.135. Wreaths. On the anniversary of Remembrance Day In the United Kingdom and the Commonwealth and on other occasions of special significance, the cost of placing wreaths on local memorials may be allowed as a charge to public funds, but only when such tribute is essential. Within the United Kingdom the commanding officer is authorized to approve the purchase of wreaths.

8.136. Reserved.

PART 6 - OFFICIAL VISITS

Exchange of Official Visits with The Queen's Representatives

J8.137. For the purposes of this regulation The Queen's representatives are to be regarded as the persons mentioned in **para J8.035***d*.

J8.138. The procedure set out in **para J8.139** is to be observed on the following occasions:

a. By the senior officer in command of Her Majesty's ships and squadrons visiting a port when The Queen's representative is present.

b. By the officer in command of each Service when a newly appointed Queen's representative assumes office.

c. By the officer in command of each Service when taking up his appointment.

J8.139.

	Rank of Service officer		Call on
a.	RN: Commander in chief flying his flag or broad pennant, Flag officer or commodore. Army: Brigadier or above in command. RAF: Air commodore or above in command.	(1)	*Governor General* First call made by Service officer. Not returned.
		(2)	*Governor* First call made by Service officer. Returned in person.
		(3)	*Administrator or Commissioner* First call made by Administrator or Commissioner. Returned in person.
b.	RN: Captain in command. Army: Colonel in command. RAF: Group captain in command.	(1)	*Governor General* First call made by Service officer. Not returned.
		(2)	*Governor* First call made by Service officer. Returned by deputy.
		(3)	*Administrator or Commissioner* First call made by Service officer. Returned in person.
c.	All other officers in command.	(1)	*Governor General* First call made by Service officer. Not returned.
		(2)	*Governor* First call made by Service officer. Returned by deputy.
		(3)	*Administrator or Commissioner* First call made by Service officer. Returned by deputy.

J8.140.

a. Should the governor or any other officer administering the government find that, from indisposition or pressure of important business, he is unable to return or pay a visit in person, he will depute his aide-de-camp or some other officer to do so. Should an RN, Army or RAF officer as shown in the above table be precluded for similar reasons from paying or returning a visit, he is to depute an officer not below the rank of lieutenant RN/captain/flight lieutenant to do so. In each case the officer failing to pay the required visit in person should report the circumstances and the reasons which led to the omission to the Ministry of Defence.

b. These visits need not be exchanged more than once during the respective tenure of office of The Queen's representative and the RN, Army or RAF commander.

c. Return visits are to be paid within 24 hours of the call being made.

Exchange of Visits with the other Services

8.141. Exchange of visits between British military officers on the one hand and British naval and air force officers and foreign officers on the other hand are to be on the following basis:

a. The junior is first to visit the senior. Except that in foreign countries and countries of the Commonwealth, the professional head of a Service will be regarded as the senior officer regardless of his actual rank and seniority.

b. Where the officers are of equal seniority, the officer last arriving at the station is to pay the first visit.

c. Return visits are to be paid within 24 hours, either in person or by a representative, as the circumstances may require.

Presentation at a Foreign Court

8.142. An officer who wishes to be presented at a foreign court is to make application to Her Majesty's representative at that court.

8.143 - 8.999. Reserved.

ANNEX A TO CHAPTER 8
LIST OF FLAG STATIONS AND FLAGS TO BE FLOWN

(PARA **8.087** REFERS)

STATIONS	UNION FLAGS	
	12ft x 7½ft	6ft x 4ft
LAND FORCES		
Headquarters Land Forces	1*a*	
JHC	1*b*	1*a*
NORTHERN IRELAND		
Headquarters Northern Ireland	1*b*	1*a*
Government House Hillsborough	1*c*	
Residence of the GOC Northern Ireland	1*a*	
HQ 38 (IRISH) Bde	1*b*	1*a*
Antrim		1*a*
Ballykinler		1*a*
Holywood		1*a*
HQ ARRC	1*b*	1*a*
1ST (UK) ARMOURED DIVISION		
Headquarters	1*b*	1*a*
HQ 4 Armd Bde	1*b*	1*a*
HQ 7 Armd Bde	1*b*	1*a*
HQ 20 Armd Bde	1*b*	1*a*
HQ 102 Log Bde	1*b*	1*a*
HQ UKSC(G)	1*b*	1*a*
HQ 1 Sig Bde	1*b*	1*a*
2ND DIVISION	1*b*	1*a*
Headquarters	1*b*	1*a*
HQ 19 Lt Bde and Catterick Garrison	1*b*	1*a*
HQ 15 (NE) Bde	1*b*	1*a*
HQ 42 (NW) Bde	1*b*	1*a*
HQ 51 (SCOT) Bde	1*b*	1*a*
HQ 52 Inf Bde	1*b*	1*a*
3RD (UK) DIVISION		
Headquarters and Bulford Garrison	1*b*	1*a*
HQ 1 Mech Bde and Tidworth Garrison	1*b*	1*a*
HQ 12 Mech Bde	1*b*	1*a*
4TH DIVISION		
Headquarters and Aldershot Garrison	1*b*	1*a*
HQ QMG	1*b*	1*a*
HQ Theatre Troops and Netheravon Garrison	1*b*	1*a*
HQ 1 Arty Bde	1*b*	1*a*
HQ 8 Force Engr Bde	1*b*	1*a*
HQ (NC) Sig Bde	1*b*	1*a*
HQ 2 (SE) Bde and Shorncliffe Garrison	1*b*	1*a*
HQ 43 (Wx) Bde	1*b*	1*a*
HQ 145 (HC) Bde	1*b*	1*a*
HQ 101 Log Bde	1*b*	1*a*

STATIONS	UNION FLAGS	
	12ft x 7½ft	6ft x 4ft
Headquarters Royal Armoured Corps	1*b*	1*a*
Headquarters Royal Artillery Larkhill	1*b*	1*a*
Headquarters Royal School of Signals and Blandford Garrison	1*b*	1*a*
Headquarters Warminster Garrison	1*b*	1*a*
Royal Citadel Plymouth	1*b*	1*a*
Dover Castle	1*a*	
Walmer Castle	1*f*	
Duke of York's Royal Military School	1*b*	1*a*
Royal Military Academy Sandhurst	1*b*	1*a*
Royal School of Military Engineering Chatham	1*b*	1*a*
The Defence Academy Shrivenham	1*b*	1*a*
5TH DIVISION		
Headquarters	1*b*	1*a*
HQ 16 Air Assault Bde and Colchester Garrison	1*b*	1*a*
HQ 49 (E) Bde and Chilwell Station	1*b*	1*a*
HQ 143 (WM) Bde	1*b*	1*a*
HQ 160 (W) Bde	1*b*	1*a*
HQ 11 Sig Bde	1*b*	1*a*
HQ 1 MI Bde and Chicksands Station	1*b*	1*a*
Castlemartin Range	1*b*	1*a*
Castletown (Isle of Man)	1*b*	
6TH DIVISION		
Headquarters and York Garrison	1*b*	1*a*
HQ 2 Med Bde	1*b*	1*a*
LONDON DISTRICT		
Headquarters	1*b*	1*a*
Ministry of Defence Main Building	1*b*	1*a*
Royal Military School of Music		1*a*
HM Tower of London	1*ad*	
Windsor Castle	1*de*	
SCOTLAND		
Edinburgh Castle	1*b*	1*a*
Fort George	1*b*	1*a*
Army Personnel Centre, Glasgow	1*b*	1*a*
Queen Victoria School Dunblane		1*a*
St Kilda Detachment Royal Artillery Range Hebrides		1*a*
Stirling Castle	1*b*	1*a*
OVERSEAS		
CYPRUS		
Headquarters British Forces Cyprus	1*c*	1*a*
Residence of Commander British Forces Cyprus		1*a*
Headquarters Dhekelia Garrison		1*a*
Headquarters Episkopi Garrison		1*a*
GIBRALTAR		
Headquarters British Forces Gibraltar	1*c*	1*a*
Residence of the Commander British Forces Gibraltar		1*a*
Royal Battery (Rock Gun)	1*a*	
Devil's Gap Battery	1*c*	
FALKLAND ISLANDS		
Headquarters British Forces Falkland Islands	1*c*	1*a*
Residence of the Commander British Forces Falkland Islands		1*a*

Notes:

a. Daily

b. On Sundays, the Official Birthday of The Queen, Commonwealth Day and the following other anniversaries:

Jan 20 Countess of Wessex's Birthday
Feb 6 The Queen's Accession
Feb 19 The Duke of York's Birthday
Mar 1 St David's Day (Wales)
Mar 10 The Earl of Wessex's Birthday
Mar Commonwealth Day (Second Monday in March)
Mar 17 St Patrick's Day (Northern Ireland only)
Apr 21 The Queen's Birthday
Apr 23 St George's Day (England)
May 9 Europe Day
Jun 2 Coronation Day
Jun 10 The Duke of Edinburgh's Birthday
Jun 21 The Prince William of Wales's Birthday
Jul 17 The Duchess of Cornwall's Birthday
Aug 15 The Princess Royal's Birthday
Sep 15 The Prince Henry of Wales's Birthday
Nov Remembrance Sunday
Nov 14 The Prince of Wales's Birthday
Nov 20 The Queen's Wedding Day
Nov 30 St Andrew's Day (Scotland)

c. On anniversaries (*see* **note *b***) only when specially required for saluting purposes.

d. Special sizes may be supplied to Windsor Castle and HM Tower of London as demanded.

e. Instructions will be issued by the Constable and Governor of Windsor Castle.

f. Instructions will be issued by the Lord Chamberlain's Office.

ANNEX B(J) TO CHAPTER 8
FLAGS ON MOTOR CARS

(PARA **J8.101** REFERS)

Part 1 - Joint Service

1.	Chief of Defence Staff	Flag, distinguishing, dark blue, red and light blue horizontal bands, with a flag, Union, in the first quarter and, in the fly, the unified device surrounded by the Garter and surmounted by a crown.
2.	Vice Chief of Defence Staff; Chief of Defence Logistics; unified commanders in chief; Commandant, Royal College of Defence Studies and UK Military Representative, NATO Military Committee	Flag, distinguishing, dark blue, red and light blue horizontal bands, with a flag, Union, in the first quarter and, in the fly, the unified device surrounded by an oak wreath and surmounted by a crown.
3.	Deputy Chiefs of Defence Staff (Programmes and Personnel), (Commitments) and (Systems) and Chief of Defence Intelligence	Flag, distinguishing, dark blue, red and light blue horizontal bands, with a flag, Union, in the first quarter, and, in the fly, the unified device surmounted by a crown.
4.	Unified and operational commanders of 2 star rank; Head of British Staff Washington; Commandant, Joint Services Defence College and Commandant Joint Services Command and Staff College.	Flag, distinguishing, dark blue, red and light blue horizontal bands, with a flag, Union, in the first quarter and the unified device in the fly.
5.	Unified and operational commanders of one star rank; UK National Military Representative SHAPE; Chief of Staff to UK Military Representative NATO Military Committee; Deputy Fortress Commander and Officer Commanding Troops, Gibraltar.	Pennant, distinguishing, dark blue, red and light blue horizontal bands, with a flag, Union, next to the staff and the unified device offset to the right centre of the fly.
6.	Deputy SACEUR, Deputy SACLANT and NATO commanders in chief	Flag of rank or NATO Flag.
7.	Heads of British defence missions and delegations in the countries to which they are accredited	As for unified and operational commanders according to rank as in **paras 4 - 5**.
8.	Defence attachés and advisers	As for unified and operational commanders according to rank as in **paras 4 - 5**. Attachés below one star fly the pennant as in **para 5**.
9.	Commander, British Forces, Cyprus, when acting in his capacity as Administrator of the Sovereign Base Area	Flag Union.

Notes:

(1) Officers of flag rank and commodores entitled to fly a joint Service flag are to fly that flag and not the flag of their rank when acting in a joint Service capacity.

(2) At Gibraltar and Bermuda, where the offices of the governor and commander in chief are combined, the appropriate flag for use on the motor car is the flag, Union, with the approved arms or badge emblazoned in the centre, which is issued under arrangements made by the Foreign and Commonwealth office.

Part 2 - Royal Navy

1.	Chief of Naval Staff and First Sea Lord	White Ensign.
2.	Other naval members of the Admiralty Board	Flag appropriate to rank.
3.	A visiting flag officer or commodore in command in a foreign country	White Ensign.
4.	Naval Attachés and Advisers (if they are not also Defence Attachés or Advisers)	White Ensign.
5.	Heads of British Naval Missions and Delegations in the countries to which they are accredited	White Ensign.
6.	Admirals of the Fleet	Flag, Union.
7.	Flag officers other than those in **paras 1 – 2** and **6** above	Flag appropriate to rank.
8.	Commodores in command	Appropriate broad pennant.

Notes:

(1) Definition of 'Flag appropriate to rank':

(a) Admiral - White flag with a red St. George's cross.

(b) Vice-Admiral - As (a) with one red ball in upper canton nearest the mast.

(c) Rear-Admiral - As (a) with a red ball in each of the cantons nearest the mast.

(d) Commodores - White burgee with red St. George's cross, one red ball in the upper canton nearest the mast.

(2) In foreign countries it may well occur that several officers entitled to fly a White Ensign on their cars may be in the same place, *i.e.* during visits of Her Majesty's ships, *etc*.. On such occasions only the senior officer is to fly the White Ensign. When visiting officers of the rank of captain and below, the naval attaché, or head of the British naval mission, whether senior or not, is to fly the White Ensign on his car. In the absence of the naval attaché, or head of the British naval mission, the senior naval officer visiting a foreign country may, if a captain, RN, fly the White Ensign on his car when paying official calls. The intention is that no two cars should fly the White Ensign in the same place at the same time.

(3) Commodores in command include the Commodore AW.

Part 3 - Royal Marines

1.	Commandant General	A royal blue rectangular flag with a central device in yellow of an upright foul anchor surmounted by a St. Edward's Crown with a lion passant gardant surmounting the Crown.
2.	General and Lieutenant Generals	A royal blue rectangular flag as above, with a central device in white of an upright foul anchor; clear above the anchor is a St. Edward's Crown.
3.	Major Generals in command	As in **para 2**, but the flag is a rectangular swallow tail flag.
4.	Brigadiers in command	A royal blue triangular flag as above with a central device in white of an upright foul anchor.

Note:

(1) Colonels commandant fly the flag appropriate to their Royal Marines rank, or other appropriate flag if not entitled to fly a Royal Marines flag.

Part 4 - Army

1.	Chief of the General Staff	Flag, Union, with Royal Crest embroidered on both sides.
2.	Other military members of the Army Board	Flag, distinguishing (half red, half blue, divided horizontally), with Royal Crest embroidered on both sides.
3.	Commander in Chief Land Command and any Army Group Commander	Flag, Union.
4.	Commander in chief or general officer commanding a command or army or general officer (lieutenant general) commanding a formation in the United Kingdom (including General Officer Commanding Northern Ireland and Deputy Commander in Chief Land Command[1]).	Flag, distinguishing, HQ, of an army (red, black, red).
5.	Corps commander	Flag, distinguishing, HQ, of a corps (red, white, red).
6.	Divisional commanders 1(UK) Armoured and 3(UK) Divisions General Officer Commanding London District.	Flag, distinguishing, division or district (red swallow tail).
7.	*a*. Divisional commanders 2, 4 and 5 Divisions.	Flag, distinguishing, divisions or Scotland (green swallow tail).
8	Deputy commanders of divisions or districts	Flag, distinguishing, division or district (green pennant).
9.	Brigade commanders (to include artillery brigade; air defence brigade; engineer brigade; signal brigade and logistics brigade).	Flag, distinguishing, brigade (blue pennant).
10.	Senior staff officers, not below the rank of major general at the headquarters of commanders in chief.	Flag distinguishing, (half red, half blue, divided horizontally) at discretion of commander in chief.
11.	Chief of staff of major general in charge of administration in a command (including Director General Training Support Land Command).	Flag, distinguishing, headquarters of an Army (red, black, red) at discretion of the commander.
12.	The Master Gunner, St. James's Park (on official Royal Artillery occasions)	Royal Artillery Standard.
13.	Military Attachés and Advisers (if they are not also Defence Attachés or Advisers), Heads of British Military Missions and Delegations in the countries to which they are accredited.	Flag, Union defaced on both sides with the Army Crest (a crown with a lion on top and crossed swords).

Note: (1). Flags enumerated in **paras 4 – 13** are to bear in the centre of the flag the approved formation, district or area sign. In the case of commanders of the Royal Artillery and Royal Engineers specified in **para 9**, the formation sign will be on the upper corner of the flag next to the hoist and a gun (muzzle towards the hoist) or grenade, respectively, is to be placed in the centre of the flag.

[1] Commanding LAND Command Theatre troops, overseas detachments and collective training establishments. Inspector General of the Territorial Army.

Part 5 - Royal Air Force

1.	Chief of the Air Staff	RAF Ensign, in felt.
2.	Other RAF members of the Air Force Board	Royal Crown surmounted by lion passant guardant on a field of light blue (top) and dark blue (bottom) halves.
3.	CinCs, AOCinCs and Air commanders in commands abroad	RAF Ensign, in bunting.
4.	AOC in Cs commands at home (when not acting in the capacity of Air Force Board members)	Astral Crown on a light blue field.
5.	AOCs Groups and Air Headquarters; Air Officer Scotland and Northern Ireland; AOC and Commandant, RAF College; Commandant General, RAF Regiment (only when visiting RM Army and RAF units in his official capacity); AO Wales (only when making official visits to Service units or attending municipal functions in Wales); Air officers of Command Headquarters (only when making official inspections); Commandant Central Flying School (only when making official visits to Service units).	Astral Crown within the RAF Roundel, on a light blue field.
6.	Station commanders (within the bounds of their station or when attending municipal functions as the RAF representative)	RAF Roundel on a light blue field.
7.	Air Attachés and Advisers (if they are not also Defence Attachés or Advisers) in the country to which they are accredited; Heads of RAF Missions and Delegations in the countries to which they are accredited.	RAF Ensign, in bunting.

(*Note*: The flags described should be 12in x 6in in size.)

CHAPTER 9
Manning

PART 1 - OFFICERS

Appointments and Conditions of Service

9.001. Persons selected for appointment as officers in Her Majesty's Land Forces may be granted commissions by The Queen, unless already in possession of such commissions, and thereafter are to be granted such rank and seniority as may be determined and notified in the London Gazette under the terms of the Royal Warrant governing appointments, promotions and pay of the Army known as the Pay Warrant 1964 (**AC 14173**).

9.002. Conditions governing the grant of commissions in the Land Forces are contained in the Army Commissioning Regulations 1999 (**AC 13452**). Medical standards are contained in the PULHHEEMS Administrative Pamphlet 2007 (**AC 13371**). Rules to be used to determine an officer's age for official purposes are given in **Annex A** to this Chapter.

9.003. Personal and other Appointments.

a. Instructions regarding the appointment of officers to the personal staff of the Sovereign, the Royal Family, general officers and to certain miscellaneous appointments are contained in the **Pay Warrant**.

b. Details of appointments to HM Tower of London and the Royal Hospital, Chelsea, conferred by The Queen on field marshals or retired senior officers, are given in **Annex B Part 1** to this Chapter.

c. Conditions for appointments to Her Majesty's Body Guard, Military Knights of Windsor and Captains of Invalids are contained in **Annex B Part 2** to this Chapter.

9.004. All notifications affecting an officer's service, pay and personal particulars are promulgated officially in accordance with JPA Instructions.

Assignments

9.005.

a. An officer has no claim to serve in any particular unit of his corps and will be posted as the requirements of the Service may dictate. It will, however, be open to him to submit a written application to serve with any particular unit; the application will receive such consideration as the exigencies of the Service may permit.

b. Officers and Soldiers of the Regular Army and Territorial Army who are married to each other or are in a civil partnership will, as a general rule, be permitted to serve in the same unit or barracks. However, each case will be considered by the chain of command and treated on its merits. Individuals who are married to each other or in a civil partnership will not be permitted to serve together where one party is required to report upon the other or may be required to take disciplinary or administrative action against the other.

c. The posting of a husband, wife or civil partner to the same unit does not confer on either of them the right to any particular security of tenure within that unit nor to any subsequent posting to a unit together. In addition, co-ordinated hours of duty cannot be guaranteed.

9.006.

a. Joining instructions are to be included in assignment orders.

b. Detailed rules governing the lengths of overseas tours are laid down in **AGAI 60**.

c. Lieutenant colonels, substantive or acting, in command will normally be required to complete their period in command regardless of whether they become due during their tenure for reversion to the Home Establishment or for posting overseas.

Transfers

9.007.

a. An application from an officer to transfer from one regiment or corps to another regiment or corps is to be forwarded to the applicant's personnel branch, Ministry of Defence. It is to show the officer's reasons for transfer and is to be accompanied by the recommendations of his commanding officer, who is to certify that the transfer recommended does not originate in any cause affecting the honour, character or professional efficiency of the officer. A medical certificate showing the officer's PULHHEEMS assessment is to be forwarded with the application.

b. Applications for transfer to certain arms require additional information, and reference should therefore be made to Defence Council Instructions and AGAIs before submitting applications to the Ministry of Defence.

9.008. All applications for transfer other than from Intermediate Regular Commission (IRC) and Short Service Commission (SSC) officers will be considered by the Army Commissions Board, which may order an attachment on

probation, usually for not less than six months, before giving a final decision. All decisions of the Army Commissions Board on applications for transfer will be final.

9.009. In the case of transfers of IRC or SSC officers between different arms or corps, for infantry the transfer of Regular Commission (Reg C), IRC, and SSC Officers from one regiment to another within the same division or corps, or between divisions of infantry (including The Parachute Regiment and The Brigade of Gurkhas), the Army Commissions Board has delegated powers to the appropriate Arms Selection Board(s) less those of a contentions nature.

Promotion
9.010.

a. Rules for the promotion of regular officers up to the rank of brigadier and regular late entry officers up to the rank of lieutenant colonel, together with details of the selection board procedures, are given in **Pay Warrant 1964** and **AGAI 35**.

b. Officers promoted to the substantive rank of major general, lieutenant general and general are to be promoted in accordance with the **Pay Warrant 1964**, Article 114E and, to field marshal, under Article 116.

c. The qualifications and service required for the promotion of IRC, SSC, and SSC(LE) officers are laid down in the **Army Commissioning Regulations 1999** and **Pay Warrant 1964**.

9.011. Before officers are eligible for selection for promotion from lieutenant to captain and from captain to major they are required to qualify at the appropriate level of the Officer Career Development Programme. Details of this scheme are contained in the Officer Career Development Handbook (**AC 64257**).

Acting Unpaid Rank
9.012. Acting unpaid rank, which confers no financial benefits unless specifically allowed by regulations, may be granted:

a. When it is necessary to raise the status of an officer who, by virtue of his appointment, has to deal with officers of higher rank of other Services or the forces of foreign countries or senior officials and dignitaries, particularly of foreign governments.

b. To certain instructors at Army Colleges and Schools.

c. To a major of the Regular Army temporarily commanding an OTC unit, which is a lieutenant colonel's command, when the appointment is vacant; to an officer temporarily commanding a TA unit during annual camp training when the appointed commanding officer does not attend; and to camp commandants of TA and ACF camps when necessary.

d. To officers going overseas to take up appointments carrying the rank of lieutenant colonel or above, from the date of departure for overseas.

e. To officers who are posted to appointments carrying the rank of lieutenant colonel or above, from the date of joining the new unit and for the necessary period of take over.

f. To recruiting officers when necessary.

9.013. All recommendations for acting unpaid rank under **paras 9.012***a*, *b*, *c* and *f* are to be submitted through Military Secretary at the Army Personnel Centre (APC). For the rank of Colonel and above to be submitted through APC MS Senior Officer and for the rank of Lt Col and below to be submitted through APC MS Occurrence. In cases under **paras 9.012***d* and *e* the APC assignment order is to be the sole authority and the grant of acting unpaid rank is not to be published in Army Staff Orders or appropriate MS lists.

9.014. Except where disciplinary action under **para 6.150** is involved acting unpaid rank is to be relinquished on the date that the holder ceases to fulfil the function for which acting unpaid rank was granted.

Acting Rank or Substitution Pay (SUPA)
9.015. The rules for the grant, retention and relinquishment of acting paid rank or substitution pay by officers are laid down in **AGAI 35**.

Interviews
9.016. Officers on the Active List may, when in the United Kingdom, ask for interviews with the Military Secretary or his representative on personal questions relating to such matters as appointments and promotion. Except in special circumstances the Military Secretary himself will grant interviews only to officers holding the substantive rank of colonel or above.

9.017.

a. Officers in the United Kingdom may write to and be granted interviews by their personnel branch in the Ministry of Defence on personal service matters such as appointment, assignment, or transfer. Officers other than infantry officers are to keep their commanding officers informed of the purpose of any correspondence, and applications for interviews are to be forwarded through them. Infantry officers are to follow the same procedure except that correspondence should be addressed initially to Headquarters, Division of Infantry. Officers may also be granted interviews by other branches such as HQLF on the recommendation of the personnel branch.

b. Officers visiting the United Kingdom from overseas stations may be interviewed by their personnel branches without first submitting an application through their commanding officer, but should arrange an appointment, and on returning to their unit inform their commanding officers of the interview.

c. Officers serving overseas may apply through their commanding officers for interview with any appropriate staff officer visiting their command from the Ministry of Defence. Tours are made periodically by staff from personnel branches, Inspector of E2, HQLF, Inspector of Overseas Detachments and Headquarters of Divisions of Infantry.

d. See also **para 5.065** concerning problems of a strictly private nature.

9.018. Expenses in connection with interviews referred to in **paras 9.016 – 9.017** will not be admitted as a charge against public funds unless the officer has been summoned to the Ministry of Defence.

9.019. Reserved.

Premature Termination of Active List Service

9.020. Except as provided in **para 9.024**, no military authority other than the Defence Council may call upon an officer to retire, transfer to the RARO, relinquish or resign his commission, nor may any pressure be exerted on him to do so.

9.020A. The circumstances revealed at the trial of an officer by Court Martial may cast doubt upon his suitability for retention in the Service although the sentence did not include dismissal. The procedure to be followed is shown below:

a. Where an officer has shown himself by his actions to be unfit to hold his commission administrative action is to 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.

b. On promulgation of a Court Martial sentence which reflects adversely on the integrity or reputation of an officer, a commanding officer is immediately to make a report to higher authority in accordance with **AGAI 62**, para 62.048, even if an appeal petition to the Army Board of the Defence Council has been or may be submitted. The report will then be held at the Ministry of Defence (PS 2 (Army)) until the expiry of the time allowed for the submission of the appeal petition. If an appeal petition is submitted, then the report will not be passed to the Army Board of the Defence Council until they have made their decision on that petition.

c. The absence of any such report from the commanding officer does not preclude a higher authority, when considering the facts in the light of the officer's whole Service background, from deciding that appropriate action should be taken to terminate his service.

d. Exceptionally, even though trial by Court Martial has resulted in an acquittal, it may still be considered undesirable to retain the officer in the Service in view of the circumstances which are not in dispute, relating either to the officer or the incident for which he has been tried. In these circumstances the commanding officer should report his views to higher authority through the chain of command.

9.021. Any officer who, under the terms of the **Pay Warrant 1964**, Articles 253 or 255, is called upon to submit an application to retire, transfer to the RARO, relinquish or resign his commission may, should he so desire, also include therein a request to be accorded an interview with a member or deputy of a member of the Army Board in order that he may have an opportunity of further stating his case. If, as a result of such an interview, it is decided that the decision under the Articles quoted shall stand, his retirement, transfer to the RARO, relinquishment or resignation is to have effect from the date on which it would have been effective if the officer had not requested an interview.

9.022. At the discretion of the Defence Council and subject to such rules as they from time to time lay down, an officer may be permitted, at his own request, to terminate his service on the Active List. The rules are laid down in **AGAI 38**.

J9.023. An officer on retirement, or at any time following retirement, who wishes to accept employment with:

a. The government of any country, including a Commonwealth country, whose nationals do not owe common allegiance to the Crown, or,

b. Any organization owned, controlled or sponsored by such a government, or,

c. Any overseas police force, however it may be controlled,

will, in all but the most exceptional circumstances, be required to resign his commission. Before accepting any such employment, the officer must notify the Occurrences Wing of the APC. On termination of such employment, it is normal for an officer's commission to be reinstated on request. Where reinstatement of a commission is refused, the individual

retains the right of complaint to the Army Board. Receipt of Service retired pay between the time of resignation and reinstatement is normally unaffected.

9.024. Commissions subject to Confirmation. Instructions relating to the termination of commissions subject to confirmation, including those held on probation, are laid down in the Army Commissioning Regulations 1999 (**AC 13452**).

Residence Overseas on Completion of Active List Service

9.025. When a married officer serving overseas, whose family is not resident with him, applies to reside overseas after leaving the Active List, his commanding officer is, before forwarding the application, to signal the name and address of the officer's wife to the Ministry of Defence for confirmation that there are no objections, for family reasons, to the application.

Retention of Rank on Completion of Active List Service

9.026. The rules for the retention of substantive rank and the grant and retention of honorary rank by Regular Army Officers on leaving the Active List are contained in **Annex C** to this Chapter.

9.027 - 9.070. Reserved.

PART 2 - SOLDIERS' TERMS OF SERVICE

Applicability of these Regulations

9.071. Such regulations in this Chapter as substantially repeat parts of the **Army Terms of Service Regulations 1992** and the **Army Act 1955 (Part I) (Regular Army) Regulations 1992** in no way change those regulations, and are to be used for guidance only.

Rules for Determining the Age of a Soldier

9.072. The rules to be used to determine the age of a soldier are given in **Annex A** to this Chapter.

Periods of Enlistment

9.073. The Versatile Engagement. From 1 Jan 08 the Versatile Engagement replaced the Open Engagement for new Army entrants enlisting on or after that date.

a. *Short Career*. The Short Career is an engagement lasting 12 years from the date of enlistment. Personnel will have the opportunity to convert to a Full Career if they meet the conversion criteria and a manning requirement exists.

b. *Full Career*. A term of 24 years from the date of enlistment. Personnel will have the opportunity to convert to a Long Career, if they meet the conversion criteria and a manning requirement exists.

c. *Long Career*. A term initially of 30 years from the date of enlistment. Personnel will have an opportunity to extend their service beyond 30 years if they meet the relevant criteria and a manning requirement exists. This extended service will normally be granted in six year periods up to the NRA of 55yrs. The Long Career will subsume the current Long Service List (LSL) and individual capbadge Longer Service Schemes. Non Regular Permanent Staff (NRPS) posts will not be affected by the VEng.

d. Individuals will only progress to the next Career stage if the Army deems them to be suitable and they have either the skill set or potential to meet the manning requirement. Soldiers meeting the minimum criteria to convert will be boarded and the required number graded above a quality line will be selected and offered conversion to the next stage.

e. From 1 January 2008 to 31 July 2008 soldiers under the age of 18 years enter on the Versatile Engagement – Short Career with the right, after completion of at least three years service from the relevant date, to give 12 months notice to leave the Army. The relevant date in this context is the date of attestation.

f. From 01 August 2008 soldiers under the age of 18 years enter on the Versatile Engagement – Short Career service to the age of 18 years and thereafter for the balance of 12 years from the relevant date with the right to give 12 months notice to leave the Army after the completion of at least three years service from the age of 18 years. The relevant date in this context is the date of attestation.

g. From 1 January 2008 soldiers over the age of 18 years enter on the Versatile Engagement – Short Career with the right, after completion of at least three years service from the relevant date, to give 12 months notice to leave the Army. The relevant date in this context is the date of attestation.

9.073A. The Open Engagement.

a. From 1 January 1991 soldiers between the ages of 16 and 17½ enter on the Open Engagement - service to age 18 and thereafter for a period of 22 years service with the right to give 12 months notice to leave the Army after completion of at least two years service from age 18.

b. From 1 January 1991 soldiers aged 17½ or over enter on the Open Engagement - service for 22 years from age 18 or date of entry if later with the right, after completion of at least two years service from the relevant date, to give 12 months notice to leave the Army. The relevant date in this context is age 18 or three calendar months from attestation, whichever is later.

c. From 1 November 1999 soldiers between the ages of 16 and 17 years nine months enter on the Open Engagement - service to age 18 and thereafter for a period of 22 years service with the right to give 12 months notice to leave the Army after completion of at least three years service from age 18.

d. From 1 November 1999 soldiers aged 17 years nine months or over enter on the Open Engagement - service for 22 years from 18 or date of entry if later with the right, after completion of at least three years service from the relevant date, to give 12 months notice to leave the Army. The relevant date in this context is three calendar months from attestation.

There may be a liability for service on the Reserve. S*ee* **Part 7, para 9.478**.

9.074. The Notice Engagement.

a.

(1) The Notice Engagement applies to all soldiers who enlisted on this engagement between 1 May 1972 and 31 December 1990. It is for a period of 22 years reckoned from the relevant date, which is defined as the date of attestation, or 18th birthday, whichever is the later. Service from this date is known as 'reckonable service'.

(2) This engagement was not open to men enlisting into the Brigade of Gurkhas or for local service in Hong Kong.

b. Under the provisions of the **Army Terms of Service Regulations 1992**, Regulation 5, a soldier enlisted on the Notice Engagement has the right initially to terminate his colour service at the end of three years reckonable service, provided that 12 months notice is given under Regulation 5 of those regulations. For all women enlisted on the Notice Engagement 12 months notice is given under the same regulation for those who wish to terminate

their Colour service at the end of three years reckonable service. In the case of a woman enlisted for training as a state registered or state enrolled nurse the period is four years reckonable service.

c. On enlistment a soldier was required or may have been permitted to waive his right under **Army Terms of Service Regulations**, Regulation 10, to leave the Colours at the end of the three or four year period, as applicable, for the reasons as shown below:

(1) Men, *i.e.* male persons aged 17½ years or over:

(a) If on final approval of his enlistment a man had been accepted for training in an employment that would attract Band 2 or Band 3 rates of pay he had to commit himself to a minimum of six years Colour service, reckoned from the relevant date.

(b) Irrespective of the training he wished to undertake a soldier could apply to commit himself to either six or nine years, reckoned from the relevant date for Scale B or Scale C rates of pay as applicable.

(2) Young Soldiers, *i.e.* A male person enlisted between the day when he attained the age of 17 and the day before he reached 17 years and six months of age.

A Young Soldier could commit himself to further Colour service as in sub-para *e*(1).

(3) Junior entrants were enlisted into one of the following groups:

Group 1. Apprentice.

Group 2. Junior Bandsmen.

Group 3. Junior Leader.

Group 4. Other Junior Soldiers.

(a) A Junior Entrant finally approved for enlistment in either Group 1 or 2 was required, for the benefit of the training he was to receive, to commit himself to nine years Colour service, reckoned from his 18th birthday.

(b) A Junior entrant finally approved for enlistment in Group 3 or 4 was required, for the benefit of the training he was to receive, to commit himself to six years Colour service, reckoned from his 18th birthday. Alternatively if he wished to receive Scale C rates of pay he could apply to commit himself to nine years Colour service, reckoned from his 18th birthday.

9.075.

a. The Type S Engagement. This may be a fixed period of Colour service of six months or any complete period of years from 1-12 inclusive. This enlistment is open to applicants other than those enlisted into the Brigade of Gurkhas. A person should be enlisted on this engagement only if ineligible for enlistment on the Versatile Engagement by reason of age, length of previous service or any other cause.

b. The Special Type S Engagement. The special Type S Engagement allows a limited number of TA soldiers to serve an engagement of one year in the Regular Army.

c. The Type O Engagement. This enlistment is for a fixed period of Colour service of up to six years from the relevant date. It is limited to applicants who are specifically enlisting as potential officers.

d. The Type Y Engagement. This is for applicants aged between 16 years and 19 years seven months who enlist for a period of one or two years Colour service dependent on the period they have completed within the full time civilian education system. The enlistment dates from the day they join training units for full time paid duty. A person enlisted on this engagement may give 14 days notice at any time.

e. The Type R Engagement. A period of three years with the Colours. This enlistment is limited to persons who are to be enlisted for local service as a recruiter or for any other special employment (no longer used).

f. The Military Local Service Engagement (MLSE). Introduced on 1 Jan 97 the MLSE provides for the enlistment of persons over the age of 18 years for a period of three years Colour service reckoned from the date of enlistment. An MLSE soldier restricts his or her service to a particular area of the United Kingdom. Those enlisted on this engagement may apply to re-engage for further 3-year periods up to the age of 55 years. MLSE soldiers may give 90 days notice of their wish to be terminated provided that at their date of termination they will have completed at least one year's service or two if the soldier had to undertake a course of military training upon enlistment of not less than 10 weeks duration. Service on MLSE incurs no Reserve liability. Currently only used for AGC(MPGS).

9.076 – 9.077. Reserved.

Change of Engagement

9.078. Eligibility.

a. A soldier who enlisted and is still serving with the Colours on the engagements listed below may apply to change to the Versatile Engagement:

(1) The Open Engagement.

(2) The Notice Engagement.

b. A soldier serving on a Type S engagement will not normally be eligible to change to the Versatile Engagement, but provided that the applicant is within the age limits for the corps concerned and is qualified in all other respects the change may be authorized.

c. Soldiers enlisted for local service overseas cannot change to the Versatile Engagement.

9.079. Conditions. All applications to change to the Versatile Engagement are subject to the following conditions:

a. The application must be entirely voluntary. New entrants from 1 Jan 08 automatically enter on the Versatile Engagement.

b. The relevant date from which the Versatile Engagement is to reckon is to be the date of attestation or 18th birthday, whichever is the later.

c. A soldier who has waived his right to terminate his Colour service for a benefit or advantage, *e.g*. to attend a course of instruction or for secondment, is to remain restricted in the exercise of his rights until 12 months before the completion of the period of Colour service to which he is committed (*see* **para 9.086**).

9.080. Procedure and Documentation. All applications for change to the Versatile Engagement are to be dealt with in accordance with the instructions issued by the Army Personnel Centre (APC).

9.081 - 9.085. Reserved.

Prolongation of Service

9.086. A person serving on the Versatile Engagement or the Notice Engagement may consent in writing to be restricted in the exercise of his right to give notice to terminate his Colour service in consideration of:

a. Receiving a higher rate of pay (Notice Engagements only).

b. Being permitted to attend a course of instruction laid down in **AGAI 48**, Annex D.

c. Being permitted to transfer to another corps.

d. Being attached to a Commonwealth or foreign force.

e. Being reimbursed with legal and other expenses in connection with the purchase and sale of permanent unfurnished accommodation within the United Kingdom.

f. Being eligible for a partial or total refund of purchase costs, if he re-enters Army service after having been terminated or transferred to the reserve by Premature Voluntary Release under the provisions of the **Pay Warrant 1964** Article 506.

g. Any other benefit or advantage.

9.087. Reserved.

9.088. A soldier who is selected for and who is willing to attend a course of instruction and who is not committed to serve for the residual period of Colour service to be given after the completion of the course as laid down in **AGAI 48** is to waive his rights in accordance with the instructions laid down in that Instruction. If the waiver is conditional upon the successful completion of the course it may be held in abeyance until the outcome of the course is known. Then, if the soldier fails the course through no fault of his own, it may be cancelled. Full instructions regarding these procedures are laid down in The Personnel Administration Manual (PAM) (**AC 63791**).

9.089. The detailed instructions regarding the period of service for which the soldier must be committed should he wish to transfer from his present corps to another corps are laid down in **AGAI 48**.

9.090. A soldier who has applied for and been accepted for loan service with a Commonwealth or foreign force as laid down in the Loan Service Manual (Revised 1988) (**AC 14295**) and who is not committed to serve beyond the date on which the proposed period of loan is due to end is to waive his right to terminate his service for the required period. The period should include the full period of the loan plus any resettlement and disembarkation or terminal leave to which the soldier may eventually be entitled. The procedure is similar to that for attendance on a course of instruction as given in **para 9.088**.

9.091. If it is considered that a soldier is to receive any benefit or advantage other than those provided in **para 9.086***a - e*, he is not to be restricted in his rights to terminate his service until the case has been submitted to Ministry of Defence (DM(A)), through the APC.

9.092. The detailed instructions regarding the period of service for which a soldier must be committed should they wish to terminate their service having attended certain training courses, are laid down in **AGAI 48**.

Extension of Service

9.093. Type S Engagements. Soldiers enlisted on the Type S engagement may extend their service by one, two or three years at a time up to a total of 12 years. Any further period of extension beyond 12 years is to be effected by termination and re-enlistment. Such extension should be exceptional and only authorized when the person is ineligible for service on the Versatile Engagement.

9.094. Brigade of Gurkhas. A Gurkha soldier serving on a Gurkha engagement may extend his service by three or four years at a time up to a total of 12 years. Any further service to be undertaken is to be effected by termination and re-enlistment.

9.095. Personnel enlisted for Local Service. Soldiers enlisted on the MSLE may apply to extend their service by periods of three years or if he will attain the age of 55 before the expiry of such a period, until the date on which he attains that age. The APC is the competent military authority authorized to approve applications to extend service.

9.096. Periods of Extension. The minimum period for which an extension of service may normally be granted is six months. Applications for a period of more than six months should be for a period which is a multiple of six months. Where the extension of service is required for a special period which is not a period of six months or a multiple thereof, the reasons should be fully stated to the APC when the application is submitted.

9.097. Competent Military Authority. For the purpose of approving or refusing applicants for extensions of service laid down in **paras 9.093 – 9.096** the competent military authority is the APC.

Continuance in Army Service

9.098. General. Subject to the conditions contained in the following paragraphs, a soldier may be allowed to continue in Army service, provided that:

a. He is efficient, well behaved and medically suitable.

b. Suitable employment is available and continues to be available in his current substantive rank or in a lower rank to which he may voluntarily revert.

9.099. Types of Continuance. Continuance may be authorized for soldiers for:

a. *Career Continuance*. Granted initially for periods up to five years to provide an extended career for selected individuals to meet service needs. Individuals selected for Career Continuance may be required to serve at regimental duty in their own arms and corps, at E2 or in another arm or corps on transfer (or two years if serving on the Versatile Engagement) after five years.

b. *A Period of Limited Continuance for Reasons such as*:

(1) *For Pension Purposes*:

(a) To enable a warrant officer class 1 to complete two years in the rank so that he may be awarded a pension at the rate for that rank (*see* **para 9.104**).

(b) To make up non-reckonable service for a pension (*see* **para 9.105**).

(2) *For Manning Reasons*: to fill appointments of a short term nature to meet service or individual needs for which Career Continuance is not appropriate.

9.100. Reserved.

9.101. Applications. An application for continuance may be submitted as follows:

a. By a soldier on the Open Engagement, the Notice Engagement or the 22-Year Engagement - at any time after the completion of 18 years continuous service, reckoned from the relevant date. Such an application will not prejudice the right of a soldier to give notice to transfer to the reserve.

b. By a soldier whose Colour service has not been continuous and who on the completion of his current engagement will complete 22 years reckonable service - at any time after the completion of 21 years reckonable service.

c. The appropriate Divisional Colonel Manning and Career Management may, having granted a period of continuance, withdraw this offer of continuance and terminate the soldier at his 22 year point, if the soldier fails to maintain the standards required by **para 9.098***a*.

9.102. Duration of Continuance. Continuance beyond end of current engagement may be authorized initially for a period not exceeding five years. Subject to the conditions of **para 9.098** this initial period may subsequently be extended by further periods of continuance not exceeding five years at a time and applications for such extensions may be submitted as follows:

a. Where the previous period of continuance exceeded two years - at any time during the last two years of that period.

b. Where the previous period of continuance was two years or less - at any time during that period. Continuance in Army service will not normally be authorized beyond the age of 55 and the final period of continuance which may be authorized to enable a soldier to remain in service until that age should be limited in duration so as to terminate on his 55th birthday.

9.103. Retention after the Age of 55. Should it be considered necessary, in the interests of the Service, to retain a soldier beyond the age of 55 application is to be made by the commanding officer, through the APC, to the Ministry of Defence (DM(A)) for consideration. The soldier's application in the form of a completed copy of **AF B 6848** should be forwarded together with a full explanation as to why it is necessary to retain the applicant and why the post cannot be filled by a younger soldier. The APC when forwarding the application, is to state whether it supports the application or not. Should the application be approved, continuance will be limited to one year at a time up to a maximum age of 60.

9.104. Rank Assessment for Pension Purposes. Under the provisions of the Army Pension Warrant 1977, Article 143, the rank for assessing pension shall be the highest rank held for a period of two or more years during the last five years of Colour service preceding the soldier's run out date. A warrant officer class 1 who at the end of his 22 years reckonable service will not have completed two years in that rank may apply to continue in service in order to do so. Such continuance is not to be refused by the appropriate Divisional Colonel Manning and Career Management Division without the authority of the Ministry of Defence (DM(A)). For this purpose periods during which the soldier held the acting rank of warrant officer class 1 during the last five years Colour service shall count in addition to the period during which he has held the substantive rank.

9.105. Reckonable Service for Pension Purposes. In order to safeguard the pension rights under Armed Forces Pension Scheme 1975 of a soldier who at the end of his current engagement will have completed 22 years service after attaining the age of 18 years, he is to be given the opportunity to continue to serve to make up any non-reckonable service as defined in the **Army Pensions Warrant 1977**, Article 140, unless such non-reckonable service results from a period in the Regular Reserve in which case the making up of the non-reckonable service will be at the discretion of the APC. All cases where the soldier has non-reckonable service for pension on his current engagement as a result of having transferred his pension rights out of the Armed

Forces Pension Scheme are to be referred to DM(A) with the recommendations of the APC. The grant of continuance for this purpose will be at the discretion of DM(A) and it will be subject to the overriding manning situation.

9.106. Procedure. Except where otherwise stated, the APC concerned is the competent military authority for the authorization of continuance. Detailed executive instructions for the authorization of such continuance are published in **AGAI 46**.

9.107. Notice to Terminate. A soldier serving on continuance beyond 22 years may, unless he has waived his right to terminate his Colour service in consideration of any benefit or advantage as given in **para 9.086**, claim his termination at the expiration of six months reckoned from the date on which he gives notice in writing to his commanding officer of his wish to be terminated. The commanding officer may, with the concurrence of the APC, reduce this period of notice in the interest of the soldier but, before doing so, should ensure that the soldier has at least 22 years reckonable service for pension under Armed Forces Pension Scheme 1975 as defined in the **Army Pensions Warrant 1977**. Such termination is to be carried out under **para 9.390**.

Reckonable Service

9.108. Definition - Relevant Date. The relevant date from which a soldier's service, on a current engagement, is to be reckoned, is as follows:

a. In the case of men the relevant date is:
  (1) For those enlisted before 1 January 1962, the date of attestation.
  (2) For those enlisted on or after 1 January 1962, the date of attaining the age of 18 years or date of attestation, whichever is the later.

b. In the case of women the relevant date is:
  (1) For those enlisted after 1 January 1962 and before 1 August 1967, the date of attaining the age of 18 years or the date of attestation whichever is the later.
  (2) For those enlisted on or after 1 August 1967 and before 1 April 1975, the date of attestation.
  (3) For those enlisted on or after 1 April 1975 the date of attaining the age of 18 years or the date of attestation, whichever is the later.

c. The relevant date for all those enlisting on or after 1 January 2008 is the date of attestation.

9.109. Former Service. The conditions under which former full time paid service on a previous engagement in the Army or on an engagement in the Royal Navy, Royal Air Force or any of the former armed forces in India, Burma, or any of the Commonwealth or Colonial forces or the equivalent women's services may count as reckonable service for pay and pension purposes are given in the **Pay Warrant 1964** and the **Army Pension Warrant 1977** respectively.

Forfeiture and Restoration of Service

9.110.

a. In accordance with the provisions of sections 17 and 81 of the **Army Act 1955** a soldier who is convicted by Court Martial of desertion or, being liable to trial, has had his trial dispensed with under the provisions of section 81 of the **Army Act 1955**, forfeits previous service for the period for which he is convicted or confesses to being a deserter.

b. A soldier who so forfeits service is liable to serve as if his service had begun on the appropriate date as calculated in accordance with section 17(3) of the **Army Act 1955**.

c. Under section 132(2) of the **Army Act 1955**, a soldier who has served continuously in an exemplary manner for not less than three years as a soldier of the regular forces is not liable for trial for an offence of desertion (other than on active service) committed before the beginning of such three years.

d. Section 17(7) of the **Army Act 1955** provides that the provisions as to forfeiture of service dealt with under that section do not apply to a soldier who has continued in service beyond 22 years.

9.111.

a. A soldier who has forfeited service as stated in **para 9.110***a* is ineligible for restoration of such service. However, under the provision of the **Army Act 1955 (Part 1) (Regular Army) Regulations 1992**, Regulation 11, a soldier who has forfeited service as a part of his sentence prior to 1 July 1972 (the effective date of the **Armed Forces Act 1971**), will become eligible for consideration of restoration of service on promotion to the rank of sergeant, or, if not so promoted, on completion of 18 months clear of an adverse entry on his regimental conduct sheet, the 18 months to reckon:
  (1) For a soldier sentenced to a period of imprisonment or detention (whether or not suspended), in respect of the offence for which service was forfeited or in respect of any subsequent offence for which a regimental entry is incurred - from the date of the termination of the period of imprisonment or detention.
  (2) For a soldier not sentenced to any period of detention or imprisonment as aforesaid, from the date of his conviction or on which the order dispensing with his trial was made, or if he had incurred an adverse entry on his regimental conduct sheet by committing a later offence not involving a sentence of detention or imprisonment, from the date of the commission of the later offence.

b. The following conditions govern cases falling under sub-para *a*:
  (1) Periods for which a soldier has forfeited pay when incurring a regimental entry do not count towards the 18 months service, but such periods do not otherwise disturb the continuity of that service.

(2) If a soldier on a 22 year engagement, whether enlisted on such engagement or deemed to have been enlisted on such engagement, has forfeited service on account of desertion, the date on which he has the right to terminate his Army service is determined in relation to the date of his conviction or the order dispensing with trial as the case may be, and is not altered by any subsequent restoration of service.

(3) Under the **Army Act 1955 (Part 1) (Regular Army) Regulations 1992**, Regulation 11, a soldier is required to elect whether or not he will accept such restoration of service before service is restored. The choice will be entered in his record of service and as a consequence of **Regulation 11(2)** cannot be altered subsequently.

c. The **Army Act 1955 (Part 1) (Regular Army) Regulations 1992**, Regulation 11(2) provides that in cases of desertion the amount of service to be restored will exclude the period in which the soldier was in a state of desertion.

9.112. The **Army Act 1955 (Part 1) (Regular Army) Regulations 1992**, Regulation 11 is sufficient authority for the restoration of forfeited service as provided for in that paragraph and will be quoted in records of service accordingly. Two aspects are stressed:

a. Although the restoration of service is the responsibility of the brigade commander, it will be the duty of the APC to draw attention to any failure to comply with the provision of **para 9.111**.

b. When a soldier is required as in **para 9.111** to elect whether or not he will accept restoration of service, care should be taken to explain to him, if he is affected, that, where forfeited service was followed by a period of desertion for more than five years such service, if restored, although counting towards engagement and termination, cannot count as reckonable service for pay and pension.

Rejoining the Colours

9.113. Re-entry from the Army Reserve.

a. A soldier of the Army Reserve, Section A may apply to the APC to rejoin the Colours. If the application is accepted the soldier is to be treated as if he had not been transferred to the Army Reserve and as if his Army service had continued while he was serving in the Army Reserve, subject to the following conditions:

(1) If having enlisted for a term partly of Army service and partly of service in the Reserve, he will, on rejoining, be committed to serve for the balance of his reserve service. If the unexpired period of that service is less than one year he is to be required to prolong his service for a period of more than one year by either changing to the Versatile Engagement or by extending his service as may be applicable, (*see* **para 9.078**).

(2) If serving on the Notice, Open or Versatile Engagements, on rejoining he will be committed to serve for three years reckoned from the date of rejoining for full time service but he may, in order to receive any benefit or advantage listed in **para 9.086**, agree to be restricted in his rights to give notice to terminate his Colour service.

(3) Notwithstanding sub-paras (1) and (2) above, a member of the Territorial Army with an Army Reserve liability held in abeyance, may be allowed to rejoin the Regular Army.

b. An application from a soldier of the Army Reserve who wishes to re-enter Army service is to be dealt with as laid down in **Recruiting Instructions Regular Army**.

9.114. Re-enlistment. Subject to the conditions and the age limits as laid down in Recruiting Instructions Regular Army, an ex-regular soldier who applies to re-enlist may be re-enlisted on the Versatile Engagement. If the applicant is over the age limit but qualified in all other respect he may be re-enlisted on a Type S Engagement (*see* **para 9.075**), normally for a minimum period of three years or for such longer period, up to a maximum of 12 years, provided the APC can sustain full employment of the applicant.

9.115. Rank on rejoining the Colours.

a. When an ex-regular soldier is permitted to rejoin the Colours, as laid down in **paras 9.113 – 9.114** in his former corps within 12 months of termination of Colour service, he is to be regranted his former substantive rank, provided there is a vacancy and he is qualified. His seniority for whatever rank is granted is to be adjusted at the discretion of the APC.

b. When an ex-regular soldier is permitted to rejoin the Colours in his former corps, if 12 months or more have elapsed since he terminated his Colour service, former rank is not normally to be granted. The APC may, however, re-grant rank when it is in the interests of the Service to do so and the adjustment of seniority is to be at his discretion.

c. If an ex-regular soldier is permitted to rejoin a different corps the re-grant of rank under a and b is to be subject to vacancy, suitability and possession of the necessary qualifications, at the discretion of the APC.

9.116. Reckoning of Previous Service. At the time of rejoining the Colours an ex-regular soldier should be informed:

a. Whether his previous service may be reckonable for:

(1) Pay purposes - under the provisions of the **JSP 754**.

(2) Pensions purposes - under the provisions of the **Army Pensions Warrant 1977**, Articles 138 and 141.

b. That by undertaking to serve with the Colours for not less than three years he will be entitled to a partial or total refund of purchase costs had he previously terminated his Colour service by Premature Voluntary Release, (*see* the **Pay Warrant 1964**, Article 506).

9.117 9.124. Reserved.

PART 3 - SOLDIERS' PROMOTION, RANKS AND APPOINTMENTS

General

9.125. Regulations for career planning, ranks, seniority, appointments and employment during peacetime are laid down in subsequent paragraphs. Any variations which may be necessary for war will be the subject of special instructions which will be issued by the Ministry of Defence (DM(A)).

Career Planning and Promotion

9.126. Career planning is necessary to offer soldiers the best possible career prospects consistent with their ability and to ensure that the need of the Army for warrant officers and NCOs is met. There are four essential steps in the career planning process:

a. The Target Structure and Management Plan System for measuring and regulating future promotion opportunities. This is fully explained in **AGAI 47**.

b. The confidential reporting system, as outlined in **Chapter 5, Part 12** of these regulations.

c. Control over length of service (*see* **para 9.136**).

d. Promotion policies based normally on merit, which may incorporate experience in the rank as laid down in **para 9.136**.

9.127. There are three types of rank:

a. Substantive rank (*see* **paras 9.128 – 9.146**).

b. Acting rank (*see* **paras 9.147 – 9.158**).

c. Local rank (*see* **paras 9.160 – 9.162**).

Substantive Promotion

9.128. Promotion policy is an integral part of the career planning process and governs the future prospects of the entire career employment group. The procedure for the promotion of soldiers of regiments and corps of the British Army normally based in the United Kingdom and serving on regular or short service engagements and soldiers of the Army Reserve on recall is to be as detailed in subsequent paragraphs. The particular conditions under which this policy may also be applied to non Europeans enlisted locally for service with units of the British Army will be notified by special regulations or instructions issued by the Ministry of Defence. The procedure for soldiers serving on short service engagements and any other similar engagements which may later be introduced, will be notified by the Ministry of Defence in Defence Council Instructions. The rules governing promotion are shown in the following paragraphs:

a. Eligibility for selection, **paras 9.133 – 9.135**.

b. Selection and promotion policy, **paras 9.136 – 9.137**.

c. Limitation and notification of promotion, **paras 9.138 – 9.146**.

9.129. Within each arm or service soldiers of similar skills and employments are grouped together for promotion purposes into career employment groups (CEGs). Specific rank promotion rolls are to be maintained, within these groupings, for all soldiers including those at employment category E2 or E3.

9.130. The quota of substantive ranks for each arm or service is authorized by the Ministry of Defence in relation to the overall establishment of that corps. In addition a separate quota is authorized for soldiers serving on the Long Service List. Details are notified by the Ministry of Defence to respective Divisional Colonels Manning and Career Management, who are responsible for ensuring that the quota is not exceeded. The latter are, therefore, responsible for controlling promotion. They may, however, delegate authority to promote to substantive rank in accordance with the established custom of the arm or service, in which case details are to be notified through the medium of regimental or corps memoranda or orders.

9.131. Promotion to substantive rank may be made:

a. To fill the quota referred to in **para 9.130**.

b. In accordance with the provisions of the Pay Warrant 1964 for soldiers promoted by time; soldiers who are eligible for promotion by time will not also be eligible for promotion by vacancy (*see also* **para 9.135**).

c. For distinguished service in accordance with the provisions of the **Pay Warrant 1964**.

9.132. Although the eligibility rules, **paras 9.133 – 9.135**, apply to promotion by vacancy or time, the selection procedures outlined in **paras 9.136 – 9.137** apply only to those career employment groups in which promotion is by vacancy. In general the manning and records promotion procedure starts at the rank of corporal or lance corporal depending upon the requirements of the arm or service director. Promotion of private soldiers to the rank at which the system starts to operate is on the basis of recommendations by commanding officers and the approval of the appropriate Divisional Colonel Manning and Career Management.

Eligibility for Selection

9.133. General. To be considered for substantive promotion a soldier must normally:

a. Have an unqualified recommendation for promotion by his commanding officer. In the case of soldiers of the Household Cavalry, RAC, Foot Guards and Infantry who are serving at employment category E2, E3 or on Loan Service, the appropriate Divisional Colonels Manning and Career Management are normally to seek advice regimentally that the soldier is up to the standard of the higher rank at regimental duty.

b. Possess the necessary experience in the rank as laid down by the arm or service director, or in the case of time promotion, the minimum reckonable service as required by the Pay Warrant 1964.
c. Possess the necessary educational, military and employment qualifications, as laid down in **para 9.134**.
d. Not be in captivity (*see* **para 9.146**).
e. Have 12 months residual service, calculated from the beginning of the promotion year, to be eligible for substantive promotion. If, in the interests of the Service, it is considered that an individual should be promoted with less than 12 months residual service, a case should be made by Divisional Colonels Manning and Career Management to Deputy Military Secretary who may approve on a case by case basis.

9.134. Qualifications for Promotion. A commanding officer is to ensure that all warrant officers, NCOs and soldiers receive adequate instruction and preparation in the qualifications required for promotion. The minimum qualifications required for substantive promotion are set out in subsequent sub-paragraphs. In the case of acting rank, *see* **para 9.148***b*.

a. Educational Qualifications. The following courses must be attended before substantive promotion to the ranks shown:
(1) WO CLM Parts 1 and 2 - Warrant Officer 2.
(2) SNCO CLM Parts 1 and 2 - Sergeant (or equivalent).
(3) JNCO CLM Parts 1 and 2 – Corporal (or equivalent).

In addition NCOs must be graded competent in all competence areas before they are considered for promotion to higher ranks.

b. Military Qualifications. Details of military qualifications required for substantive promotion are published in regimental or corps orders and may not be varied without Ministry of Defence (DM(A)) authority.

c. Employment Qualifications.
(1) For substantive promotion to the rank of sergeant and above, a soldier is required to hold the highest classification open to his employment; for substantive promotion to the rank of corporal the second highest classification open to his employment; for promotion to the rank of lance corporal the lowest classification open to his employment. A higher or lower standard will be adopted on the authority of the Ministry of Defence (DM(A)) only.
(2) Full details of the employment qualifications required for substantive promotions are to be found in regimental or corps orders.
(3) Details of Army or civilian qualifications required for certain technical appointments will be notified in **AGAIs, Volume 2**, or in regimental or corps instructions.
(4) Unless the Inspector Army Music gives special approval to the contrary, a candidate for appointment as a bandmaster must have qualified at a student bandmasters' course at the Royal Military School of Music.

d. Age.
(1) A warrant officer, class 2 will not normally be eligible for substantive promotion to warrant officer, class 1, after his 42nd birthday. In exceptional cases, subject to the approval of the Ministry of Defence arm or service directorate concerned, warrant officers, class 2 who are over the normal age limit may be eligible for substantive promotion to warrant officer, class 1 up to their 45th birthday.
(2) Any extension beyond the age limit of 45 years as laid down in (1) will require special consideration and cases are to be referred to the Ministry of Defence (DM(A)) through the directorate concerned, with full supporting details.
(3) Applications for extensions beyond the age limit are to be submitted by appropriate Divisional Colonel Manning and Career Management to the Ministry of Defence (DM(A)) The form of submission will be notified to the appropriate Divisional Colonel Manning and Career Management by the Ministry of Defence directorate.
(4) The age limit at (1) is not to apply when a substantive warrant officer, class 2 has held the rank of acting warrant officer, class 1 for a period of not less than 90 days (or for any greater period which may be ordered by his arm or service) immediately before reaching the age limit, provided that he retains his acting rank without break until the effective date of his substantive promotion to warrant officer, class 1 and that this date occurs before his 43rd birthday.

e. Rank..
(1) Before selecting a warrant officer, class 2 for promotion to the rank of warrant officer, class 1, the Army Personnel Centre (APC) is to ensure that the soldier is still recommended and fully qualified for promotion to that rank.
(2) A soldier below the rank of substantive warrant officer, class 2 will not normally be eligible for promotion to warrant officer, class 1 except as bandmaster. (*See* **para 9.134***c*(4)).
(3) Normally a soldier should hold the substantive rank immediately below that for which he is being considered for promotion. Selection to the rank of warrant officer, class 2 will normally be made from soldiers holding the substantive rank of staff corporal or staff sergeant; if no suitable staff corporal or staff sergeant is available, selection may be made from soldiers who hold the substantive rank of sergeant.
(4) Special Cases. *S*oldiers specially enlisted into, or transferred to, certain corps to fill appointments for which specific minimum ranks are authorized may be promoted to such ranks on completion of the period of probation or training, or as laid down in specific regulations or instructions.

9.135. Time Promotion Restriction. A soldier promoted by time shall not be eligible for promotion by vacancy unless it is intended that he is to perform duty in the vacancy into which he is promoted and ceases to be subject to promotion by time. Should he at any future date assume an appointment, with the concurrence of the APC where promotion is governed by time his rank is to be assessed in accordance with the conditions laid down in the Pay Warrant.

Selection and Promotion Policy

9.136. Selection. The main feature of the policy is that once a soldier becomes eligible for promotion, selection will normally be based on merit. Seniority in the rank is a measure of the experience gained in that rank and as such is a consideration in this selection process. The extent to which rank, seniority or experience is reflected in the overall merit assessment of individual soldiers is a matter for the respective regiment or corps, since the employment requirement may demand a different ratio of ability and experience. The selections made may be regulated where necessary in the career interests of the entire career employment group.

9.137. Promotion.

a. Promotion Selection Boards are responsible for considering those eligible for promotion. The Promotion Selection Board is to make selections in accordance with the guidelines provided by the APC.

b. The APC has the ultimate control of promotions to meet the manning requirements.

Limitations and Notification of Promotion

9.138. Supernumeraries in a substantive rank in any corps are to be counted against the total establishment of that rank for that corps. This authorized establishment may not be exceeded without prior approval of the Ministry of Defence directorate concerned. This rule does not preclude the filling of vacancies by promotion into specialists' appointments but the prior approval of the Ministry of Defence directorate concerned is to be obtained in all cases.

9.139. The effective dates of promotion are to be as follows:

a. When a vacancy for a warrant officer or NCO occurs through a change in establishment, promotion is to be effective from the date as authorized in the revised establishment.

b. When a vacancy for a warrant officer or NCO occurs through death, termination, promotion or reversion in rank, the successor is to be promoted, if he is qualified, from the day following such occurrence.

c. Where there is no soldier qualified to fill a vacancy in a rank on the date such vacancy occurs the soldier eventually selected will be promoted from the date of qualification, and his promotion is not to be antedated to the original date of the vacancy.

9.140. Subject to **para 9.141**, when a promotion to the rank of warrant officer or non commissioned rank has been approved by the authorizing officer, such promotion is not complete and final until it is published in JPA process of the unit on whose strength the warrant officer or NCO is then borne. Thus a commanding officer retains authority over the promotion of a soldier while the soldier is serving under his command.

9.141. In cases where acting rank has been erroneously granted the commanding officer is to order the holder to relinquish the rank and ensure that a JPA occurrence is immediately actioned cancelling the erroneous grant of acting rank. The date of the cancellation will be the date of the issue of the JPA occurrence in which the cancellation is recorded.

9.142. Vacancies in the rank of warrant officer, class 1, with the appointment of bandmaster are to be filled by the promotion of qualified students nominated by the Inspector Army Music in accordance with the following procedure:

a. A bandmaster on first appointment from the Royal Military School of Music is to be promoted substantive sergeant (if he holds a lower rank) and granted the acting rank of warrant officer, class 1, for a probationary period of 12 months.

b. At the end of the probationary period, and where the commanding officer considers him suitable, the bandmaster is to be promoted warrant officer, class 1, and be given seniority retrospective to a date determined by the Inspector Army Music.

c. If the bandmaster is not considered suitable, the commanding officer, in consultation with the Inspector Army Music, is to request posting action and order the bandmaster to revert to his substantive rank.

9.143. Warrant officers, class 2, who for other reasons are no longer to be considered (on the advice of the promotion board) for promotion to warrant officer, class 1, are to be informed of this decision. These notifications are to be made by the APC and transmitted through commanding officers.

9.144. The grant or relinquishment of the appointment of regimental quartermaster sergeant or equivalent is to be recorded on JPA particularly in cases where the grant of this appointment renders the incumbent eligible to be registered for a regular late entry commission.

9.145. When promotion to the substantive rank of warrant officer has been approved, application is to be made by the appropriate Divisional Colonel Manning and Career Management to the Occurrence Wing, Manning and Career Management Support Division (Parchments) for the preparation and issue of a warrant.

9.146. Captivity - Soldiers taken Prisoner or Kidnapped. A soldier who is taken prisoner of war in the course of warlike operations, or who is kidnapped by a hostile force in other circumstances, is to be treated as follows:

a. Promotion by time, if applicable, is to continue. The recommendation required by the relevant provisions of the **Pay Warrant 1964** is to be waived, but such promotion is to be reviewed at the end of a period of 12 months from the date on which the soldier is taken on the posted or permanently attached strength of a unit after any leave or hospital treatment granted to him on repatriation or escape. If the soldier then fails to fulfil the qualifications appropriate to his new rank or fails to receive the recommendation of his commanding officer he will revert from the day following the completion of the 12 months period defined above to the substantive rank held by him at the time of capture, or if higher, to the rank for which he is qualified and recommended under the Pay Warrant. The promotion of soldiers who have forfeited pay under section 145(2) of the **Army Act 1955** will be considered by the Ministry of Defence (DM(A)).

b. A soldier is not eligible for substantive promotion by vacancy while he is in captivity. However, he is to retain his position on the promotion roll and, provided he is recommended for promotion within 12 months of joining a unit for duty after release from captivity, he is to be considered for promotion into the first available vacancy, and if selected, his seniority is to be adjusted to the position he would have held had he not been taken prisoner.

c. *See also* **para 9.155** regarding acting rank.

Grant of Acting Rank

9.147. The Ministry of Defence lays down from time to time the percentage of the corps or regimental establishment of warrant officers and NCOs, which may be filled by substantive ranks. The balance which is not filled by substantive ranks, plus any deficiency resulting from holders of substantive rank being temporarily non effective, may be made up by the grant, under the control of the APC of acting rank in accordance with the provisions of **paras 9.148 – 9.151**.

9.148.

a. Acting rank may be granted to a soldier who is posted into or who is appointed to fill a vacancy in an establishment which carries a higher rank than his substantive rank. Normally acting rank cannot be granted when a soldier with the appropriate substantive rank is available to fill a vacancy. A soldier who is eligible for promotion by time will not be granted acting rank except when the approval of the Ministry of Defence (DM(A)) has been obtained.

b. The qualification rules for substantive rank in **paras 9.133 – 9.134** are not required for the grant of acting rank. However, as acting rank confers upon the individual extra prestige, pay and pension, it should be exceptional for the warrant officer or NCO not to be fully qualified and recommended for promotion. Note that the educational qualification is not required. Furthermore, the Ministry of Defence directorate concerned may lay down certain minimum standards to apply to warrant officers and NCOs holding acting ranks in a particular group of ranks and employments. In selecting soldiers to fill appointments temporarily in their units, commanding officers should be guided by these principles, but they have absolute discretion to select whoever appears to be most suitable, regardless of qualifications. However, if a warrant officer or NCO who is granted acting rank is relatively junior, or is unqualified, the APC may arrange a replacement and this should be explained at the time he is granted acting rank.

c. Where a rank range is shown against a post in an establishment, the grant of acting rank is only admissible to the lowest of the ranks in the range specified.

d. A soldier is not to be regarded as performing the duties of an appointment and so be granted the appropriate acting rank so long as the actual holder of the appointment remains on the posted or permanently attached strength of the unit except that:

(1) When the holder is absent from his unit and is subsequently struck off the strength of his unit on account of such absence (whether for sickness or other causes) or

(2) When the holder has handed over his appointment but remains on the posted strength of his unit pending posting to next unit, the appointment will be regarded as having been vacant from the date of notification of absence or the day following the completion of the handover as the case may be.

e. Acting rank may not be granted to a soldier filling an officer's post.

9.149. When a vacancy occurs in a unit for which no warrant officer or NCO of the appropriate substantive rank is available, the commanding officer may select a soldier to carry out temporarily the duties of an appointment which carries a rank higher than his substantive or such acting rank as he already holds. The commanding officer is then immediately to obtain covering authority for this acting promotion from the APC. In certain regiments or corps, any such requests originating overseas or in UKSC(G) may be channelled through command headquarters. Subsequent action will depend upon circumstances. The APC may approve the acting promotion made by the commanding officer or may nominate a replacement. Overseas and in UKSC(G) the replacement may be nominated by command headquarters; in this case, however, final approval will rest with the APC who are to inform the commanding officer as soon as possible whether or not it is intended to post a replacement so that the soldier temporarily nominated to carry out the duties of the higher rank may know his prospects of retaining acting rank.

9.150. Reserved.

9.151. In certain regiments or corps the authority for acting promotion not above the rank of acting sergeant is delegated to commanding officers by the APC, in accordance with the custom of the corps, but the responsibility remains with the APC.

9.152. Acting rank is to be relinquished on the date the holder ceases to fill the vacancy for which the rank was granted, except that in the following circumstances acting rank may be retained, notwithstanding that the soldier may be struck off the strength of his unit and the vacancy filled by another soldier:

a. When posted direct to another establishment to fill a vacancy for the same or higher rank.

b. Where the holder's absence from duty is due to wounds, injuries or sickness, except where the approved medical authority certifies that, in their opinion, the soldier deliberately occasioned his condition by his own act or negligence, the rank may be retained for a period not exceeding 120 days unless on return to duty before the end of that period he is posted to fill a vacancy in a lower rank.

c. When a soldier is serving overseas, and has held acting rank for an unbroken period of 180 days immediately before departure for the United Kingdom or Europe, the rank may be retained up to and including the day of arrival.

d. When a soldier is returning to the United Kingdom from overseas or Europe for the purpose of leaving the Service, provided he is to be terminated or transferred to the Army Reserve within 56 days of arrival. Under this subparagraph, when a soldier has held acting rank for less than 180 days but immediately before held a lower or higher acting rank, he is to be allowed to retain the lower acting rank of the two if the aggregate of the period amounts to in excess of 180 days. Soldiers reverting to the Home Establishment for the last six months of their service have no such rights unless posted to a vacancy carrying a higher rank in a Home Establishment.

e. On all courses defined as *Long Courses*, provided the acting rank is not higher than the maximum rank of the appointment for which the course is designed as a preparation.

f. During privilege, local or compassionate leave, subject to the appointment in the establishment not being filled by the posting of another soldier holding the equivalent substantive rank or by the grant of acting rank to another soldier.

g. During inter-tour leave, unless the local divisional or equivalent commander considers it essential that the vacancy shall be filled.

h. In arms which have a minimum rank, acting rank equal to the minimum rank may be retained. If a higher acting rank is held, and if none of sub-paras *a* to *g* are applicable, reversion is to be to the lowest rank applicable to the corps, or to the soldier's substantive rank if higher.

i. During terminal leave, where the soldier has held acting rank for 180 consecutive days immediately preceding the beginning of terminal leave.

j. If he would otherwise retain acting rank a soldier is not required to relinquish such acting rank solely because it is essential for administrative reasons to post him for a short period to a depot or holding unit. This rule does not apply when a soldier is despatched to a depot or holding unit pending the issue of further posting instructions. To retain acting rank it is essential that the soldier shall be under such orders when he leaves his last appointment as would enable him to retain that rank if it were not administratively necessary for him to proceed to a depot or holding unit.

k. When acting lance corporal or equivalent is the minimum rank in his employment or corps.

*Note. T*he soldier is to be informed immediately by his commanding officer if he is not allowed to retain acting rank under *e*, *f* or *g*.

9.153. The retention of acting rank on posting is governed by the rules in **para 9.152***a*, *g*, *i* and *j*. *W*ith regard to reinforcement demands the following rules will apply:

a. Any warrant officers and NCOs posted while holding acting ranks must be absorbed into appropriate vacancies on arrival overseas; otherwise they are to relinquish acting rank.

b. Should it at any time be necessary, in the interests of maintaining a proper balance in a particular corps, to post more warrant officers and NCOs than have been demanded, no warrant officers and NCOs included in the draft may retain acting rank.

c. The APC is authorized to post more warrant officers and NCOs than have been demanded only when it is known that sufficient vacancies appropriate to their substantive ranks are available for them, on their arrival in the overseas theatre, through the relinquishment of acting rank by warrant officers and NCOs already in the theatre.

9.154. Where a soldier has retained acting rank under the provisions of **para 9.152***c* he will automatically be granted the equivalent local rank on the day after arrival in the United Kingdom or Europe when he relinquishes acting rank, and may retain such local rank until he is posted for duty in either his substantive rank or higher acting rank.

9.155. A soldier who is taken prisoner in the course of warlike operations, or is kidnapped by a hostile force, is to be treated as follows:

a. Duly authorized acting rank is to be retained during captivity and for 61 days after arrival in the United Kingdom or joining a unit for duty or until such time as he is posted to fill an appointment in a lower rank than his acting rank, whichever is the earlier.

b. If admitted to hospital on return from captivity, acting rank may be retained for up to 120 days after entry into hospital, if this is more favourable to the individual than the 61 day rule in *a*.

9.156. The commanding officer is to order an acting warrant officer or acting NCO to revert to his substantive rank if the soldier concerned ceases to perform the duties of his acting rank. Such action is administrative and is not to be confused with disciplinary reductions nor with reduction for inefficiency or unsuitability subsequent to administrative action. If a soldier holding acting rank is charged or likely to be charged with an offence under the **Army Act 1955** he will not be administratively deprived of his acting rank before his trial unless he is absent without leave for more than 21 days, or in close arrest for more than seven days.

9.157. In cases where acting rank has been erroneously granted the commanding officer is to order the holder to relinquish the rank and ensure that a JPA occurrence is immediately carried out cancelling the erroneous grant of acting rank. The date of the cancellation will be the date of the JPA occurrence in which the cancellation is recorded.

9.158. Draft Conducting. In order that a proper quota of NCOs may be available in every draft the officer commanding draft assembly unit is to appoint acting NCOs appropriate to the size of the draft, according to the following rules:

a.

Size of draft	*Scale up to which acting NCOs for draft conducting duties may be appointed*
Up to five soldiers	Nil, except on special authority of the Ministry of Defence.
Six to 20 soldiers	One corporal (or equivalent).

21 to 40 soldiers	Two corporals (or equivalent).
41 to 60 soldiers	One sergeant and two corporals (or equivalent).
61 to 80 soldiers	One sergeant and three corporals (or equivalent).
For larger drafts	Proportionately.

b. The following rules are to apply:

(1) The period of tenure is to be from the day the draft leaves the draft assembly unit from which it is despatched to the point of departure until the day after arrival at destination.

(2) The officer commanding draft assembly unit is to make the appointments necessary to bring the draft up to the scale shown in *a* and to publish the necessary Part 2 Orders.

(3) Relinquishment of rank is to be published by the officer commanding receiving unit or base transit depot, whichever is applicable.

Substitution Pay

9.159. Substitution Pay may be granted to a soldier under the conditions shown in **JSP 754**.

Grant of Local Rank

9.160. Local rank carries no entitlement to pay, allowances or pension rights. It may be granted under the following conditions:

a. On the authority of the brigade or equivalent commander in those circumstances where it is desirable to exceed, temporarily, for purposes of training or prestige, the number of ranks or appointments authorized in an establishment, or to provide a higher rank than that allowed.

b. After arrival in the United Kingdom or Europe, when acting rank has been held for 180 consecutive days before departure as provided for in **para 9.154**.

c. Where a warrant officer or NCO reverts in substantive rank to serve on the Long Service List he is automatically to be granted the local rank equivalent to his substantive rank before reversion.

d. Where a warrant officer or NCO reverts voluntarily in substantive rank to serve for an extended career at employment category E1 the head of the arm or service may grant local rank. If the appointment is at employment category E2 then the APC may grant local rank.

e. After discharge from hospital in cases where acting rank was relinquished under the terms of **para 9.152***b*.

f. At the discretion of the APC for prestige purposes, where a warrant officer or senior NCO is in transit to take up an appointment on promotion. In such cases the instruction is to be incorporated in the posting order.

g. At the discretion of the APC to craftsmen and lance corporal candidates identified as potential artificers by the Artificer Selection Board: individuals concerned may retain local rank so granted as long as they continue to be eligible and recommended for artificer training.

9.161. For the disciplinary aspects of soldiers holding local rank, *see* **para 6.151**.

9.162. Local rank will be relinquished automatically on the day that the holder ceases to fulfil the function for which local rank was granted.

Seniority

9.163. Holders of substantive rank will be senior to all holders of the same acting rank, who in turn will be senior to all holders of the same local rank.

9.164. Seniority between those of the same substantive rank is to be determined in accordance with their dates of promotion to that rank, except where provided to the contrary. Seniority of individuals promoted on the same date is to be determined as follows:

a. If in different corps - by corps precedence as shown in **para 8.001**.

b. If in the same corps - by their relative positions on the corps rank seniority roster.

c. When it is necessary to determine the seniority of soldiers listed in **paras 9.169** and **9.171 - 9.173**, the seniority will depend on the period of reckonable man's service as defined in the **Pay Warrant 1964** and, should this be the same, then on age.

9.165. Seniority between those of the same acting or local rank is to be respectively determined in accordance with their dates of promotion to that acting rank or the date on which the local rank was granted. When the date is the same, seniority is to depend on the date of promotion to the next lower rank at which seniority can be clearly established and if necessary by seniority as a soldier in accordance with **para 9.164***c*.

9.166. In certain corps, the corps seniority of soldiers transferred from another corps counts only from the date of transfer. Army seniority, however, is not affected by such transfers.

9.167. Warrant officers, class 2, and NCOs posted to the permanent staff of the TA rank with other warrant officers, class 2, and NCOs of the regular Army, according to the date of promotion, but are senior, in the same rank, to warrant officers, class 2, and NCOs of the TA.

Appointments and Precedence

9.168. The ranks and appointments in the Army held by soldiers are shown in the following tables, and the grant, under due authority, of any rank therein detailed will render the holder of that rank eligible for any one appointment listed opposite that rank in the table.

9.169. Warrant Officers.

Rank	Group	Appointment
Warrant Officer - class 1	(i)	Conductor, RLC Royal Artillery Sergeant Major Academy sergeant major, RMAS Garrison sergeant major London District
	(ii)	Master gunner, RA.
	(iii)	Garrison sergeant major (except London District).
	(iv)	Regimental corporal major Regimental sergeant major. Bandmaster Staff sergeant major. RLC or AGC(SPS) Sergeant major Any other appointment on the establishment of a unit or corps carrying the rank of warrant officer, class 1, *e.g.* Artificer sergeant major, superintending draughtsman.
Warrant officer - class 2	(i)	Garrison quartermaster sergeant Regimental quartermaster corporal Regimental quartermaster sergeant Regimental quartermaster corporal (technical) Regimental quartermaster sergeant (technical) Staff quartermaster sergeant Quartermaster sergeant instructor Quartermaster sergeant.
	(ii)	Farrier quartermaster corporal or quartermaster sergeant Squadron corporal major; squadron, battery or company sergeant major Bugle, drum, pipe or trumpet major Any other appointment on the establishment of a unit or corps carrying the rank of warrant officer, class 2, *e.g.* warrant officer instructor, class 2 (physical training).

9.170.

a. Groupings. By custom, and for administrative purposes, appointments of warrant officers are listed in the groups shown in **para 9.169**. Notwithstanding seniority as laid down in **para 9.164** a warrant officer may exercise authority over those of equal rank in other groups, when required to do so in the execution of the duties of his appointment.

b. Warrant Officers, class 1.

(1) A regimental corporal major and regimental sergeant major rank regimentally above all other warrant officers, class 1, in Group (iv).

(2) A conductor or a staff sergeant major in the RLC is to act in the place of a subaltern officer when required. On all parades he is to take post as an officer, but is not to salute.

c. Warrant Officers, class 2. Notwithstanding seniority as laid down in **para 9.164**:

(1) A garrison quartermaster sergeant takes seniority before all other quartermaster sergeants.

(2) A regimental quartermaster corporal or a regimental quartermaster corporal (technical) or a regimental quartermaster sergeant or regimental quartermaster sergeant (technical) is regimentally senior to all other warrant officers, class 2, holding the appointment of quartermaster sergeant.

(3) A company sergeant major of the Guards Division who is employed as a drill sergeant is regimentally senior to the other company sergeant majors of the Guards Division.

9.171. Non Commissioned Officers. NCOs are to take seniority in their rank in accordance with **paras 9.163 – 9.167**.

Rank	Appointment
(i) Staff Corporal or Staff Sergeant.	Squadron quartermaster corporal. Squadron, battery or company quartermaster sergeant. Colour sergeant or company quartermaster sergeant (Foot Guards and Infantry). Bugle, drum, pipe or trumpet major. Appointment on the establishment of a unit carrying the rank of staff corporal or staff sergeant, *e.g.* clerk of works staff sergeant; staff sergeant instructor; artificer staff sergeant.

(ii) Corporal of Horse or Sergeant	Bugle, drum, pipe or trumpet major. Any other appointment on the establishment of a unit carrying the rank of corporal of horse or sergeant, *e.g*. pioneer sergeant, sergeant instructor.
(iii) Corporal, Bombardier or Lance Sergeant	Appointment on the establishment of a unit or corps carrying the rank of corporal, bombardier or lance sergeant, *e.g*. provost corporal; dog trainer corporal.
(iv) Lance Corporal or Lance Bombardier	Appointment on the establishment of a unit or corps carrying the rank of lance corporal or lance bombardier, *e.g*. lance corporal clerk, lance corporal driver.

9.172. Soldiers.

Rank	Appointment
Private, which includes: Trooper Gunner Sapper Signaller Guardsman Fusilier Kingsman Rifleman Ranger Airtrooper Craftsman Musician	An appointment on the establishment of a unit or corps, such as clerk, bandsman, and for soldiers who are officer cadets undergoing training at an officer cadet training establishment, under officer, cadet sergeant, cadet corporal and cadet lance corporal.

9.173.

a. Apprentices.

Rank	Appointment
Apprentice Tradesman	An entrant at an army apprentices college which includes the appointment of apprentice tradesman.

b. Powers of Command. Although apprentices may be given supervisory duties and wear badges of rank, such supervisory powers may be exercised over apprentices in their own unit only.

9.174. Royal Marines. The ranks and appointments held by other ranks in the Royal Marines are shown in the following table, together with equivalent Army ranks. The grant, under due authority, of any rank therein detailed, will render the holder of that rank eligible for any one appointment listed opposite that rank in the table.

Rank	Appointment	Equivalent Army Rank
Warrant Officer, class 1	Regimental sergeant major Warrant Officer	Warrant Officer, class 1
Warrant Officer, class 2	Regimental quartermaster sergeant. Company or troop sergeant major. Any other appointment on the establishment of a unit carrying the rank of warrant officer, class 2, *e.g*. first drill or bandmaster.	Warrant Officer, class 2
Colour Sergeant	Colour sergeant bugler. Band colour sergeant. Any other appointment on the establishment of a unit carrying the rank of colour sergeant, *e.g*. detachment sergeant major of HM Ships company or troop quartermaster sergeant bandmaster, drum or bugle major.	Staff Corporal or Staff Sergeant
Sergeant	Sergeant bugler. Band sergeant. Any other appointment on the establishment of a unit carrying the rank of sergeant, *e.g*. provost sergeant, orderly room sergeant.	Corporal of Horse or Sergeant
Corporal	Appointment on the establishment of a unit carrying the rank of corporal, *e.g*. corporal bugler, band corporal, provost corporal, postal corporal.	Corporal or Bombardier
Lance Corporal	Appointment on the establishment of unit carrying the rank of lance corporal, *e.g*. provost lance corporal, band lance corporal, lance corporal clerk, lance corporal bugler.	Lance Corporal or Lance Bombardier
Marine	Appointment on the establishment of a unit, such as clerk, driver, musician or bugler.	Private (or equivalent rank)
Junior Marine	A junior entrant undergoing training at a junior training establishment, *e.g*. junior bugler, junior musician.	Apprentice Tradesman

9.175. Other Services. Corresponding ranks in the Royal Navy and Royal Air Force are shown in **para J2.042**.

Voluntary Reversion to Lower Rank

9.176. A warrant officer or NCO may, with his commanding officer's consent, voluntarily revert to a lower rank. The soldier should be made aware that under **JSP 754**, voluntary reversion in rank will result in them being assimilated into pay scales in such a way as to achieve at least a 2% reduction in pay from that in issue on the day before voluntary reversion in rank. A certificate signed by the soldier and personally countersigned by the commanding officer that the reversion is voluntary is to be attached to the soldier's documents and the commanding officer is, before consenting to such reversion, to satisfy himself that there is no disciplinary action pending or outstanding against the warrant officer or NCO. Seniority in the rank to which he reverts is to count from the date of his original promotion to that rank. The warrant officer or NCO will remain ineligible for further promotion until such time as the APC receives an application from the soldier, countersigned by his commanding officer, stating that he wishes to be reconsidered for promotion under normal rules. When re-promotion is approved seniority in the new rank is to reckon from the latest date of such substantive promotion to that rank.

Reduction in Rank and Removal on Account of Inefficiency or Unsuitability

9.177. In cases of inefficiency or unsuitability a commanding officer may:

a. Apply to an appropriate officer for the reduction in rank of any substantive warrant officer or NCO as provided for in **para 9.178**.

b. Order any warrant officer, class 2, NCO or soldier to relinquish any acting rank which he may be holding and to revert to his substantive rank.

c. Order any warrant officer, NCO or acting NCO to be removed from any appointment which he may be holding and to assume any other appointment appropriate to his rank or acting rank.

d. Order any substantive lance corporal or lance bombardier to be reduced to the ranks.

9.178. When a substantive warrant officer or NCO of the rank of corporal or above, by reason of unsuitability or inefficiency of a nature which does not warrant disciplinary action, is nevertheless undeserving of retention in his substantive rank, his commanding officer may, after normally giving him three months notice in writing to that effect, apply to an appropriate officer for his reduction in rank under the provisions of section 201 of the **Army Act 1955**. At the time that he is given the warning he should, if practicable, be cross-posted to another company or equivalent sub unit under the same commanding officer for the period of the warning and be given every opportunity to improve. A three month warning is not required when action is being taken under **para 6.179** or under **AGAI 67**.

9.179. All applications under **para 9.178** are to state the rank to which reduction is recommended and are to be accompanied by the following documents:

a. A full statement from the commanding officer giving his reasons for recommending reduction.

b. A copy of the warning notice referred to in **para 9.178**.

c. A copy of the conduct sheet and record of service of the warrant officer or NCO.

d. Any statement that the warrant officer or NCO may wish to make.

e. The recommendations of intermediate commanders.

9.180. A warrant officer or NCO who is reduced to a lower rank for inefficiency or unsuitability under the provisions of section 201 of the **Army Act 1955** is to be placed on the rank seniority roster in the lower rank according to the date he was originally promoted to that rank. If the warrant officer or NCO has never served in the lower rank before reduction, the APC is responsible for granting the soldier such seniority in the lower rank that he will be in the zone for promotion to the next higher substantive rank at the expiration of the relevant period laid down in **para 9.181**. If two or more warrant officers or NCOs are reduced simultaneously, the appropriate Colonel Manning and Career Management is to grant seniority in the lower ranks so as to maintain their relative seniority.

9.181. A warrant officer or NCO holding an appointment which carries a minimum rank, who is reduced for inefficiency, unsuitability or by Court Martial to a rank below the minimum for the appointment, is to be deprived of such appointment and, under instructions of the APC is either to be returned to the roll appropriate to his original employment or be reclassified in an employment on a roll appropriate to the circumstances of the case. He will not be eligible for promotion during the periods laid down in **para 9.182** and is not to be reappointed for a minimum of 18 months. When a supervisory technician is reduced to a rank below staff sergeant and cannot be mustered as a technician because no vacancy exists in the corps quota, he may be held surplus until a vacancy occurs. When re-promotion is approved, seniority is to reckon from the date of such substantive promotion and in no circumstances is to confer any retrospective financial advantage.

9.182. Except for those who merit promotion for distinguished service, warrant officers and NCOs reduced to a lower rank for inefficiency, unsuitability, misconduct or by Court Martial will not be eligible for substantive or acting promotion to the next higher rank for the minimum periods shown below:

a. When reduced to a rank not below corporal or equivalent - 18 months.

b. When reduced to the rank of lance corporal or equivalent - 12 months.

c. When reduced to the rank of private - promotion to lance corporal or equivalent may be granted under the normal rules at any time. (*See also* last sentence of **para 9.183**.)

9.183. At the expiration of the time limits laid down in **para 9.182** the soldier may be granted the next higher acting rank under the normal rules; or he may be promoted to the next higher substantive rank, if recommended and qualified, provided that:

a. A vacancy is available in the rank quota for the higher rank where such promotion is granted by selection to fill a vacancy, or

b. The promotion is authorized by the APC where such promotion is governed wholly by time.

A soldier granted the acting rank or promoted to the substantive rank of lance corporal or equivalent under the provisions of **para 9.182***c* is not to be further promoted within 12 months of reduction.

9.184. Further promotion which may follow any initial promotion after reduction may be granted under the normal rules, except as provided in **para 9.183**. When such further promotion is granted, seniority is to be assessed as follows:

a. In the case of soldiers on vacancy promotion, seniority in the new rank is to reckon from the latest date of substantive promotion to that rank.

b. In the case of soldiers on time promotion, only service accrued after the date on which the warrant officer or NCO was reduced will count as reckonable service for promotion except as provided for in **para 9.185**.

9.185. Notwithstanding **para 9.184***b*, individual cases may be reconsidered jointly by the APC and the soldier's commanding officer at the time. If the circumstances justify it, the commanding officer may then recommend to the appropriate authority such regrant of seniority as is thought fit, provided however that the seniority so granted shall not be greater than that which the soldier would have held but for his reduction in rank. The appropriate authority in these cases is:

a. The Army Board of the Defence Council.

b. Any officer in executive command not below the rank of major general or corresponding rank under whose command the warrant officer or NCO is for the time being serving.

c. Any brigadier or officer of corresponding rank when commanding an independent command in which the warrant officer or NCO is for the time being serving.

Employment of Soldiers under Other Governments

9.186. Soldiers will not be employed under any government other than that of the United Kingdom except when such employment has been sanctioned by the Defence Council. The conditions to be observed in such cases will be notified by the Ministry of Defence. In the absence of any general sanction an individual application must specify the nature and expected duration of the employment. In cases of pressing necessity abroad, a GOC may provisionally sanction the employment of a soldier pending the result of an application to the Defence Council. In either case no soldier is to be so employed unless he is a volunteer and signs an acknowledgement before the employment begins that he is willing to serve under the conditions laid down.

The Substantive Promotion of Soldiers Loaned to, or Serving with Units of Other Arms

9.187. The substantive promotion of soldiers loaned to or serving with units of other arms or services is to be governed by the following conditions:

a. Provided they are qualified and recommended by the commanding officer they are to be eligible for consideration for promotion in the normal way.

b. If they can be absorbed in the new rank in a vacancy within the establishment of the unit to which seconded, they are to be promoted and will complete their normal tour of duty with that unit.

c. If no vacancy in the new rank exists into which they can be absorbed, they are to be returned to their parent arm or service, unless they are contractually bound to complete their tour of duty or, if not contractually bound to complete their tour of duty, they volunteer to remain with their present unit until completion of that tour of duty. In either circumstance, they may be required to forgo promotion until the completion of their tour of duty. They are to be promoted when the next vacancy occurs, if still recommended, with seniority adjusted to the date on which they would have been promoted had they not remained detached from their parent arm. No effective or non effective pay is admissible for the period of deferment of the highest rank.

9.188 - 9.199. Reserved.

PART 4 - TRANSFER BETWEEN CORPS

Legal Provisions

9.200. Under the provisions of section 3(3) of the **Army Act 1955** a regular soldier may, at his own request or with his consent, be transferred from one corps to another. Under the same subsection a soldier may be transferred without his consent to another corps but only on the order of a member of the Army Board unless a state of war exists or men of the Army Reserve are called out on permanent service. The Military authorities for ordering transfer are prescribed in the **Army Act 1955 (Part 1) (Regular Army) Regulations 1992**, Schedule 1.

General Instructions

9.201. Warrant Officers and NCOs. A warrant officer or NCO whose application to transfer is approved in principle is to be informed through his commanding officer by the Army Personnel Centre (APC) what substantive rank and seniority he is to be granted in his new corps. If a vacancy in the soldier's substantive rank does not exist or if his qualifications and experience do not qualify him for transfer in his substantive rank and he is unwilling to accept the rank and seniority offered, he is to be permitted to withdraw his application. Transfer in this circumstance is not to be authorized unless:

a. The soldier is willing to revert voluntarily to a substantive rank in which he can be accepted (*see* **para 9.176**), or

b. The transfer arises out of a recommendation for re-employment and the soldier is to be reduced in rank under provisions of section 201 of the **Army Act 1955** (*see* **paras 9.180 – 9.185**).

9.202. Acting Rank. Acting rank may be retained during any period of probation which he may be required to spend with the corps to which he wishes to be transferred. This may include a Long Course as defined in Courses of Instruction (**AC 9458**) (*see also* **paras 9.147 – 9.158**). In any other circumstances acting rank may be retained only during the period of probation provided that the soldier remains on the strength of his unit.

9.203. Employment Tests. The rules for the employment and testing of soldiers on transfer to another corps are contained in **AGAI 48**.

9.204. Movement Costs. Responsibility for meeting the cost of movement occasioned by a transfer is governed by the provisions of **JSP 754**. Briefly they are that if the transfer is at the initiative of the military authorities, the cost of travel will be a charge against the public.

9.205. Re-transfer. A soldier who transfers to another corps will not be permitted at any future time to be transferred to his former corps unless such re-transfer is in the interest of the Service.

9.206. Procedure. After an application for transfer has been given due consideration the soldier will be informed by his commanding officer of the action taken thereon. No promise will be given that an application will be granted even though the commanding officer may have recommended transfer. The soldier should be warned that in some cases a transfer depends on a corresponding vacancy and even though a transfer may eventually be approved, a lapse of time may be inevitable.

9.207. Posting Overseas. While an application to transfer is being considered, a soldier may be posted overseas or to another unit in the normal way unless the APC directs otherwise.

9.208. Effective Date. The effective date of the transfer is to be as follows:

a. Under normal circumstances it will be the date on which the soldier is taken on strength of his new corps and he will be struck off strength of his previous corps on the preceding day.

b. Unless otherwise ordered a soldier will be retained on the strength of his own corps for any required period of probation (*see* **para 9.202**). However, should such a period of probation include a Long Course, as defined in Courses of Instruction (**AC 9548**), he may be struck off the posted strength of his unit with effect from the first day of attachment to the receiving corps.

c. Transfer will normally be authorized from the date following completion of such probation or the date on which the vacancy occurs in the corps to which the soldier is being transferred, whichever is the later.

Voluntary Transfer to Other Corps

9.209. Voluntary transfers between corps are divided into the following categories:

a. Transfers at the initiative of the military authorities. These are further subdivided into:

(1) Transfer to technical corps, or

(2) Transfer to corps which depend to some extent on transfer to maintain their strength or which are not open to direct enlistment, or

(3) Transfer in the interest of the Service with the consent of the soldier concerned resulting from a recommendation for transfer.

b. Transfer on personal grounds.

9.210. The administrative procedure for the transfer of a soldier between corps is laid down in **AGAI 48**, and the competent military authority to authorize such transfer is the APC.

9.211. Where the applicant has former service on a previous engagement the documents relating to that service are to be forwarded together with the current service documents to the APC.

9.212. An application for transfer will not normally be considered until the soldier has completed his Phase 2 Military Training unless the soldier is found to be below the medical entry standard of his present corps or unsuitable for further training in that corps.

9.213. Applications for transfer will not normally be accepted after a soldier, or the unit in which the soldier is serving, has received orders to proceed overseas from the United Kingdom or from one overseas command to another. Nevertheless a commanding officer may accept such an application if:

a. He is satisfied that it has not been submitted with the intention of avoiding overseas service or service in a different command overseas, and

b. Delay in acceptance would result, if the application is approved, in the return of the soldier to attend a course or a period of probation to the United Kingdom or overseas command in which he is already serving.

Applications refused under this paragraph may be resubmitted when the soldier is in his new command provided that acceptance of the application will not necessitate the immediate return of the soldier to the United Kingdom or other command from which he has come.

9.214. An application from a soldier for voluntary transfer is not to be withheld by the commanding officer except where authorized in **paras 9.212 – 9.213**. In making a recommendation the commanding officer is to satisfy himself that the applicant possesses the qualifications which he claims and that his PULHHEEMS assessment permits his employment in the corps of his choice. A recommendation must give reasonable cause; a statement that the transfer is in the interest of the Service is not sufficient.

9.215. The APC is to refer the soldier's application for a decision to the Deputy Military Secretary (DMS) in any of the following cases:

a. If they are unwilling to release the soldier but the corps into which the soldier wishes to transfer is willing to accept the soldier.

b. When the application is recommended as a special case by all concerned but the transfer is not permissible under the current rules.

c. When the transfer would result in the movement of a soldier from one overseas command to another or between the United Kingdom and an overseas command, and this movement is not specifically covered under the current rules.

9.216. To be eligible for voluntary transfer to another corps a soldier is required at the time of the transfer to have a period of unexpired Colour service of not less than one year or as laid down for different corps in **AGAI 48**. A soldier who is not committed to serve for the minimum period required may prolong his service in the normal way as shown in the following paragraphs.

9.217. For soldiers serving on the Open Engagement or the Notice engagement, prolongation of service for this reason is a prescribed benefit and in order to commit himself for the minimum period the soldier is to take the following action:

a. The soldier is to complete **AF B 6848**, undertaking not to leave the Colours before the expiration of the required minimum period. The first point at which he will have the right to give notice will be 12 months (*see* **para 9.073***b*) before the end of the minimum period. If the transfer is not approved and if he so wishes he may terminate his Colour service at the end of the original period or, if he has passed that date, as soon as it is administratively possible.

9.218. If **AF B 6848** is completed to achieve the minimum period of residual service it may be held in abeyance until the application has been approved, and should it not be successful the **AF B 6848** may be cancelled.

9.219. A soldier serving on any other regular engagement of less than 22 years may prolong his service by changing to the Versatile Engagement, if eligible to do so, and taking action as in **para 9.217**. Alternatively he may apply to extend his service in accordance with current rules. Should he have extended his service in order to achieve the necessary minimum period of residual service and should his transfer not be accepted his extension of Colour service may be cancelled if he so wishes.

9.220. The basic qualifications required for transfer are specified in **AGAI 48**. Details of any special qualifications may be obtained from the APC.

9.221. Soldiers may apply for transfer on personal grounds such as family association with a particular corps or regiment, or previous service therein. If the applicant is eligible to apply for transfer under **para 9.220** his application should be submitted on that basis and the personal grounds added as an additional reason for transfer.

Voluntary Transfer on Account of Kinship

9.222. The voluntary transfer of a soldier to serve with his brother may be permitted provided it is not contrary to the interest of the Service or the interests of either of the soldiers concerned. Nevertheless, since there is always a

likelihood that the brothers may be separated again through exigencies of the Service, transfers of this nature should not be encouraged. This paragraph and **paras 9.223 – 9.228** apply equally to female soldiers and brothers/sisters *etc*..

9.223. Applications for transfer may be made by either an older or a younger brother.

9.224. Approval for transfer is not to be given if it would result in the brother concerned moving to a corps where his technical or other qualifications would be wasted. Similarly, transfer is not to be granted if the soldier concerned is not up to the medical standard required for the corps in which his brother is serving or does not possess the necessary technical or other qualifications, and shows no aptitude for them.

9.225. Applications will not be considered unless both brothers have a minimum period of 12 months' residual Colour service.

9.226. The transfer of a brother from a unit which is about to proceed overseas, or is deployed in an operational or peacekeeping role, will be regarded as contrary to the interest of the Service, unless there are special circumstances which justify such transfer. Similarly the immediate posting of a brother to a unit which is about to proceed overseas, or to deploy in an operational or peacekeeping role, is not to be permitted unless he has sufficient training, or is technically qualified to take his place in the unit.

9.227. Subject to the provisions in **paras 9.222 – 9.226**, and provided also that it would not result in the return to the United Kingdom of a soldier who has not completed his overseas tour, a transfer which would result in the movement of brothers between countries in different commands may be considered, but such transfer may be delayed up to six months if the delay would save unnecessary movement.

9.228. Transfer of Fathers or Mothers and Sons or Daughters. Applications from a father or mother and a son or daughter to serve together may be submitted under the same conditions as those from brothers or sisters and the provisions of **paras 9.222 – 9.227** will apply in all respects, the words 'father' or 'mother' and 'son' or 'daughter' being substituted for 'brother' or 'sister' as appropriate.

Compulsory Transfer to Another Corps

9.229. When it is essential in the interests of the Service to transfer a number of soldiers from one corps to another without their consent, the Ministry of Defence (DM(A)) will issue special instructions to the appropriate Divisional Colonel Manning and Career Management concerned. Compulsory transfer of an individual soldier between corps will not be recommended without prior reference, with full details, to the Ministry of Defence (DM(A)). For the purpose of movement, compulsory transfer will be regarded as being at the initiative of the military authorities.

Transfer on Medical Grounds

9.230. A transfer on medical grounds will be regarded as being at the initiative of the military authorities. The procedure for transfer in these cases is given in **AGAI 48**.

Transfer of Soldiers with or without their Consent who are Unsuitable or Redundant in their Present Employment

9.231. Subject to the **Army Act 1955** section 3(3) and **Armed Forces Act 2006** Statutory Instruments, when a soldier is unsuited to his employment or redundant in his corps, he may either be:

a. Posted within his own corps or to extra regimental employment, or

b. Transferred to another corps (including re-transfer to a corps in which he has previously served) in order to give him suitable alternative employment.

9.232. The various reasons which may make it necessary to change a soldier's employment are:

a. Redundancy resulting from a reduction in establishment.

b. When his Army employment becomes obsolete.

c. A recommendation from a psychiatrist.

d. A lowering of the soldier's medical standard during his Basic Military Training, resulting in a PULHHEEMS assessment below the entrance standard of his corps.

e. A lowering of a soldier's medical standard at any time after the completion of Basic Military Training, resulting in a PULHHEEMS assessment below that which is acceptable for retention in his employment.

f. Failure to maintain employment qualifications.

g. In the interest of discipline.

h. In the interest of the Service for any reason not covered by sub-paras *a* to *g* above.

9.233. The rules governing the change of employment of a soldier are:

a. Whenever possible he must be given suitable alternative employment within his own unit. A commanding officer may at any time re-employ him, PULHHEEMS assessment, medical standards and other factors permitting.

b. If sub-para *a* above is not feasible, wherever possible he must be employed in another unit of the same corps and the APC is to post him for such duties as he may be qualified to perform.

c. If a soldier cannot be employed as in sub-paras *a* or *b*, but is suitable for employment in some other corps, he may be transferred with his consent to that corps.

d. If a soldier is unemployable in his own or any other corps, or if his services in the Army are no longer required, action is to be taken in accordance with **para 9.414**.

e. Transfers in the interest of discipline are not to be initiated as an alternative to disciplinary action.

f. A recommendation for a soldier's change of employment is not to be initiated when disciplinary action is outstanding against him or when he is awaiting a decision on a compassionate or other appeal or when he is undergoing medical treatment or is awaiting a specialist's report which is likely to alter his PULHHEEMS assessment.

g. A soldier is not to be recommended for posting or transfer if he is holding a rank higher in his present corps than his capabilities warrant. In such case his commanding officer is to take action under **paras 9.177 – 9.179** to reduce him to the rank which he is fitted to hold. When he has been reduced in rank the need for posting or transfer may disappear. Should a recommendation for posting or transfer follow a reduction in rank, the soldier's substantive rank is to be taken as the rank to which he has been reduced.

h. A warrant officer or NCO of the AGC(Pro), AGC(SPS), AGC(MPS), RAVC, SASC, INT CORPS, APTC or RLC (Chef CEG), who is within six months of release or termination from the Colours, is not to be transferred except when unemployable in his corps.

9.234. If a warrant officer or NCO cannot be employed under **para 9.233***a* - *b*, and a transfer to another corps is recommended, the following rules are to apply:

a. Except when he is to be re-transferred to a corps in which he has served previously or holds a rank applicable only to a special employment, he is not normally to be transferred to a corps in which it is impossible to employ him in his substantive rank unless he is willing to revert to a lower rank in which there is a vacancy.

b. If transfer is recommended in his substantive rank but no vacancy exists in the substantive quota of his new corps he may be held supernumerary until he is absorbed into the quota.

c. After a warrant officer or NCO has been posted on transfer for suitable re-employment he will be given a probationary period of six months to prove that he is fit to retain his substantive rank.

d. Seniority in any substantive rank will count from the date on which the soldier first secured it.

e. Retention of acting rank held before transfer will be in accordance with **paras 9.152 – 9.153**.

9.235. The re-employment of soldiers within their own corps will be decided upon between the commanding officer and the APC. Where it is decided that a soldier cannot be re-employed in his own corps or at extra regimental employment the commanding officer is to consult the Personnel Selection Officer (PSO) for his arm or service to ascertain for what employment in any other corps the soldier may be suitable. The PSO is to recommend whether:

a. The soldier should be reallocated to other employment, or

b. He is suitable for voluntary transfer to another corps, if he so wishes, or

c. He should be terminated.

9.236. When a soldier is recommended by the PSO for transfer to another corps the following procedure will be adopted:

a. The commanding officer is to inform the soldier that transfer to another corps has been recommended and is to tell him the reasons for the recommendation. He is to ask the soldier whether he consents to such a transfer or wishes to transfer to a corps other than that recommended by the PSO. If the soldier consents to be transferred he is to complete **AF B 241** and the subsequent procedure will be as laid down in **para 9.233**, the recommendation of the PSO being attached to the **AF B 241** if not already recorded thereon.

b. If a warrant officer or NCO has not been reduced in substantive rank before the submission to the PSO and reduction is recommended on transfer the commanding officer is to so inform the soldier at the same time as he asks him whether he consents to transfer. If the soldier consents to transfer the question of rank will be dealt with under **para 9.201**. If he does not consent to transfer, he is to be terminated.

c. If a soldier has completed less than eight weeks service and does not consent to be transferred or cannot be accepted in any corps of his choice, his commanding officer will forward **AF B 130** recommending termination under **para 9.383** to the brigade commander for authorization of termination. If the soldier has completed more than eight weeks but less than nine months service, the soldier's termination is to be authorized by the commanding officer under the same paragraph.

d. If a soldier has been posted away from a training unit on completion of training or has completed more than nine months service and is unwilling to transfer or cannot be accepted in any corps of his choice, the case is to be forwarded by the APC with their and the PSO's recommendations as to future employment, to the Ministry of Defence (DM(A)) for decision. (*See*, however, **para 9.229**.) If the soldier has any objection to compulsory transfer, he should record it in writing and the written objection should be forwarded with his case papers to the Ministry of Defence (DM(A)).

e. When the PSO recommends that a soldier who has completed nine months service should be terminated, the commanding officer is to inform the soldier of the decision and is to give him an opportunity to submit any objection before submitting his recommendation for termination to the competent military authority for authorization.

f. If a soldier has already been transferred either voluntarily or compulsorily to another corps and it is recommended that he be re-transferred to his original corps the same procedure will be followed as for his transfer to the new corps. Should the soldier on his original transfer have been given a rank to enable him to perform specific duties (*e.g*. As a military policeman in the AGC(Pro)), retention of rank on re-transfer to a unit where the soldier will not perform these duties cannot be justified and will not be permitted. In such cases, therefore, the commanding officer is to consider what would be a fair rank in which to re-transfer him to his original corps. In making this assessment he should give credit to the soldier's general qualifications for any rank he currently holds but should discount any rank dependent solely upon the soldier's skill in a trade or employment peculiar to the corps which he is about to leave. He should also take into account the rank, if any, which the soldier might have attained had he remained in his original corps. He is to ask the APC to make this assessment. The APC is to make the assessment on the basis of the soldier's record as shown in his documents and in the light of the ranks attained by his contemporaries in his original corps. Having decided the rank that is justified, but without at this stage initiating any action for reduction of the soldier to that rank, the commanding officer is to proceed with the recommendation for transfer.

Reallocation, Transfer and Termination of Younger Soldiers

9.237. Younger soldiers are defined as those under the age of 17½ years. Procedures affecting all such soldiers are set out in this and the following paragraphs.

a. If a younger soldier fails to attain the required standard in the employment category for which he enlisted, his commanding officer is to inform him and his parents or guardians accordingly. Due consideration is to be given to the wishes of the younger soldier for an alternative employment category.

b. The commanding officer is to tell the younger soldier that he is consulting the latter's parents or guardians. If the younger soldier agrees to the proposed re-employment he is to sign a certificate to that effect. If he does not consent, the commanding officer is to advise him to discuss the question with his parents or guardians before making a final decision.

c. When writing to the parents or guardians the commanding officer is to explain that it is in the interests of the younger soldier to change his training and that this may necessitate his posting to another unit or transfer to another corps. He is to add that the alternative may be the employment of the soldier on such duties as may be allocated within his corps or termination.

d. The commanding officer is to refer the case to the PSO for reallocation to a more suitable category.

e. On receipt of the PSO's recommendation, the commanding officer is immediately to arrange the transfer of the younger soldier and to inform the APC and the Personnel, Pay and Pensions Administration.

9.238. An apprentice who fails to make satisfactory progress in his original trade training is to be dealt with as follows:

a. If under the age of 18 years, he is to be:

(1) Allocated to another trade, or

(2) Proceed as in **paras 9.237***d* – *e*.

His parents or guardians are to be informed accordingly.

b. If over the age of 18:

(1) He is to be asked if he wishes to serve his engagement as a tradesman in another employment or as a non-tradesman in his corps. If he so wishes, he is to be reallocated for training in another employment or reallocated to non technical status and posted to a recognized post on the establishment of an adult unit, or

(2) He can volunteer to serve as a non tradesman in another corps in which case action will be taken to effect his transfer in the interests of the Service (*see* **para 9.209**).

(3) If the apprentice does not wish to accept employment as detailed in **para 9.238***b*(1) – (2) but is nevertheless not considered unsuitable as a soldier, he may be posted to the ranks in his corps to such employment as may be allocated.

If he is considered unsuitable for retention in the Service his commanding officer is to initiate termination action under **para 9.411** or **9.414** as appropriate and inform the apprentice's parents in writing accordingly.

c. If an apprentice's training is delayed due to the apprentice college being unable to provide a course in his chosen employment he is to be given the option:

(1) Of remaining in his chosen employment and accepting the delay, or

(2) Of reallocation, posting or transfer in accordance with sub-paras *a* and *b* with his written consent, or

(3) If he is unwilling to consent to (1) or 2), of being terminated.

d. When it has been agreed that an apprentice is unsuitable for training in his original employment and that posting or transfer to another unit or corps is necessary, his commanding officer is to:

(1) Obtain the written consent of the apprentice to the posting or voluntary transfer.

(2) Arrange with the receiving unit where necessary to accept the apprentice for a period of probation of not more than 28 days.

(3) Obtain from the commanding officer of the receiving unit within the period of probation his decision whether to accept or reject the apprentice.

(4) Arrange the posting or transfer with the APC (the trainee soldier may remain at the receiving unit pending action).

9.239. A younger soldier will be considered for reallocation as an apprentice only if his age will be under 17½ years on the date he will be required to join an apprentices college. The procedure will be in accordance with **para 9.238***d*. If accepted as an apprentice, the younger soldier will be required to prolong his service by completing **AF B 6848** as necessary for the term of service applicable to other apprentices. The parents are to be informed accordingly.

9.240 - 9.245. Reserved.

Transfers to Other Services

9.246. A regular soldier will not normally be permitted to transfer to the RN, RM or RAF but, subject to the overriding manning situation at the time, he may apply to join one of these Services either in the ranks or as an officer. Each case will be considered on its merits, particularly if the applicant has strong family associations with that Service.

9.247. Applications to serve in the ranks will be submitted through the APC to the Deputy Military Secretary (DMS) on **AF B 241** suitably amended. In no circumstances will an application, either from an individual or from a commanding officer, be referred direct to the Navy or Air Force Departments or to Headquarters Royal Marines. If approved it will be effected by the soldier being entered or enlisted into the other Service. Termination from the Army will then be authorized under **para 9.408** from the day immediately preceding such entry or enlistment.

9.248. Applications for appointment to a commission are to be submitted as in **para 9.247** clearly annotated 'CANDIDATE FOR COMMISSION'. Deputy Military Secretary (DMS), APC will process the application as requested by the Service concerned. A soldier accepted for training as an officer in the RN, RM or RAF will remain in Army service during such training. If appointed to a commission, termination from the Army will then be authorized under **para 9.407** from the day immediately preceding date of commission. If not appointed to a commission, the soldier is to be returned to his regiment or corps to continue his service on his current engagement.

9.249 - 9.259. Reserved.

PART 5 - ASSIGNMENT OF SOLDIERS

General

9.260. Policy. The assignment of soldiers is based on the principle that a soldier must be available for world wide posting at any time, this being one of the conditions of service he accepted on enlistment. If circumstances are such that a soldier cannot comply with this condition he will normally be terminated or transferred to the Reserve no matter how good a soldier he may be in other respects.

9.261. Selective Posting. If it proves necessary to place a selective posting policy on some appointments or areas the Army Personnel Centre (APC) will be so informed by the Ministry of Defence (DM(A)).

9.262. Overseas Service. The rules for tours of overseas service (by which is meant service in any country of the world other than the United Kingdom, the Republic of Ireland, Belgium, France, Germany, the Netherlands and Luxembourg) are laid down in **AGAI 60**. They are subject to the exigencies of the Service and to operational necessity.

9.263. Home Assignments. A soldier will be eligible for reversion to the home establishment after completing a normal overseas tour (as defined in **AGAI 60**). Following his return his liability for overseas service in his regiment or corps is to be reassessed with a view to assigning him for a normal tour of at least 18 months in the United Kingdom or NW Europe. During this tour it may be necessary to send him on an emergency tour overseas; if this occurs the soldier should normally spend at least 18 months in the United Kingdom or NW Europe before the next overseas posting on a normal tour and at least six months, but preferably one year, before the next overseas assignment on an emergency tour. When an overseas tour has not been completed the subsequent assignment of a soldier is to be decided on its merits having regard to his reassessed position.

9.264. Special Privileges. A soldier may apply to spend the last six months of his Colour service in the United Kingdom provided he is serving on an engagement on the completion of which he will have accrued 22 or more years Colour service. This is subject to the soldier being terminated at the end of his engagement or having given notice in the prescribed manner. This concession is not applicable to soldiers leaving the Colours under the provisions of **paras 9.399 – 9.401**. Soldiers permitted to return to the United Kingdom under this paragraph will not normally then be permitted to prolong, extend or continue in the Service under the provisions of **para 9.086**. *See* **AGAI 60**.

9.265. Temporary retention in the United Kingdom. A soldier whose presence at home in UK is essential for a period longer than that which may be covered satisfactorily by compassionate leave may apply for temporary retention in the United Kingdom. Details of this privilege are contained in **AGAI 48**.

Special Provisions Applicable to Married Service Personnel

9.266. Reserved.

9.267.

a. Officers and Soldiers of the Regular Army and Territorial Army who are married to each other or are in a civil partnership will, as a general rule, be permitted to serve in the same unit or barracks. However, each case will be considered by the chain of command and treated on its merits. Individuals who are married to each other or in a civil partnership will not be permitted to serve together where one party is required to report upon the other or may be required to take disciplinary or administrative action against the other.

b. The posting of a husband, wife or civil partner to the same unit does not confer on either of them the right to any particular security of tenure within that unit nor to any subsequent posting to a unit together. In addition, co-ordinated hours of duty cannot be guaranteed.

9.268 - 9.269. Reserved.

Permanent Staff of the TA

9.270. Subject to particular instructions issued by individual corps, the normal conditions of service apply to soldiers selected for duty on the permanent staff of the TA.

9.271. Soldiers selected by the APC for duty on the permanent staff of the TA are to be trained and creditable soldiers. They should, if possible, have sufficient residual service to allow them to complete a normal tour, but in any event they must have not less than 12 months still to serve.

9.272. Tours are normally to be for two or three years but may be extended in exceptional circumstances by the APC.

9.273. NCOs selected for appointment as sergeant instructors with the University Officers Training Corps (TA) should be qualified for promotion to the next higher rank.

9.274. In addition to the regular soldier appointments in the TA there are a certain number of posts which are to be filled by ex-regular soldiers. Details of the terms and conditions of service of these posts are given in **TA Regs**.

Assignment of an MLSE Soldier

9.275. An MLSE soldier may be assigned anywhere within his "area of service" which is defined as a circle radius of 30 miles centred on the main entrance of the barracks/establishment at which he was enlisted for service. He may subsequently apply in writing through his commanding officer to the APC to alter his area of service. Such an application must state the area of the United Kingdom to which service is to be restricted if the application is approved. An MLSE soldier may be required to serve outside his area of service in the United Kingdom for no more than 30 days in any calendar year or part of a year in which his term of service has effect.

9.276 - 9.289. Reserved.

PART 6 - TERMINATION OF SERVICE

Section 1 - General Instructions

9.290.

a. The stages in the procedure for a soldier's transfer to the Reserve or his termination from the Colours are:

(1) Authorization, *i.e.* the giving of authority for the transfer to the Reserve or termination to be carried out.

(2) Execution, *i.e.* the fixing of the date and effecting of the transfer to the Reserve or termination.

b. For the purpose of authorizing transfer to the Army Reserve or termination, the expressions *district/divisional commander, brigade commander and commanding officer* will have the same meaning as in the **Army Act 1955 (Part I) (Regular Army) Regulations 1992** and **Armed Forces Act 2006** Statutory Instruments.

c. Termination from the Army Reserve is to be as laid down by Regulations and Administrative Instructions for the Regular Reserve and the Long Term Reserve (**AC 60211**).

Termination of Recruits as a Statutory Right

9.291. All recruits enlisting into the Regular Army for the first time have the right to claim their termination according to the terms of their engagement.

9.292. A recruit shall have the right to determine his service by giving not less than 14 days notice in writing to his commanding officer subject to the following conditions:

a. If aged under 18 years at attestation. At any time after the end of 28 days and before the end of six months reckoned from the date on which the soldier first reported for full time paid duty following attestation. The soldier does not have to pay anything to exercise this right, but 14 days notice is required which MUST be given within the six months period. The period of notice may be reduced at the discretion of the commanding officer.

b. If aged 18 years or over at attestation. At any time after the end of 28 days and before the end of three months reckoned from the date on which the soldier first reported for full time paid duty following attestation. The soldier does not have to pay anything to exercise this right, but 14 days notice is required which MUST be given within the three months period. The period of notice may be reduced at the discretion of the commanding officer.

9.293 - 9.296. Reserved.

9.297. A recruit who enlists when under the age of 18 years but who does not join for duty until he has passed that age is to be accorded the right referred to in **para 9.292***b*.

9.298. Any person re-enlisting after having been terminated under **para 9.380**, *not finally approved for service*, or under **para 9.414**, *released from Army service*, having attended the Regular Commissions Board, shall on re-enlistment be deemed to be a recruit for the purposes of **para 9.292**.

9.299. All recruits claiming their termination as a statutory right are to be terminated under the provisions of **para 9.391** and they have no liability for recall under the provisions of the Regulations and Administrative Instructions for the Regular Reserve and the Long Term Reserve (**AC 60211**).

9.300. If any such claim as described in **paras 9.291 – 9.292** is made at a time when an order has been made under Section 10 of the **Army Act 1955** and **Armed Forces Act 2006** Statutory Instruments that soldiers are to continue in Army service, termination is not to be authorized so long as that order is effective.

Termination as a Statutory Right

9.301. A warrant officer reduced to the ranks may, subject to the provisions of Section 15 of the **Army Act 1955** and **Armed Forces Act 2006** Statutory Instruments, claim his termination, in accordance with **para 9.392**.

Termination of Service by Statutory Right

9.302. After the expiration of the period during which a soldier has the statutory right to claim termination, a soldier does not have the right to be transferred to the Army Reserve or be terminated before the completion of the period of Colour service for which he is committed, except that a soldier serving on a 22 year engagement may terminate his Colour service by giving notice as prescribed. The notice to be given and the action to be taken will vary according to the type of engagement on which the soldier is serving, as described in the following paragraphs.

9.303. A soldier serving on the Open, Notice or Versatile Engagements who wishes to terminate his Colour service before the completion of 22 years may, at any time after 12* months (**see para 9.073*) preceding the date to which he is committed to serve, under the provisions of **para 9.073**, **9.074** or **9.086** give 12* months notice (**see para 9.073*) in writing on **AF B 6848** to his commanding officer of his intention to do so. The form may be antedated or postdated by up to 14 days, to allow for operations, exercises or leave, at the discretion of the commanding officer provided the subsequent date of termination is not before that required for the minimum period of service.

9.304. Subject to any manning restrictions in force at the time, the recommendation of his Commanding Officer and the approval of the the Army Personnel Centre (APC), a soldier may withdraw his notice to terminate his Colour service before the notice period is due to end.

9.305. Except when specially recommended in the interests of the Service, withdrawal will not be approved if, as result of the soldier having given notice to terminate his Colour service, he is sent home from abroad for transfer to the Reserve or termination or has been retained at a home station or sent home for having insufficient unexpired Colour service to proceed or remain abroad.

9.306. If a soldier withdraws his notice and his application has been approved by the competent military authority given in **para 9.304**, any subsequent notice period is to be the full 12* months (**See* **para 9.073***b*).

9.307. Subject to the soldier not having been granted continuance, under the terms of **para 9.098** a soldier serving on the Open Engagement, Notice Engagement or Versatile Engagement is to be terminated on completion of 22 years, reckoned from the relevant date, without notice being given.

9.308. Reserved.

9.309. A soldier serving on the 22 Year Engagement wishing to terminate his Colour service is required to give notice in writing on **AF B 6848** to his commanding officer of his intention to do so. The notice period shall not be more than one year nor less than six months before the expiration of the period of service to which he may be committed.

9.310 - 9.312. Reserved.

9.313. A soldier serving on any engagement of 12 years or less is to be terminated or transferred to the Regular Reserve, as the case may be, on the date that his Colour service is due to end, without any application.

9.314. A soldier permitted to continue in the Service for any of the reasons listed in **para 9.099** may, unless he has waived his right, claim his termination at the expiration of six months notice given in writing to his commanding officer under the provisions of the **Army Terms of Service Regulations 1992**, Regulation 15(6). The notice period may be reduced at the discretion of the commanding officer.

General Instructions Concerning Termination

9.315. Termination or transfer to the Reserve of a soldier serving in the United Kingdom is normally to be carried out by the time that his Colour service is due to end.

9.316. A soldier serving overseas when due to be transferred to the Army Reserve or terminated may, if he so requests, be permitted by the GOC of the command in which he is serving to remain overseas when so terminated or transferred. In such cases the following procedure will be observed before permission is granted:

a. When the soldier wishes to remain overseas in the command in which he is serving, the approval of the local civil authorities must be obtained.

b. If the soldier is married and his spouse is resident in a country other than that in which he is serving, he is to be interviewed and asked to certify that he has made the necessary provision for his family. The certificate should be included with his application for local termination which is to be submitted to command headquarters. If there is reason to believe that the soldier may be intending to evade his marital responsibilities the following action is to be initiated. The Ministry of Defence (PS 4(Army)) is to be notified by signal of the full particulars of the case including the name and address of his spouse. The Ministry will then advise whether or not local termination is approved. Action to effect local termination is to be withheld until this notification is received.

c. If the soldier wishes to reside in any other country where there are regular British troops, the GOC under whom he is serving will communicate with the GOC of the command in which the man wishes to reside, to ascertain whether the local civil authorities have any objection and to ensure compliance with all local conditions as to residence.

d. In cases other than those referred to at *a* and *c*, the authority abroad carrying out the transfer to the Army Reserve or termination will, before doing so, ensure that the soldier has ascertained that the immigration laws of the country to which he wishes to proceed do not preclude his immediate admission to that country.

9.317. When a soldier has been given permission to remain overseas on transfer to the Reserve, the commanding officer will notify the Capbadge Section in the Terminations Wing of the APC of such permission and will forward a declaration signed by the soldier that he understands that he will be subject to the appropriate provisions of the Regulations and Administrative Instructions for the Regular Reserve and the Long Term Reserve (**AC 60211**).

9.318. A soldier who is to be transferred to the Reserve or terminated will be so transferred or terminated in accordance with the instructions contained in **para 9.290**.

9.319. A soldier becoming entitled to transfer to the Army Reserve or termination while serving overseas who is not permitted to remain overseas, will be brought home within the limits of the terms of his service, or if an order has been made under Section 9 of the **Army Act 1955**, within the time specified in that order, and his transfer or termination will be carried out thereafter with all convenient speed; but a soldier whose military conduct is assessed at not less than *Satisfactory* and who, on arrival in the United Kingdom, has less than six months unexpired Colour service to complete,

may be permitted to delay his transfer to the Army Reserve, or termination, to a date not later than six months from the date of his disembarkation, provided that he has no civil employment waiting or that he has not applied or been recommended for a resettlement course.

9.320. A soldier brought home from overseas for the purpose of undergoing a resettlement course and who is due for termination or transfer to the Reserve before he can complete the course, may be permitted to delay his termination or transfer to the Reserve for the period necessary to complete his resettlement course, for a maximum period of 28 days.

9.321. When a soldier is granted terminal leave before transfer to the Reserve or termination and is not required to return to his unit after such leave, then unit documentation is to be completed before the soldier proceeds on such leave.

9.322. When a soldier who is due to terminate his service is detached from his unit and it is not practicable to recall him to his unit; or he is a patient in hospital, not being invalided, and does not wish to be terminated at his unit, depot or equivalent unit and no medical reason exists to vary this; or he is undergoing imprisonment or detention, the commander of the soldier's unit is responsible for ensuring that unit documentation is completed before the date on which the soldier becomes due for such transfer or termination.

9.323. An apprentice detached from his unit who is to be terminated is to be returned to his unit for termination unless there is a medical reason which makes this undesirable. Where it is intended to terminate an apprentice for medical reasons or when it is considered likely that such action will have to be taken in the future, the officer commanding the hospital is to inform the Commandant, Army Apprentices College of the matter. Medical officers are not to discuss the question of medical termination with an apprentice unless absolutely necessary. If this is so, the medical officer is to report the fact to the unit commander, preferably by telephone, as soon after the discussion as practicable.

9.324. When a soldier is a patient in hospital and is to be brought before a medical board for the purpose of being invalided the commander of the soldier's unit is to forward the soldier's documents, completed as far as possible, to the officer commanding the hospital before the medical board assembles.

9.325. In the case of a soldier whose joining for duty after enlistment was deferred by the granting of a period of unpaid leave before joining, the soldier is to be given the opportunity of deferring his termination (or transfer to the Reserve) by a period equivalent to the period of unpaid leave, if by such action the soldier can qualify for a pension or resettlement grant. Such deferment, if desired, will be authorized by the commanding officer and **AF B 6848** completed accordingly.

9.326. The competent military authorities to authorize transfer to the Reserve (where applicable) or termination are shown in **paras 9.373 – 9.414**.

9.327. The Director of Manning (Army) is competent to authorize transfer to the Reserve or termination under any of the relevant **paras 9.373 – 9.414** and may exceptionally do so even if the terms applicable to any particular paragraph concerned have not been fully complied with. The Director of Manning (Army) is also competent to authorize the cancellation or correction of a transfer to the Reserve or termination under any of the relevant **paras 9.373 – 9.414** and to authorize the reinstatement into service of any soldier.

9.328. Except in the case of those paragraphs where special provision is made, the competent authority to carry out transfer to the Reserve or termination is the commanding officer if the soldier is on the strength of a unit or establishment, but where the soldier is not on the strength of a unit or establishment the APC will be deemed to be his commanding officer.

9.329. In those cases where terminal and/or invaliding leave is inadmissible and the soldier is on the strength of a unit or establishment his commanding officer, before fixing the date of transfer to the Reserve or termination, is to consult the Terminations Wing of the APC regarding the date to be fixed.

9.330. The date on which transfer to the Reserve or termination is to be effected is to be, in the case of:

a. Termination of Colour service - the day on which the soldier leaves the unit, or if terminal and/or invaliding leave is admissible, the day on which such leave ends.

b. Premature termination under **paras 9.396**, **9.397**, **9.403** and **9.404** -

(1) When the soldier is to undergo a sentence in a civil penal establishment - the date on which the soldier is committed to and accepted into the charge of the civil custodial authorities. (*See* **paras 9.332**, **9.360** and **9.446**.)

(2) When the soldier is not under a sentence of imprisonment or detention, the effective date will be the date on which the termination is carried out by the unit commander in the United Kingdom following authorization by the competent military authority.

c. Premature termination under paragraphs other than those mentioned in sub-para *b* - the day on which the soldier leaves the unit or, when proportionate privilege, terminal and/or invaliding leave is admissible, the day on which such leave ends.

d. Transfer to the Reserve - the day following that on which the soldier leaves the unit, or if proportionate privilege and/or terminal leave is admissible, the day following that on which such leave ends.

9.331. A soldier transferred to the Army Reserve or terminated while undergoing sentence of imprisonment or detention in a civil prison, Military Corrective Training Centre, or other place of detention or youth custody is to complete the

balance of his sentence in that establishment after his transfer or termination has been carried out. Such termination from the Army is to be carried out as soon as possible after it has been authorized and is to be effected during the currency of the soldier's sentence, under arrangements to be made between the Terminations Wing of the APC and the governor or commandant of the establishment in which the soldier is under sentence (*see* **paras 9.332** and **9.404**).

9.332. In the case of a soldier under sentence of detention in a Military Corrective Training Centre whose termination from the Army has been authorized, the effective date is to be that on which the soldier would be due for release on completion of sentence, allowance being made for maximum remission. This date is to be notified as soon as possible by the commandant to the Terminations Wing of the APC (*see* **para 9.331** regarding completion of sentence in cases where loss of remission entails the soldier under sentence being required to complete a longer sentence than that originally notified despite having been terminated from the Army).

9.333. The fact that a soldier is serving a sentence of imprisonment or detention in the United Kingdom is not to be accepted as a reason for delaying his transfer to the Reserve or termination on the due date in accordance with the terms of his engagement (**para 9.331** is to apply regarding completion of sentence and **para 9.404** regarding soldiers sentenced whilst serving abroad).

9.334. The grant of terminal leave and or resettlement is governed by the following circumstances:

a. A soldier serving a sentence or absent without leave who is unable to take terminal leave and or resettlement for which he would normally be eligible is to forfeit such leave and resettlement.

b. A soldier terminated from the Army on medical grounds whilst serving a sentence is not eligible for terminal or invaliding leave and resettlement.

c. A soldier serving a sentence in a civil penal establishment or military corrective training centre who is terminated from the Army on account of admission to a mental hospital during the period of his sentence is not to be granted invaliding or terminal leave or resettlement.

9.335. A soldier unfit to travel to his home in consequence of illness when transferred to the Army Reserve or terminated may receive treatment in hospital in accordance with the provisions of Regulations for the Medical Services of the Army (**AC 10910**) and of the PULHHEEMS Administrative Pamphlet 2007 effective 01 October 2007 (**AC 13371**).

9.336. When a soldier is retained in a hospital or prison after his transfer to the Army Reserve or termination is completed, the address of the hospital or prison in which he is so retained is to be notified to the Terminations Wing of the APC.

9.337. Transfer to the Reserve or termination is not to be delayed because documents are missing or incomplete.

9.338. If a soldier has a claim against the public and wishes it settled before his transfer to the Reserve or termination is carried out, every endeavour is to be made to settle it. His transfer to the Reserve or termination is not, however, to be delayed beyond the date on which it is due if settlement is not possible by that date, but full details of the claim are to be recorded in order that settlement may be effected by the Terminations Wing of the APC after the transfer to the Reserve or termination has been effected.

9.339. Special action is to be taken in accordance with **para 9.340** when a soldier of one of the following categories is to be terminated:

a. Soldiers enlisted from community homes and still under the age of 19 years.

b. Soldiers under the age of 18 years.

c. All apprentice tradesmen while still undergoing training as such after attaining the age of 18 years.

d. Soldiers under the age of 18 years who have made a false statement as to age, *i.e.* given their age on enlistment as being over 18 years.

9.340. Should a soldier be within the category given in **para 9.339***a*, a report in accordance with **para 1 of Annex D** to this Chapter is to be rendered as early as possible by the commanding officer of the unit concerned to the manager of the community home from which the soldier enlisted. If the cause of termination is under **paras 9.396**, **9.397**, **9.403**, **9.404** or **9.405**, the report is, in addition, to be sent to the Department of Health (Department CS 2), Room 133, Wellington House, Waterloo Road, LONDON SE1 8UG. The soldier's termination is not to be carried out until the addressees have been given the opportunity of notifying their wishes regarding the destination of the soldier. The carrying out of the termination must not, however, be delayed for more than seven days from the date of despatch of the report to the authority or authorities concerned. Should a soldier come within a category given in **para 9.339***b*, *c* or *d*, the parent or legal guardians as verified by the commanding officer of the unit with the APC is to be informed by letter (*see* **para 2 of Annex D** to this Chapter) of the circumstances and is to be requested to give instructions, as quickly as possible, regarding the destination of the soldier. The soldier is not to be despatched from the unit until such instructions are received. Every effort is to be made to obtain the necessary instructions as quickly as possible. The period of seven days may, if required, be extended on Ministry of Defence (DM(A)) authority if it is necessary to refer the case to the parents or guardians abroad or where there are other special circumstances.

9.341. If a soldier has claimed termination as a statutory right in accordance with **paras 9.292 – 9.294**, termination is to be arranged with all convenient speed; but should it be necessary to retain the soldier for any reason beyond his due date he should not be retained without the authority of the Ministry of Defence (DM(A)).

9.342. Before a soldier proceeds on terminal leave he is to be medically examined, except when his service is to be terminated on medical grounds. If no change in medical assessment is indicted, **F Med 1** and **F Med 2** will be completed and disposed of in accordance with current instructions. Where reassessment is indicated, medical board action is to be taken in accordance with current instructions before the completion of **F Med 1** and **F Med 2**.

9.343. Where service is to be terminated on medical grounds under **para 9.385** a medical board is to be held and **F Med 19**, **F Med 23** and **AF B 204** are to be completed and disposed of in accordance with current instructions.

9.344. Where service is to be terminated on medical grounds under **paras 9.386** and **9.387**, a full medical board is to be held and **F Med 19** and **F Med 23** are to be completed and disposed of in accordance with current instructions.

9.345. Before a serving soldier is enrolled into Section D or transferred to Section A of the Army Reserve his medical assessment as recorded on **F Med 1** is to be verified as being within the current medical standards for the appropriate section.

9.346. If a soldier is below the required medical standard for transfer and retention in the Reserve, he is to be terminated in accordance with Regulations and Administrative Instructions for the Regular Reserve and the Long Term Reserve (**AC 60211**) on the same day.

9.347. If the soldier has a medical assessment below that required for transfer to and retention in the Army Reserve, but is likely to be within the higher medical assessment within six months (as denoted by the letter 'R' in the medical assessment), he is to be designated to Section A of the Army Reserve. The APC is to arrange for a medical examination at the end of the six months. If the soldier is not then within the retention standard for the Army Reserve he is to be terminated under Regulations and Administrative Instructions for the Regular Reserve and the Long Term Reserve (**AC 60211**).

9.348. The Service Personnel Veterans' Agency (SPVA) – War Pensions - will decide whether a soldier who claims to be, or is found to be, suffering from a disability incurred during service after 2 September 1939 shall receive a disability award. SPVA (War Pensions) will make the decision when the disability was incurred during service before 3 September 1939.

9.349. The medical documents of a soldier terminated from the Service for medical reasons (*see* **paras 9.381***d*, **9.382***f*, **9.385**, **9.386** and **9.397**) are in all cases to be forwarded to the SPVA to enable that Department to give consideration (*see* **para 9.348**) to any entitlement to a disability award.

9.350. If a soldier on transfer to the Regular Reserve, or on termination, claims to be or is found to be suffering from a disability incurred during his service, his medical documents are to be forwarded to the SPVA for consideration.

9.351. The medical documents of a regular reservist who claims a pension in respect of disablement on termination from the Reserve are to be forwarded to the SPVA, who will forward the documents, with their decision as to pension, to the APC.

9.352. When a soldier's transfer to the Regular Reserve or termination is carried out his uniform is to be disposed of in accordance with the Defence Supply Chain Manual (**JSP 336**), Volume 12 Part 3 Pamphlet 2.

9.353. Terminal leave pending transfer to the Regular Reserve or termination may be granted under the provisions of the **JSP 760** Tri-Service Regulations for Leave and Other Types of Absences.

9.354. Before a soldier leaves his unit arrangements are to be made for the issue of pay and allowances in the manner prescribed in the **JSP 754**. A soldier is to be informed that any balance due to him will be paid to him by the SPVA.

9.355. When a soldier leaves the Colours on transfer to the Regular Reserve or termination he is to be given the documents listed in the Personnel Administration Manual (PAM) (**AC 63791**), Part, Chapter 11. In the case of transfer to the Reserve the soldier is required to sign a certificate acknowledging his reserve liability.

9.356. When a soldier is transferred to or enlists in the Regular Reserve, he should be informed that he will receive an Instruction Book (**AB 592A**) and should be instructed to bring it with him whenever he is called out for training or for service with the Colours. The **AB 592A** contains the following:

a. Guidance for reservists.

b. Instructions for joining.

c. A cash order and instruction for use.

d. A travel warrant to his place of joining.

9.357. A testimonial (**AF B 108X**) is to be initiated by the unit and completed in accordance with the detailed instructions given in **Section 6** of this Part. A copy of the soldier's **AF B 108X** is to be forwarded to reach the APC.

9.358. The soldier is to be issued with the original **AF B108X** not less than seven days before he leaves the unit (*see* **paras 9.438** and **9.447** regarding issue of a temporary certificate (**AF B 108C**) by the unit before the soldier's departure).

9.359. When a soldier is transferred to the Reserve or terminated while he is a patient in hospital and is retained in hospital after transfer or termination, the certificate is to be forwarded to the commanding officer of the hospital to be handed to the soldier.

9.360. When a soldier is transferred to the Regular Reserve or terminated while undergoing a sentence of imprisonment or detention, the certificate is to be forwarded to the governor of the prison, or commandant of the corrective establishment, to be handed to the soldier on his release from imprisonment or detention (*see* **para 9.446**).

Effective Date of the Transfer to the Reserve, or Termination

9.361. Immediately before a soldier leaves his unit on transfer to the Reserve or termination, he is to be interviewed by the commanding officer or an officer authorized by him and informed of the date with effect from which he is being transferred to the Reserve or terminated. He is also to be presented with his **AF B 108X** and **AF B 108C**. Where the interview has to take place early then the **AF B108X** and **AF B108C** should be withdrawn after presentation and then finally given to the soldier as late on the day of departure from the unit as possible. If at any stage after the soldier has received his **AF B 108X** and **AF B 108C** it is found that his termination/transfer to the Reserve is not to be finally authorized then the **AF B 108X** and **AF B 108C** is to be withdrawn.

9.362 - 9.370. Reserved.

Section 2 - Transfer to the Regular Reserve - Administrative Instructions

General Instructions on Procedure

9.371. The circumstances in which a soldier may be transferred to the Regular Reserve, and special instructions regarding the procedure to be followed, are given in the following paragraphs. The words in italics at the head of each paragraph are to be used for recording the cause of transfer to the Regular Reserve. For the procedure when a soldier serving overseas requests permission to remain overseas on transfer to the Regular Reserve *see* **para 9.316**. A transfer to the Reserve is effective as soon as it has been carried out.

Reasons for Transfer to the Regular Reserve

9.372. Reserved.

9.373. ***By Right, having given the Appropriate Notice.***

a. The competent military authority responsible for carrying out the transfer is the commanding officer.

b. The 'appropriate notice' is given in **Army Terms of Service Regulations 1992**, Regulation 5 and the **Armed Forces Act 2006** Statutory Instruments.

c. This paragraph applies to:

(1) A man enlisted on a Notice Engagement before 1 January 1986 who has the right to give 12 months (*see* **para 9.073***b*) notice to terminate his Colour service before the completion of 12 years reckoned from the relevant date.

(2) A man who after 1 January 1986 enlisted on, or changed to, the Notice Engagement who has the right to give 12 months notice to terminate his Colour service before the completion of 22 years reckoned from the relevant date.

(3) A woman who on or after 1 January 1987 enlisted on the Notice Engagement who has the right to give 12 months notice to terminate her Colour service before the completion of 22 years reckoned from the relevant date.

(4) A soldier enlisted on the Open Engagement or Versatile Engagement who has the right to claim transfer to the Reserve by giving 12 months notice to terminate his or her Colour service.

d. A soldier who is considered unsuitable for transfer to the Army Reserve is to be terminated under **para 9.389***c*(5).

e. Notice is to be given on **AF B 6848** / JPA workflow.

9.374. ***At the Soldier's Request on Payment.***

a. The competent military authority to approve the transfer is the commanding officer.

b. **Army Terms of Service Regulations 1992**, Regulation 6, Schedule 1, or **Armed Forces Act 2006** Statutory Instruments governs this authority.

c. This paragraph does not apply to the Open Engagement and Versatile Engagement.

d. This paragraph applies to a serviceman who enlisted on, or changed to, the Notice Engagement on or after 1 January 1986.

e. This paragraph also applies to a servicewoman who enlisted on, or changed to, the Notice Engagement on or after 1 January 1987 (but *see also* Part 7, **para 9.478**). A servicewoman who enlisted before 1 January 1987 is eligible to be terminated under the terms of **para 9.399**.

f. This paragraph also applies to a serviceman who enlisted on, or changed to, the Notice Engagement before 1 January 1986 and who has not completed 12 years service reckoned from the relevant date. A serviceman who has completed 12 or more years service is eligible to be terminated under the terms of **para 9.399**.

g. This paragraph also applies to a soldier enlisted on a 'S' Type engagement.

h. The application is to be made on **AF B 132A** and the conditions and procedure are to follow those laid down in **paras 9.415 – 9.422**.

i. If it is required to delay the transfer of the soldier to the Reserve the commanding officer is to apply in accordance with **para 9.418**; each individual case is to be treated on its merits.

j. For purchase rates *see* the **Pay Warrant 1964**, Article 503.

k. Transfer to the Reserve will be authorized on **AF B 132**.

9.375. ***At the Soldier's Request, Free on Compassionate Grounds.***

a. The competent military authority to authorize the transfer is the GOC of a division or district.

b. **Army Terms of Service Regulations 1992**, Regulation 6 and Schedule 1 govern this authority.

c. Application is to be made on **AF B 132A** and submitted as for **para 9.374**. The conditions and procedure laid down in **paras 9.423 – 9.424** are to apply. The application is to be submitted via the chain of command.

d. Transfer to the Reserve under this paragraph if approved is to be as for **para 9.374** and is not to be delayed by the application of the provisions of **para 9.418**.

e. This paragraph is also applicable to a soldier enlisted on the Versatile Engagement.

f. Transfer to the Reserve will be authorized on **AF B 132**.

g. A soldier who enlisted before 1 January 1986 and has completed 12 years service reckoned from the relevant date should not be transferred to the Reserve but should be terminated under **para 9.402**.

9.376. ***At the Soldier's Request.***

a. The competent military authority to authorize the transfer is the Director of Manning (Army).

b. **Army Terms of Service Regulations 1992**, Regulation 6, Schedule 1 or **Armed Forces Act 2006** Statutory Instruments governs this authority.

c. This paragraph applies to a soldier who requests premature transfer to the Reserve for reasons other than under **paras 9.374 – 9.375**.

d. Application is to be made in the form of a personal application by the soldier and such application will be approved only in the most exceptional circumstances.

9.377. ***At the Soldier's Request.*** Transfer to the Reserve after completion of 16 or more years service on a current engagement.

a. The competent military authority to authorize transfer is the commanding officer.

b. **Army Terms of Service Regulations 1992** Regulation 6 and the **Army Act 1955 (Part 1) (Regular Army) (Amendment) Regulations 1995**, Schedule A, Part II, Item 11, or **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a man who enlisted on or changed to a Notice Engagement after 1 January 1986 who has completed 16 or more years service on a current engagement and does not qualify for a Service pension except for those referred to in sub-para *i*. The period of 16 years is to reckon from the date of attestation or 18th birthday, whichever is the later.

d. A man who enlisted on or changed to a Notice Engagement after 1 January 1986 who has completed 16 years on two or more consecutive engagements without any break in reckonable service between engagements may also be transferred under this paragraph. Reckonable service is to be calculated from the relevant date as given in sub-para *c*.

e. This paragraph also applies to a servicewoman who enlisted on, or changed to, the Notice Engagement on or after 1 January 1987 who has completed 16 years or more service on a current engagement and does not qualify for a service pension except for those referred to in sub-para *i*. The period of 16 years is to reckon from the relevant date as given in sub-para *c*.

f. A servicewoman who enlisted on, or changed to, the Notice Engagement after 1 January 1987 who has completed 16 years on two or more consecutive engagements without any break of reckonable service between engagements may also be transferred under this paragraph. Reckonable service is to be calculated from the relevant date as given in sub-para *c*.

g. The application for transfer is to be made on **AF B 132A** as for **para 9.399** and the same premature voluntary release on payment conditions and procedure are to apply except that no purchase rate is chargeable.

h. The soldier is liable to refund any bounty which has been paid in respect of a period of service which has not been completed (*see* **para 9.420** and the **Pay Warrant 1964**, Articles 507 and 625).

i. Soldiers seeking to terminate service on completion of at least 21 years nine months reckonable service for pension and who wish to obtain the concession permitted by the **Army Pensions Warrant 1977**, Article 146, should not be dealt with under this paragraph but should apply for termination under **para 9.400***g*.

9.378. Reserved.

Section 3 - Termination from the Colours
Administrative Instructions

General Instructions on Procedure

9.379. Instructions on the procedure to be adopted for the termination of soldiers are given in **paras 9.380 – 9.414**, which also set out in accordance with the provisions of the **Army Act 1955 (Part I) (Regular Army) Regulations 1992** and amended by the **Army Act 1955 (Part 1) (Regular Army) (Amendment) Regulations 1995** and the **Armed Forces Act 2006** Statutory Instruments, the competent military authority for each paragraph, which includes all officers superior in command to him. It is to be noted that in any case:

a. The words in italics at the head of each paragraph are to be used for recording the cause of termination. These may not be varied except as provided for in **paras 9.384** and **9.414***c*(1).

b. The termination of a soldier of the regular forces is not to be carried out except in accordance with the provisions of **paras 9.380 – 9.414**.

c. Termination is to be effected as soon as possible after it has been authorized.

d. The procedure to be followed when a soldier overseas seeks permission to remain overseas on termination is given in **para 9.316.**

e. When the reasons for termination stated on **AF B 130**/**130A** are amplified by a separate report then a copy of that report is to be permanently attached thereto.

f. Rules for the termination of soldiers on O Type engagements are given at **Annex I** to this Chapter.

g. Administrative and disciplinary terminations are to take precedence over medical terminations.

Cause of Termination - Not Finally Approved for Service

9.380. Reserved.

Cause of Termination - Defect in Enlistment Procedure, or False Answer on the Attestation Paper

9.381. ***Defect in Enlistment Procedure.***.

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier in respect of whom the current regulations for enlistment have been improperly or incorrectly complied with.

d. A soldier who after enlistment or attestation is found to have been medically unfit for acceptance on account of a condition that was overlooked, inappropriately assessed or not declared by the soldier as part of his former medical history at the time of his initial examination is to be terminated under this paragraph, following **AF B 204** procedure laid down in the pamphlet Medical Documentation in the Army Medical Services 1995 (**AC 61416)** Chapter 5.

e. Termination is to be authorized on **AF B 130**.

9.382. ***Having made a False Answer to a Question on the Attestation Paper*.**

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier who has been:

(1) Convicted by a civil court of an offence under Section 19 of the **Army Act 1955**, or

(2) Convicted by a Court Martial or has been summarily dealt with for an offence under Section 61 of the **Army Act 1955**.

d. This paragraph also applies to:

(1) A soldier below the age of 18 who enlists without the consent of his parents or guardians. He is to be terminated as soon as practicable after his true age has become apparent either from his birth certificate or as a result of a claim by the parents or guardians, or as a result of a confession by the soldier himself or in any other way. At the time that the claim is made the soldier must still be below the appropriate minimum age. Details of the special action to be taken in respect of a soldier terminated for the reasons stated in this subparagraph are given in **paras 9.339 – 9.340**.

(2) A soldier who, being an indentured apprentice, is claimed by his master and must therefore be terminated.

e. A soldier, other than one who is claimed by reasons of age or apprenticeship, may be retained in Army service if the commanding officer considers there are adequate grounds to justify this.

f. A soldier who fails to disclose a previous termination on medical grounds is to be examined by a medical board before being terminated under this paragraph.

g. Termination is to be authorized on **AF B 130**.

Cause of Termination - Found Unsuitable for Further Army Service at a Training Unit or Establishment

9.383. ***Unsuitable for Army Service.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. Application for termination is to be made, and termination is to be authorized, on **AF B 130**.

d. This paragraph applies to an unsuitable recruit, *i.e*. A soldier who during his first nine months of service and while still undergoing Phase 1 and Phase 2 recruit training in a training unit, is considered to be:

(1) Unlikely to become an efficient soldier, *e.g*. unable to complete training to an acceptable standard.

(2) A misfit, *e.g*. cannot adapt to aspects of military life such as communal living.

(3) An undesirable influence.

(4) Likely to bring discredit on the Service.

(5) Unsatisfactory due to his conduct.

e. A soldier who has been posted away from a training unit on completion of training is not to be terminated under this paragraph.

f. A soldier who is still serving in a training unit after he has completed nine months service is not to be terminated under this paragraph. Full details of the case, with the recommendation of the SPSO where necessary, may be forwarded to the Ministry of Defence (DM(A)) for consideration of termination under **para 9.414**.

g. This paragraph is not to be used for medical unfitness cases and does not apply to apprentices under the age of 17½ years to whom **para 9.411** applies.

Cause of Termination - Considered Unsuitable for Further Army Service, on Medical Grounds

9.384. Documentation. In cases falling under this heading, which covers **paras 9.385 – 9.387** inclusive, the cause of termination recorded on documents is to be amplified to show whether the soldier is either medically unfit under existing standards (*see* **para 9.385**), or temporarily or permanently medically unfit for Army service (*see* **para 9.386** or **9.387**, as appropriate). The cause of termination recorded on the Certificate of Service (**AF B 108**) issued to the soldier is, however, always to be shown as '*Ceasing to fulfil Army medical standards'* (*see* **para 9.439**) except in the case of recruits not accepted for service for medical reasons, when the cause is to be recorded as '*Below medical entry standards for the Army'*.

9.385. ***Ceasing to Fulfil Army Medical Requirements, that is Medically Unfit under Existing Standards.***

a. The competent military authority to authorize termination is the Director General Army Personnel Centre or in the case of a soldier who has not completed Phase 1 training, the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier whose medical category falls below entry standards for a recruit or employment standards for a trained soldier appropriate to his corps, employment and length of service, but is nevertheless not so low as to render him unfit for any form of Army service.

d. A soldier graded as in sub-para *c* is not to be terminated if further employment for which he is medically acceptable can be found for him in his corps. If this is not possible and he is medically acceptable and recommended for transfer to another corps, the case is to be referred by the commanding officer of the unit in which he is serving to the APC.

e. If other employment in his own corps is not possible, and if transfer to another corps is not authorized, the soldier is to be terminated under this paragraph. If a soldier is unwilling to accept other employment within his own corps, or to be transferred to another corps which has expressed its preparedness to take him, then he is to be terminated under **para 9.414** and not under this paragraph.

f. **AF B 204** procedure as laid down in the pamphlet Medical Documentation in the Army Medical Services 1995 (**AC 61416)**, paras 0526 - 0528 is to be concluded prior to submission of applications for termination on **AF B 130**.

9.386. ***Ceasing to Fulfil Army Medical Requirements, that is Temporarily Unfit for Any Form of Army Service.***

a. The competent military authority to authorize termination is the Director General Army Personnel Centre/Military Secretariat.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier who is medically unfit for any form of Army service and is ineligible for retention under current regulations, but who may at a later date improve and become fit for some form of service in time of emergency.

d. The competent military authority is not to authorize termination unless the soldier has appeared before a medical board, the proceedings of **F Med 19** have been confirmed by the Commander Medical of the district or division and the form in **PULHHEEMS Administrative Pamphlet 2007**, Appendix 6 has been forwarded to him.

e. The officer commanding of the MDHU is the soldier's commanding officer if the soldier is to be terminated direct from hospital.

9.387. ***Ceasing to Fulfil Army Medical Requirements, that is Permanently Medically Unfit for Any Form of Army Service.***

a. The competent military authority to authorize termination is the Director General Army Personnel Centre/Military Secretariat.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier who is medically unfit for any form of Army service and is likely to remain so permanently.

d. The competent military authority is not to authorize termination unless the soldier has appeared before a medical board, the proceedings of **F Med 19** have been confirmed by the Commander Medical of the district or division and the form in **PULHHEEMS Administrative Pamphlet 2007**, Appendix 6 has been forwarded to him.

e. The officer commanding the military hospital is the soldier's commanding officer if the soldier is to be terminated direct from hospital.

Cause of Termination - Having Reached the Maximum Age Regarded as Suitable in his Corps

9.388. ***Having Reached the Age Limit for Service.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier on reaching an age limit for service.

d. The termination will be carried out on the day preceding the anniversary of the soldier's birthday.

e. A soldier who reaches the age limit laid down for his rank need not necessarily be terminated if he is willing to continue in the Service and provided the APC concerned can ensure future employment.

f. Termination is to be authorized on **AF B 130**.

Cause of Termination - Entitled to Determine Service or Claim Termination

9.389. ***By Right having Given the Appropriate Notice.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to:

(1) A serviceman who enlisted on or changed to the Notice Engagement before 1 January 1986, who has the right to claim termination by giving 12* months' notice (**see* **para 9.074***b*) to terminate his Colour service after the completion of 12 or more years service reckoned from the relevant date.

(2) A serviceman who, before 1 May 1972, enlisted on or changed to the 22 Year Engagement, who has the right to claim his termination by giving notice of not more than one year or less than six months before his 12 year option point and each subsequent three year period of his engagement.

(3) A servicewoman who enlisted on or changed to the Notice Engagement before 1 January 1987, who has the right to claim her termination by giving 12 months notice to terminate her Colour Service in accordance with **para 9.074***b*.

(4) A servicewoman who, before 1 May 1972, changed to the 22 Year Engagement who, having the right to give notice of not more than one year or less than six months before the end of six years service and each subsequent period of three years reckoned from the relevant date, claims her termination at an option point of her engagement.

(5) A serviceman who enlisted on or changed to the Notice, Open or Versatile Engagement, who has given the appropriate notice on **AF B 6848**/JPA workflow and for whom, for any reason, transfer to the Regular Reserve under **para 9.373** appears inappropriate or unsuitable, is to be terminated under this paragraph.

(6) A soldier serving on the MLSE who has the right to claim termination by giving 90 days notice providing that as at the date of termination he will have completed one year's service reckoned from his date of attestation or two year's service if upon enlistment he was required to complete CMS(R).

d. Notice is to be given on **AF B 6848**/JPA workflow.

9.390. ***Having Claimed Termination under Regulation 15(6) of the Army Terms of Service Regulations 1992.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies only to those soldiers who have commenced a term of continued service, having completed a 22 year engagement, and who claim termination having given six months notice from a date after the commencement of their continued service.

d. Special conditions applying to this paragraph are:

(1) A soldier whose application to continue in Army service beyond 22 years was approved may claim his termination by giving six months notice beginning from the date on which notice of his termination is given by him to his commanding officer.

(2) A copy of the soldier's application for termination is to be kept with his documents.

(3) A soldier who, in consideration of being permitted to undergo a course of instruction, transfers to another corps or receives any other benefit or advantage, has consented in writing on **AF B 6848**/JPA workflow not to determine his service for a specified period may not claim his termination in accordance with sub-para (1) before the expiration of the period for which he has consented to serve.

(4) The notice period may be reduced at the discretion of the commanding officer, in accordance with **para 9.108**.

(5) Termination is to be authorized on **AF B 130**.

9.391. ***Having Applied to Determine Service or Claim Termination.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority .

c. This paragraph applies to a recruit, *i.e.* A person who has not previously been enlisted and finally approved; *see* **para 9.291**. The periods during which the recruit may apply are laid down in **paras 9.291 – 9.296**.

d. Termination under this paragraph is a statutory right and can only be refused when it has been declared that national danger is imminent or a great emergency has arisen.

e. Termination is to be carried out with all convenient speed. Where a recruit has the right to be terminated on giving 14 days notice the period of the notice may be reduced at the discretion of the commanding officer.

f. Application for termination is to be submitted on **AF B 132A** and authorized on **AF B 132**.

g. The purchase rates where applicable are given in the **Pay Warrant 1964**, Articles 503 and 563.

9.392. ***Having Claimed Termination under Section 15 of the Army Act 1955.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies only to a soldier who has been reduced from the rank of warrant officer and claims his termination. The application must be made within one month of his reduction.

d. Termination in accordance with Section 15 of the **Army Act 1955** is a right, not a privilege, and cannot be refused. It is to be carried out with all convenient speed after the application has been received by the commanding officer.

e. A copy of the soldier's application for termination is to be kept with his documents.

f. Termination is to be authorized on **AF B 130**.

Cause of Termination - Completion of Engagement

9.393. ***On Completion of Engagement.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier who has completed his engagement.

d. Termination is subject to any special Ministry of Defence instructions in force at the time.

Cause of Termination - Request by a Woman for Free Termination for Family Reasons

9.394. Reserved.

9.395. ***Free on Family Grounds.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. Termination is to be authorized on **AF B 130** supported by **F Med 790** completed by a medical officer.

d. Servicewomen may be terminated under this paragraph at any time prior to confinement. A Servicewoman who, having elected to remain in the Army, decides after the birth not to remain in the Army may also be terminated under this paragraph providing that the request for termination is made before the end of her maternity leave/maternity absence.

Cause of Termination - Termination in Implementation of a Sentence of a Court Martial

9.396. ***Having been Sentenced by a Court Martial to Dismissal from Her Majesty's Service.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier dismissed from the Service by a sentence of a Court Martial under the **Army Act 1955**, the **Naval Discipline Act 1957** or the **Air Force Act 1955** (applies also to soldiers deemed to have been so sentenced under Section 7(c) of the **Army Act 1955**) or the **Armed Forces Act 2006**.

d. A soldier serving abroad who is to be dismissed from the Service is to be sent to the United Kingdom for termination unless he had enlisted at the station where serving when dismissal was ordered.

e. Termination is to be authorized on **AF B 130**.

f. Note is to be taken of **para 9.330**.

9.397. ***Having been Sentenced by Court Martial to Dismissal with Disgrace from Her Majesty's Service.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. The terms of **para 9.396** will apply.

Cause of Termination - Termination of the Engagement of a Soldier who has been Permitted to Continue in Army Service after Completion of 22 Years Service

9.398. ***On Termination of Engagement.***

a. The competent military authority to authorize termination varies as below:

For:	*Rank*	*Competent Military Authority*
(1)	Warrant Officer class 1	Director of Manning (Army).
(2)	Warrant Officer class 2	District or divisional commander.
(3)	Staff Sergeant or sergeant (or equivalent ranks)	District, divisional, brigade or garrison commander or deputy district commander (not being below the rank of colonel or corresponding rank).
(4)	All ranks below that of sergeant	Commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments governs this authority.

c. This paragraph applies to a soldier who has been permitted to continue in the Service beyond 22 years and whom it is desired to termination compulsorily before he has completed the period of continuance and before he reaches the age limit for service.

d. Termination under this paragraph requires 12 months notice to the individual. Any variation of the 12 months notice period requires clearance from the Director of Manning (Army).

e. Application for termination is to be made, and termination is to be authorized by the competent military authority, on **AF B 130A**.

Request for Termination by a Soldier Not Entitled to Determine Service or Claim Termination

9.399. ***At the Soldier's Request - on Payment.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier not entitled to claim termination under **para 9.391** who requests premature voluntary release on payment. It does not apply to soldiers enlisted on the Open Engagement or Versatile Engagement.

d. Termination under this paragraph is to be effected only in exceptional cases where transfer to the Reserve under **para 9.374** is inappropriate or impracticable. If it is desired to delay the termination of the soldier the commanding officer is to apply in accordance with the provisions of **para 9.418**. Each case is to be treated individually on its merits.

e. Application for termination is to be made on **AF B 132A** and is subject to the conditions and procedures laid down in **paras 9.415 – 9.422** and is to be authorized on **AF B 132**.

f. Premature voluntary release costs are given in **JSP 754**.

9.400. ***At the Soldier's Request - after Completion of 16 or more Years' Service on a Current Engagement.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a serviceman enlisted before 1 January 1986 or a servicewoman who enlisted before 1 January 1987 who has completed 16 or more years service on a current engagement and does not qualify for a service pension except for those applicants referred to in sub-para *g*. The period of 16 years is to reckon from the reckonable service date.

d. A soldier who has completed 16 years service on two or more consecutive engagements without any break in reckonable service between engagements may also be terminated under this paragraph. Reckonable service is to be calculated from the relevant date as given in sub-para *c*.

e. This paragraph does not apply to a serviceman who enlisted or converted to a Notice Engagement on or after 1 January 1986 (servicewomen, 1 January 1987) who should be transferred to the Reserve under **para 9.377** unless applying for termination under sub-para *g*.

f. The application for termination is to be made on **AF B 132A** as for **para 9.399** and the same premature voluntary release on payment conditions and procedures are to apply except that no purchase costs are chargeable.

g. Applications from soldiers are members of the Armed Forces Pension Scheme 1975 who wish to obtain the concession permitted by the **Army Pensions Warrant 1977**, Article 146, for termination on completion of at least 21 years nine months reckonable service for pension are to be submitted under this paragraph. All such applications, supported by evidence from the prospective employer that the employment offered cannot be kept open until the soldier's due date for termination, must be referred to the Ministry of Defence (DM(A)) through the APC.

h. Termination is to be authorized on **AF B 132**.

9.401. ***At the Soldier's Request - before Completion of a Normal Regular Engagement but with 22 or more Years Reckonable Service for Pension.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier with less than 22 years reckonable service on his current engagement but with 22 or more years reckonable service on two or more engagements.

d. The application for termination is to be made on **AF B 132A** as for **para 9.399** and the same premature voluntary release conditions and procedures as those laid down in **paras 9.415 – 9.422** will apply except that no purchase costs are chargeable.

e. This paragraph does not apply to those serving on an MLSE Engagement.

f. Termination is to be authorized on **AF B 132**.

9.402. ***At the Soldier's Request - Free on Compassionate Grounds.***

a. The competent military authority to authorize termination is the GOC of a division or district.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier who requests premature termination free on compassionate grounds with all restrictions waived. The application is to be submitted via the Chain of Command to the GOC of a division or district.

d. Termination under this paragraph is to be effected only in exceptional circumstances where transfer to the Reserve under **para 9.375** is inappropriate or impracticable. (*See* **para 9.415***b*.)

e. Termination under this paragraph is not to be delayed by the application of **para 9.418**.

f. The application is to be made on **AF B 132A**. The conditions and procedure laid down in **paras 9.415 – 9.424** will apply. The application is to be submitted via the chain of command.

g. Termination will be authorized on **AF B 132**.

Cause of Termination - No Longer Required for Army Service because of Misconduct, Indiscipline or Inefficiency

9.403. Reserved.

9.404. ***Gross Misconduct.***

a. The competent military authority to authorize termination is the brigade commander, or any brigadier or colonel commanding any garrison or force superior in command to the commanding officer.

b. Subject to sub-para c below, a person subject to service law, not being a commissioned officer, should normally have his service terminated using the AGAI 67 process enclosing an **AF B 130A**, in the following circumstances:

(1) If they have been convicted during their service by a court (civil court, court martial or summary hearing) of any of the following offences (to include attempts and aiding and abetting); Homicide, serious assault (excluding common assault, battery and ABH), racially aggravated offences, serious sexual offences, firearms and explosive offences, serious offences of dishonesty, road traffic offences involving death, arson and other instances of serious criminal damage, public order offences (riot, violent disorder), cultivation, importation, possession and supply of drugs .

(2) If they have been convicted by a civil court, court martial, or at summary hearing for any other offence or for persistent misconduct, which in all the circumstances so adversely impacts on their character and/or integrity as to be incompatible with service life. This would include, but is not limited to, any sentence of imprisonment or period of detention which is such that the person is no longer employable.

c. If a CO is of the opinion, despite a conviction listed in *b*(1) above, that exceptional circumstances do exist and that termination of service is not merited, AGAI 67 action is still to be taken and a lesser sanction considered. Before awarding another sanction the CO should take legal advice and consult with his Higher Authority.

d. Any person subject to service law, being a commissioned officer, who commits any offence mentioned in *b*(1) or receives a sentence such as those mentioned in b(2) above should normally have his service terminated. Officers have their services terminated following the procedures laid down in **AGAI 67**.

9.405. ***Retention Undesirable in the Interests of the Service.***

a. Where any person subject to service law is convicted by a court of any offence not dealt with in **para 9.404**, then the CO may initiate AGAI action.

b. Where any person subject to service law has been acquitted by a court of a offence, the CO may initiate AGAI action but only on legal advice.

c. Where any person subject to service law is considered to be either unsuitable or inefficient, the CO may initiate AGAI action.

d. Any AGAI action taken under **para 9.405** may include a recommendation of termination of service.

9.406. Reserved.

Cause of Termination - Appointment to a Commission or Re-enlistment

9.407. ***On Appointment to a Commission.***

a. The competent military authority to authorize termination is the Director General Army Personnel Centre.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. Termination under this paragraph is to be governed by any special instructions issued, but is normally to be effective from the day preceding the date of commissioning.

d. A Certificate of Service (**AF B 108** or **108J**, as appropriate) is to be initiated by the APC and not by the commanding officer.

9.408. ***Re-enlistment on Another Engagement.***

a. The competent military authority to authorize termination is the Director General Army Personnel Centre/Military Secretariat.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier terminated for immediate re-enlistment on another engagement without a break in service.

d. A Certificate of Service (**AF B 108** or **108J** as appropriate) is to be issued by the APC authorizing termination under this paragraph only in the case of soldiers terminated for immediate entry or enlistment into the Royal Navy, Royal Marines or Royal Air Force.

Cause of Termination - Change in Strength, Composition, or Function of his Corps

9.409. ***On Reduction in the Establishment of his Corps.***

a. The competent military authority to authorize termination is the Director General Army Personnel Centre/Military Secretariat.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a soldier who is redundant through a reduction of establishment.

d. The authority of this paragraph is to be invoked only under the direction of the Ministry of Defence (DM(A)).

9.410. ***Change in his Corps' Requirements.***

a. The competent military authority to authorize termination is the Director General Army Personnel Centre/Military Secretariat.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies only to a soldier who is surplus to the requirements of his corps for reasons other than redundancy arising from reduction in establishment, and termination under this authority is only to be effected on the direction of the Ministry of Defence (DM(A)).

Cause of Termination - No longer Required for Further Service for any Reason not Otherwise Specified in Paras 9.380 – 9.410.

9.411. ***Not Required for further Army Service.***

a. The competent military authority to authorize termination is the brigade or garrison commander.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to an apprentice or Army Foundation course student under the age of 17½ and still at an apprentices' training establishment or Army Foundation College who, in the opinion of his commanding officer, is failing to reach the standard normally expected for any of the following reasons:

(1) Unsatisfactory conduct.

(2) Genuine or persistent unhappiness or discontent indicating that he is unlikely to achieve the motivation required to become a good soldier.

(3) Such lack of application that it is doubtful if he will become efficient, regardless of training and encouragement.

d. The application for termination is to be made on **AF B 130A** on which full particulars of the case are to be recorded and to which conduct sheets are to be attached.

e. Details of special action to be taken in respect of a soldier terminated under this paragraph are given in **paras 9.339 – 9.340**.

f. An apprentice or any Army Foundation course student aged 17½ years or more who is unsatisfactory due to circumstances within his control or to indiscipline and who cannot be dealt with under this paragraph because of his age is to be dealt with under **para 9.414**.

9.412. ***Not Required for Army Service - below Physical Entry Standard for Adult Service.***

a. The competent military authority to authorize termination is the commanding officer.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies to a younger entrant who, on attaining the age of 17½ years is found to be below the physical entry standard of the corps in which he is serving and who is unwilling to transfer to a corps for which he is suitable.

d. Termination is to be authorized on **AF B 130**.

9.413. ***Not Required for a Full Army Career.***

a. The competent military authority to authorize termination is the Director General Army Personnel Centre/Military Secretariat.

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. This paragraph applies only to a soldier who enlisted on or changed to the Notice, Open or Versatile Engagements and whose service is to be completely terminated having completed 3, 6, 9, 12 or 15 years' reckonable service towards his engagement. A soldier who is to be terminated at the 12 year manning control point is to be allowed to make up for any non reckonable service in order to qualify for a resettlement grant.

This privilege does not apply to a soldier who is undergoing a sentence of detention or imprisonment awarded by a Court Martial on the date he is due to be transferred to the Army Reserve or terminated, *see* **para 9.331**.

d. The fact that a soldier has committed himself beyond his initial period of three years does not debar his termination under this paragraph.

e. A soldier seeking to prolong his service in consideration of receiving a benefit or advantage is to be told at the time he completes **AF B 6848**/JPA workflow that consideration is being given to his termination under this paragraph and that the application will most likely not be authorized. A soldier who has not waived the right and whose termination at one of these manning control points is contemplated should be interviewed at the second, fifth, or eighth year of his Army service and be informed of that decision. A soldier serving on the Notice Engagement or Versatile Engagement who has been informed that he is to be terminated under this paragraph may apply for premature voluntary release (PVR) and the application may be approved or otherwise by his commanding officer.

f. At the end of the eleventh year of his Army service, a soldier's suitability for a full 22 year Army career is to be considered. Where it is anticipated that a soldier will not be employable for the full career then he should be interviewed and informed that he will be terminated at the end of his twelfth year.

g. Every effort is to be made to ensure that a soldier who is to be terminated under this paragraph is warned a minimum of 12 months before the end of 3, 6, 9, 12 or 15 years' service reckoned from the reckonable service date. There may be occasions when the warning is given late. Termination may still take place under this paragraph providing that the warning is given no later than 21 days after the 12 months point. In such cases the soldier must still receive the full 12 months' warning and will thus be terminated up to 21 days after the 3, 6, 9, 12 or 15 year point.

h. Application for termination is to be made on **AF B 130A**.

9.414. ***Services No Longer Required.***

(*Note*: This paragraph is to be used as authority for the termination of a soldier who cannot or should not be transferred to the Reserve, or terminated, under any other paragraph.)

a. The competent military authority to authorize termination is the Director of Manning (Army) or, in the case of:

(1) An officer cadet undergoing training at the Royal Military Academy, Sandhurst: the Chief of Staff acting in his capacity as commanding officer.

(2) A soldier who was enlisted for local service overseas: the brigade or garrison commander.

(3) General Officer Commanding Northern Ireland in specific cases delegated to him by Director of Manning (Army).

b. The **Armed Forces Act 2006** Statutory Instruments govern this authority.

c. Although termination under this paragraph may not carry any stigma a commanding officer is to remember that its application may cause a soldier to be terminated without being given the opportunity to defend himself against any implied reflection on his character, conduct, or standing in the Service. Potential civilian employers tend to regard soldiers terminated under this paragraph with some reservation. For that reason:

(1) Where no fault is attributable to the soldier the cause for termination is to be recorded as *'Released from Army service'*. In other appropriate circumstances the phrase *'Services no longer required'* may be amplified, where this will benefit the soldier concerned, provided the words used in amplification are not the same words used to describe any other cause of termination.

(2) The application for termination on **AF B 130A** should include an explicit recommendation as to which of these causes of termination is to be recorded on the soldier's documents. Final decision as to the cause of termination, however, will be taken by the Ministry of Defence (DM(A)) having regard to consideration of equity and uniformity of practice throughout the Army as a whole.

(3) If the soldier has not previously been subject to any formal warning or a formal warning in respect of a similar matter to that for which the application for termination is being sought (*see* **para 9.414***e*), he should be allowed to make representation against the application if he so desires. Should a soldier choose not to represent against the application, he is to signify this at Part 3 of the **AF B 130A**.

d. Examples of termination under this paragraph are shown below. Further examples may be found in **AGAI 49**, Annex E.

(1) An apprentice or a soldier aged 17½ years or over, who is unsatisfactory due to circumstances within his control or to indiscipline.

(2) An apprentice still at an apprentice's college over the age of 17½ years who is guilty of misconduct and who has been sentenced as listed in **para 9.404***d* or *e*.

(3) A soldier under the age of 18 whose Discharge as of Right (DAOR) option point has passed and who shows genuine or persistent unhappiness or discontent indicating that he is clearly unhappy about his choice of an Army

career may be terminated under this paragraph. If a commanding officer has any doubt as to the extent of permanence of the soldier's unhappiness and wishes to delay a decision until after the soldier's 18th birthday, he may make notification to DM(A) for the registration of the soldier as an unhappy under 18 year old. Application for termination may then be made at any time up to the age of 18 years and three months. Termination will not be approved under this sub-paragraph if the soldier's unhappiness is detected or noted after his 18th birthday. This measure is a safety net for those soldiers who do not fall into the compassionate/temperamentally unsuited category. Termination under this paragraph is to be recorded as *'Released from Army Service'*.

(4) An officer cadet who fails to complete his training at the Royal Military Academy Sandhurst for reasons certified by the Commandant as being no fault of his own and who elects termination (*see also* **Annex F** to this Chapter). In these circumstances, the officer cadet is required to sign a certificate applying for free termination under this paragraph.

(5) A soldier who involves himself in sexual aberration including conduct which might reasonably corrupt, cause offence or bring the Service into disrepute. (*See also* **para 5.085** and **AGAI 58**.)

(6) Subject to certain conditions laid down in Defence Council Instructions or Ministry of Defence (Army) letters, where disciplinary action is not appropriate, a soldier who has been involved with drugs, including alcohol. For example, a soldier who, when required to provide a specimen of urine under the Army Compulsory Drug Testing Programme:

(a) Tests positive, or

(b) Refuses to provide a specimen.

(*See also* **paras 5.089 – 5.098** and **AGAI 64**).

(7) A soldier who is unable to accept unrestricted military duties owing to his personal and domestic affairs and who:

(a) Has not been notified in accordance with **para 9.413**.

(b) Is unwilling to apply for premature voluntary release in accordance with **para 9.415**, and whose application under **para 9.402** has been refused.

(8) A soldier who has been deemed temperamentally unsuitable for any form of Army service after consideration of his/her case by the appropriate Commanding Officer following a consultation with a Service consultant psychiatrist. Temperament is a characteristic combination of physical, mental and moral qualities which constitute a soldier's character and affect the manner of his acting, feeling and thinking. Temperamental unsuitability is when a soldier's character/personality is inappropriate for the military environment. Suitability is assessed by consideration of the soldier's maturity, past conduct and performance together with future career prospects. It is the commanding officer's decision on whether or not to apply to terminate but consideration must be given to the opinion of a service consultant psychiatrist and other appropriate stakeholders (*e.g*. Adjutant, Regimental Career Management Officer, Company Commander, Chaplain and Regimental Medical Officer) in a formal review process. Termination will not be effected by DM(A) without this review.

e. Before termination action under sub-para *d*(7) is initiated, the soldier is to be interviewed by his commanding officer and warned that if within a reasonable time (not normally more than six months) his personal problems have not been resolved his termination may be applied for. The soldier should then sign a certificate to the effect that he has been given the warning and understands it. This certificate is to be retained with his Service documents and attached to **AF B 130A** should his termination subsequently be requested. When warning a soldier a commanding officer is to consider submitting a report in accordance with the Defence Manual of Security (**JSP 440**) Volume II Chapter 18.

f. The application for any termination under this paragraph is to be made on **AF B 130A**. The case is to be submitted with valid and explicit reasons for termination to the Ministry of Defence (DM(A)). The case is to be forwarded through the immediate superior headquarters with copies going to the next higher headquarters when this has been so directed. Where a case to an immediate headquarters is not supported it should be sent to the next higher headquarters for further comment before being forwarded to the Ministry of Defence (DM(A)). In all cases where any representation has been made by the soldier under the terms of **para 9.414***c*(3), it is either to be included at Part 3 of the **AF B 130A** or to be attached to it.

g. As soon as possible after termination has been authorized the soldier's service must be terminated. He is not normally to be retained in the Army in order that he may repay public or private debts.

h. A soldier terminated under this paragraph after acceptance by the Regular Commissions Board retains his statutory right to termination under **para 9.391** when he subsequently re-enlists at the Royal Military Academy, Sandhurst, for training.

For long term absentees absent for longer than 365 days, there is a presumption of Administrative Discharge following any disciplinary action. Representations seeking retention will be considered by DM(A).

Section 4 - Premature Voluntary Release and Termination of Service Free on Compassionate Grounds

Premature Voluntary Release on Payment

9.415. General Instructions.

a. After the period during which a soldier may claim his termination as a recruit has expired, he may terminate his Colour service before it is due to end by applying for premature voluntary release on payment. No soldier has a legal right to end his service in this way, as it is a privilege which may be withheld or deferred at any time by the Defence Council, as distinct from the normal restrictions that are imposed by **para 9.416**. A soldier enlisted on the Open Engagement or Versatile Engagement may not apply for premature voluntary release on repayment. A soldier serving on a S Type Engagement is eligible to apply for premature voluntary release on repayment under the same conditions as a soldier serving on the Notice Engagement.

b. A soldier who enlisted before 1 January 1986 and whose application for premature voluntary release has been approved is normally to be transferred to the Reserve except that in the case of the following he should be terminated.

(1) A soldier who has completed 12 or more years service on a current engagement.

(2) A servicewoman (if enlisted before 1 January 1987).

(3) A soldier enlisted on a Type O engagement as a potential officer.

(4) A soldier whose transfer to the Reserve would not be appropriate, such as:

(a) One whose domestic difficulties would create a welfare problem if he were recalled to the Colours from the Regular Reserve in the event of an emergency.

(b) One who can produce evidence that he intends to emigrate or be released overseas, except where the soldier intends to reside in Holland, Belgium, Luxembourg or Germany (Nord-Rhein Westphalia, Lower Saxony, Northern Hesse, Rheinland Phalz and Schleswig-Holstein only).

c. The decision as to whether the soldier is to be transferred to the Reserve or terminated is to be made by the competent military authority when authorizing the termination of Colour service on the merits of the case. After transfer to the Reserve or termination has been carried out, the case papers, including the soldier's application, are to be sent to the Army Personnel Centre (APC) so that he may judge in which section of the Regular Reserve the soldier is to serve or if he is to be retained as a member of the Long Term Reserve or to be made permanently non effective. Soldiers enlisted for home commitment have no reserve liability.

d. In the case of a soldier wishing to accompany his or her parents or immediate family on emigration, *see* **AGAI 49**.

9.416. Restrictions. Premature voluntary release on payment is not to be authorized without prior permission of the Ministry of Defence (DM(A)) for a soldier in any of the restricted categories listed in sub-paras *a* to *g* below. The case is not to be forwarded to the next higher authority unless it is fully supported.

a. Initial service restrictions. The period during which soldiers may not be allowed premature release by purchase is to be as follows (service forfeited under the provisions of the **Army Act 1955**, section 17 may not count towards either of the three year periods quoted below):

(1) Apprentices - during training and within three years after the end of training.

(2) Soldiers enlisted for training as nurses or dental technicians, four years over the age of 18 or from the date of enlistment whichever is the later.

(3) Except for the Open or Versatile Engagements, which do not qualify for PVR, three years from the date of enlistment on a current engagement or 18th birthday, whichever is later.

b. Soldiers who apply after having been warned for service overseas, or an emergency tour.

(1) The warning for overseas service, or an emergency tour, is to be effective from a date six months before the move except where less than six months notice has been given by the higher authority concerned.

(2) The restrictions may be waived at the discretion of the commanding officer. If the restriction is to apply, a unit order is to be published on the nearest working day to a date six months before the first day of the month in which the move is to take place in order that soldiers moving with their units are aware of the restriction.

(3) In the case of individual postings the restriction is to be imposed six months before the effective date or on the date of issue of the posting order when less than six months notice is given. The posting order should state the date on which the restriction is effective. For this purpose, service in Germany, Holland, Belgium or Luxembourg is deemed to be home commitment, and emergency tours to be those listed in the Emergency Tours Plot. It is not necessary for those affected to have signed a draft warning order.

c. Soldiers serving overseas with less than one year of their current tour completed and those serving whilst on an emergency tour. For this purpose the definition of home commitment in sub-para *b*(3) applies.

d. Soldiers who have waived their right by completing **AF B 6848**/JPA workflow to terminate their service for a fixed period for attendance on a course of instruction, trade or specialist training, an attachment on loan or for the reimbursement of legal expenses incurred in connection with the sale or purchase of a residential property, (*see* **para 9.086**).

e. Soldiers who are restricted due to being transferred to another corps; *see* **AGAI 48** for specific periods of restriction.

f. Soldiers who have been selected to attend a course listed in **AGAI 48**.

g. Officer cadets, except that a cadet who fails to complete the course for reasons which are not certified by the Commandant of the Royal Military Academy Sandhurst as being through no fault of his own is to be given the option of applying for termination on payment, an option which must be exercised within 10 days of the commandant's decision. Failing that, he is to continue to serve. Detailed instructions regarding the procedure for termination on payment of officer cadets are given in Army Commissioning Regulations (**AC 13452**).

9.417. Protected Employments Scheme.

a.

(1) In addition to the restrictions contained in **para 9.416** the premature voluntary release of a soldier may be deferred if he is qualified and currently employed in one of the employments which are known as protected employments.

(2) Soldiers who are in a restricted category solely because they belong to a protected employment will be permitted to purchase their premature transfer to the Reserve or termination as appropriate, subject to a delay that will be imposed by the Protected Employments Board.

(3) Details of protected employments will be notified to district or equivalent headquarters and the appropriate Divisional Colonel Manning and Career Management by the Ministry of Defence (DM(A)) by letter from time to time. An employment is declared to be a protected employment, and all restrictions apply, from the date of the DM(A) letter.

b. Protected Employments Scheme - Action by the APC. The Protected Employments Scheme is to operate as follows:

(1) The APC is to maintain a list of all soldiers in protected employments who apply for premature release by purchase. This list is to be maintained by employments and the date of any application is to be noted.

(2) Any soldier whose release is also restricted for any other reason may apply to be registered provided his current restriction has less than six months before it is due to lapse, but the fact that he registered while restricted will affect his release date. Irrespective of the manning situation he will not be released under the Protected Employments Scheme before his other restriction has lapsed.

(3) Every six months, normally in January and July, the APC is to convene a board of officers. The board is to include a representative of the appropriate Ministry of Defence personnel branch. The board is to examine the manning situation in the employments and ranks concerned and decide when the applicants may be released.

(4) A maximum delay of 18 months from the time of registration is permitted. The period of delay should, however, be the minimum possible.

(5) Where it is required to phase the release of a number of applicants the board is normally to operate a 'first registered, first out' policy, although in some cases there may be special factors to modify this such as sub-para (4) above. If two soldiers in the same employment apply on the same date their date of release is to be determined by their seniority, based on the length of service.

(6) The APC is to inform the commanding officers of units concerned of the date on which their applicants may be released; this information is to be given to the applicants as soon as possible. Once this date is given it is only under exceptional circumstances that it can be amended. If however, the manning situation in any employment improves unexpectedly the president of the board is empowered to notify, through commanding officers, applicants who have been given a release date that they may be terminated earlier, should they so wish.

(7) When an employment is removed from the list of protected employments, soldiers awaiting consideration by the board are to be informed by the APC, through commanding officers, that they are no longer restricted from purchasing their premature release on account of their employment. To prevent an unacceptably high outflow, the appropriate Divisional Colonel Manning and Career Management should at the same time, draw the attention of commanding officers to the provision of **para 9.418**, which may be applied by the competent military authority. A further restriction under **para 9.418** in addition to a restriction imposed by a Protected Employments Board may, however, only be granted under very exceptional circumstances and the duration of any such restriction is limited in that it may not restrict any soldier beyond the original date decided by the Protected Employments Board.

(8) Registration under the Protected Employments Scheme does not affect a soldier's eligibility for assignment overseas.

9.418. Deferments. A soldier who is not in any of the restricted categories mentioned in **paras 9.416** and **9.417***a*(1) is not normally to be refused the privilege of premature voluntary release, but the brigade or equivalent commander may refuse it if the soldier is considered vital to the efficiency of the unit. In such cases, except in compassionate circumstances as defined in **paras 9.423 – 9.424** the brigade or equivalent commander may give authority to delay the termination or transfer to the Reserve for a period not exceeding six months from the date of the soldier's original

application to enable a trained replacement to be provided. If, after the initial six months deferment, the soldier's retention with the Colours is still considered essential the case is to be referred to the divisional or equivalent commander, who may, in the absence of compassionate or hardship factors, defer the termination or the transfer to the Reserve for further periods subject to review at intervals of not more than six months. Deferment for a period in excess of one year from the date of the soldier's initial application is to be exercised only in exceptional cases and is to be reported to the Ministry of Defence (DM(A)) by the divisional or district headquarters.

9.419. Soldiers in Debt or occupying Married Quarters. A soldier is not to be permitted to terminate his Colour service by premature voluntary release if his pay account is in debt to the public and release is to be deferred until all outstanding charges have been met. His release is not to be finalized until he has vacated any married quarter he may be occupying.

9.420. Payments. The purchase costs to be paid by a soldier who wishes to terminate his service by premature voluntary release on payment are laid down in the **Pay Warrant**. Where a soldier serving on a regular engagement has previous reckonable service, his service for the purpose of assessing purchase costs is to reckon from the date of enlistment on the engagement on which he was serving when he undertook his present engagement, providing there was no break in Colour service between the two engagements except those specified in **para 9.401**. In addition to this payment a soldier is normally required in the following cases:

a. To refund any uncleared debit balance in accordance with the **Pay Warrant 1964**, Articles 504, 505, 507, 564 and 565.

b. If serving abroad and except as stipulated in **para 9.426***c*, to pay a sum sufficient to cover the cost of conveyance from his last duty station to his place of transfer to the Reserve or termination.

c. If serving abroad and his family is resident at the overseas station, to pay a sum sufficient to cover the cost of their conveyance unless travel at public expense is permissible for him and them.

d. If serving abroad and permitted to reside abroad on transfer to the Reserve or termination, to pay his own and his family's passage costs to the selected place of residence abroad unless travel at the public expense has been authorized in accordance with **para 9.425***b*.

9.421. Resettlement Grant. Any resettlement grant admissible after final adjustment of purchase costs is to be paid as soon as possible after termination or transfer to the Reserve. A soldier may apply to his commanding officer in writing to have his resettlement grant entitlement offset against the purchase costs.

9.422. Procedure. The procedure to be applied for premature voluntary release on payment is at **Annex G** to this Chapter.

Termination of Service - Free on Compassionate Grounds

9.423. General Instructions.

a. A soldier may apply to terminate his Colour service on compassionate grounds. Where grounds of compassion are advanced in support of a waiver of a restriction and all costs, the application is to be supported by a report from SSAFA and/or AWS and, where applicable, a medical certificate and, where a family business is involved, a report by the Forces Help Society, to provide evidence that it is essential for the soldier to leave the Army and that other measures, *e.g.* compassionate leave or temporary retention in the United Kingdom, would be inadequate. The soldier's commanding officer is to attach his recommendation regarding a waiver of any restriction and the purchase costs, in compassionate cases. In such cases the GOC division or district may authorize termination of Colour service free on compassionate grounds under **para 9.375** or termination under **para 9.402**, as appropriate, taking note of **para 9.415***b* and *c*. If his application is approved he is to be transferred to the Reserve or terminated free of all costs in accordance with the instructions as given in the following sub-paragraphs.

b. Apprentices and soldiers under the age of 18 years. If after the end of the statutory period during which an apprentice or soldier under the age of 18 may claim his termination, he applies to be terminated on the grounds that his family circumstances make his presence at home desirable, his commanding officer (if he accepts that the reasons are valid) may apply to the competent military authority under the terms of **para 9.402** to terminate him. In such cases the criterion should be that in the commanding officer's opinion the soldier's presence at home would assist his family. The fact that prevailing family circumstances existed when the apprentice or soldier enlisted should not preclude termination free on compassionate grounds.

c. Apprentices and soldiers over 18 years of age. Before transfer to the Reserve or termination on compassionate grounds is authorized, the competent military authority must be satisfied that there are adequate grounds for a soldier's release which makes it essential for him to leave the Army. It is of prime importance that every case should be thoroughly investigated before a decision is taken. The situation may vary considerably in individual cases but the deciding factor is that the circumstances on which the application is based must normally have arisen since the soldier's enlistment or re-engagement or prolongation of service. If the factors existed to some degree previously, they should have worsened unexpectedly during the soldier's service to such an extent that the situation can only be resolved by his release from the Army.

d. The competent military authority authorizing termination of Colour service free of all costs may waive any of the restrictions listed in **para 9.416**. Transfer to the Reserve or termination is to be authorized under **para 9.375** or

para 9.402, as appropriate, and in this connection attention is drawn to **para 9.415***b* and *c*. Recommended applications from soldiers serving in isolated overseas garrisons which have no delegated powers to authorize transfer to the Reserve or termination free on compassionate grounds are to be forwarded to HQ Land Forces for consideration. In cases where the soldier's pay account is in debt to the public the prior agreement of the divisional or district commander is to be obtained before compassionate release is authorized. If release is to take place overseas the agreement required is that of the appropriate command civil secretariat.

9.424. Conditions.

a. The following list of circumstances, which is not exhaustive, may provide justifiable reasons for release on compassionate grounds; in case of doubt the immediate superior headquarters should be consulted:

(1) When the applicant has recently been widowed or is legally separated from his/her spouse and has a child or children dependent on him/her, living with him/her and with no suitable alternative arrangements possible. When the applicant applies on grounds of divorce or legal separation because he/she has to care for children of the marriage, however, termination is not normally to be authorized unless the court has awarded him/her custody of the children.

(2) A lone parent unable satisfactorily to combine military duties and parenthood.

(3) When the applicant has had to assume the major responsibility for the care of younger brothers or sisters who will have to live with him and no suitable alternative arrangements are possible.

(4) When the applicant has immediate relatives who are dependent on him for constant physical attention and there are no other relatives who could reasonably be expected to assume responsibility.

(5) When the applicant is the only son or daughter of a widowed parent in straitened circumstances and there are no other relatives who could reasonably be expected to assume responsibility.

(6) When the applicant is required to run a family business (but *see* sub-para *c*).

(7) When the applicant wishes to leave the Army on the grounds of conscientious objection to military service (but *see* **AGAIs Volume 5, Instruction No 6**).

(8) When the applicant is enlisted for Home Service and wishes to be terminated for reasons of personal security.

b. Other than in the most exceptional cases the following circumstances should not be accepted as grounds for compassionate release:

(1) When the family have decided for personal reasons to remain separated (*e.g*. As a result of buying or renting a house), unless there is some overriding medical or other reason which prevents the establishment of a family home at the soldier's duty station.

(2) When termination is required only to allow the applicant to take up an offer of employment outside the Service.

(3) When the applicant is unable to regulate his private financial affairs without becoming seriously indebted or when the application arises out of an adulterous relationship.

c. Family Business Cases. It should normally be shown that:

(1) The soldier worked in the business prior to enlistment.

(2) The business is in existence and belongs to the soldier's family.

(3) There is no other member of the family available to provide the required support to the business.

(4) Without the soldier's presence the business would collapse and jeopardize the soldier's future livelihood. The fact that a business has to be reduced in volume or scope should not in itself merit termination.

d. Scope of Relationship. The scope of relationship for which compassionate termination may be considered is strictly limited and covers only spouse, child, parent, stepparent, or recorded next of kin of the soldier. No exceptions are to be made to this rule without reference to the Ministry of Defence (DM(A)).

e. Investigations. All cases should be thoroughly investigated by the Army Welfare Service (AWS) and units should address requests for reports directly to the AWS either at the local office or HQ AWS, Erskine Barracks, Wilton, Wiltshire SP2 0AG. Reports are to be treated in accordance with **para J12.009**. Once the case is completed the AWS is to be informed of the outcome by the unit concerned.

f. *Illness of a Close Relative*. A certificate from a registered medical practitioner is to be included in all cases arising from the long term illness or disability of a close relative. The certificate should contain a firm opinion that the applicant's permanent presence at home is essential; vague comments such as ‘would be beneficial/desirable' will not suffice. If confirmation of the doctor's opinion is required, overseas commands may signal the Ministry of Defence (AMD5) quoting subject indicator code PPA and giving the circumstances of the case.

g. Temporary Situations. If it is decided that the case does not merit release on compassionate grounds but it is agreed that a domestic or business situation has arisen that would be alleviated by the soldier's presence for a short period, he may be granted compassionate leave under the provisions of **JSP 760 – Tri Service**

Regulations for Leave and Other Types of Absences or application may be made for his temporary retention in the United Kingdom (*see* **AGAI 48**, para 48.031 *et seq*.).

h. Refusals. When the soldier's release from the Army is not accepted as essential, there can be no question of accepting the case as compassionate. In these circumstances the soldier may apply for release under the terms of **para 9.374** or **9.399** in the normal manner, provided he is not held by one of the restrictions listed in **para 9.416**. A reduction in purchase costs is not admissible.

Premature Release to Civil Employment or Educational Training

9.425. As a privilege a soldier who has completed nine or more years reckonable service may terminate his Colour service within three months of the end of his engagement or the expiry of his period of notice without payment of purchase costs. In effect the earliest this privilege becomes effective will be at the nine year and nine month point of a soldier's service. The purpose of this privilege concession is to enable the soldier to take up civil employment or to commence a course of instruction at a bona fide educational establishment which cannot hold a vacancy open until the normal termination date.

a. To be eligible for this concession the soldier must have:

(1) Completed nine or more years reckonable continuous service.

(2) Given appropriate notice if serving on a 22-Year, Notice, Open or Versatile Engagement.

(3) Documentary evidence showing that he will lose the offer of civil employment or place on a course of further education if held to serve until his normal release date.

b. No additional concessions are to be granted in respect of terminal leave or a resettlement course, but if a resettlement course has already been completed this will not deprive the soldier from applying for this privilege. In the case of applications in accordance with **para 9.400***g*, DM(A) has the discretion to grant terminal leave and/or resettlement provisions.

c. A soldier who wishes to leave within three months of completing 22 years service for pension should submit his application in accordance with **para 9.400**g.

e. The application is to be submitted on **AF B 132A**, with the supporting evidence, to the Ministry of Defence (DM(A)) through the appropriate Capbadge Section of the APC, who are to attach a completed **AF B 132**. Termination, if agreed, is to be authorized on **AF B 132** by Ministry of Defence (DM(A)).

Administrative Matters

9.426. Specific Provisions. The following provisions apply to soldiers who are transferred to the Reserve or terminated by premature voluntary release or free on compassionate grounds:

a. A soldier transferred to the Reserve or terminated in the United Kingdom is allowed conveyance at public expense from the place of transfer to the Reserve or termination to a selected place of residence in the United Kingdom.

b. An application by a soldier who was attested abroad to be conveyed at public expense on transfer to the Reserve or termination to a selected place of residence abroad is to be referred to the Ministry of Defence (PS4 (A)) for decision.

c. A soldier serving abroad who:

(1) Terminates his Colour service as a statutory right under **para 9.391**, or

(2) Is granted transfer to the Reserve or termination free on compassionate grounds, or

(3) Is transferred to the Reserve or terminated on payment other than under sub-para (1) above provided he has completed four years service (or such longer period as the Ministry of Defence may determine in respect of particular categories) and has completed one year's service in his overseas command or station, which for this purpose includes all stations outside the United Kingdom, is to be conveyed at public expense from his last duty station abroad to his place of transfer to the Reserve or termination and thence to a selected place of residence within the United Kingdom.

9.427 Reserved.

9.428. Terminal Leave. Terminal leave is not admissible to a soldier who is prematurely transferred to the Reserve or terminated, whether free on compassionate grounds or on payment other than in the case of soldiers terminated under **paras 9.400 – 9.401**. On release from overseas however, leave in the United Kingdom of the balance of any annual leave due on a proportionate basis (*see* **JSP 760** – Tri-Service Regulations for Leave and Other Types of Absences) up to a maximum of 14 days, may be allowed at the discretion of commanding officers, provided that the granting of such leave will not cause:

a. The date of completion of service on full pay to be postponed.

b. A demand for an earlier replacement.

In compassionate circumstances, these conditions may be waived by the Ministry of Defence (PS4(Army)).

9.429 - 9.433. Reserved.

Section 5 - Soldiers Mentally or Temperamentally Unsuitable

9.434.

a. Soldiers who are considered to be mentally or temperamentally unsuitable for their present military employment are to be referred by the commanding officer for examination to the unit medical officer, who is to obtain the opinion of a Service psychiatrist.

b. Soldiers who should not have been accepted for service, as being persons admitted to a hospital or mental nursing home or received into guardianship under the **Mental Health Act 1959**, are to be terminated under **para 9.414** on the recommendation of the commanding officer. It is the responsibility of the officer effecting the termination, subject to the soldier's permission, to inform the local health authority, or if the soldier refuses that permission, to inform his civilian medical practitioner of the date and manner of the soldier's termination and of the address to which he is to proceed.

c. Soldiers, other than those referred to in sub-para *b*, who are considered by a psychiatrist to be of low intellectual capacity or to be suffering from significant mental illness, are to be brought before a medical board and dealt with in the way appropriate to the medical category allotted by the board. If found unfit for further service they are to be terminated under **paras 9.385 – 9.387**; if found fit for further service but unsuitable or unfit for their present employment action is to be taken as laid down in sub-para *d*.

d. If a psychiatrist considers that a soldier is unfitted for his present employment for intellectual or psychological reasons but is likely to become efficient in alternative employment he is to report his findings, through the referring medical officer, to the commanding officer and give his recommendations for the general type of employment to which the soldier may be suited, but without specifying any particular type of unit, corps or service. Action thereafter is to be in accordance with **para 9.231**, the psychiatrist's medical opinion being available to the Personnel Selection Officer. Reallocation is not to be recommended for soldiers of habitual bad character or who are psychopathic delinquents or who are temperamentally unsuitable for any form of military service in which case **AGAI 49** para 49.091 applies.

e. If a unit receives an **F MED 8A** (or its replacement form) about a soldier which has been signed by a service consultant psychiatrist and contains the following form of words:

"*Although I do not consider the individual is suffering from a psychiatric illness I am of the opinion that due consideration should be given to his/her termination as temperamentally unsuitable under* ***QR(Army), para 9.414***."

Then the Commanding Officer of the individual concerned should upon receipt convene, without unnecessary delay, a unit review of all the factors affecting the temperament of the individual in the light of future employment opportunities in the Army. The factors to be considered are the physical, mental and moral qualities of the soldier which constitute the character and affect the manner of his acting, feeling and thinking. A panel of members who know the individual concerned and his circumstances (eg Adjutant, Regimental Career Management Officer, Company Commander, Chaplain and Regimental Medical Officer) should conduct the review. However, it must consider the opinion of the service psychiatrist who signed the **F MED 8A** (or its replacement form) either in person or through a suitably briefed Regimental Medical Officer. After considering the panel's findings, the commanding officer determines whether or not to apply for the termination of the soldier concerned under QR(Army) **9.414**. SO2 Discharges DM(A) can be consulted and DALS can also provide any legal oversight throughout the process if there is any aspect of the case that is likely to lead to legal challenge for any reason.

f. When disciplinary action against a soldier is pending, the psychiatrist is to act in accordance with current regulations as laid down in **Annex C to Chapter 6** and not as stated in sub-paras *a* to *d*.

Disposal of Soldiers Suffering from Psychiatric Disorder

9.435. When it is decided to terminate a soldier suffering from psychiatric disorder the following action is to be taken (*see also* **para 9.406**).

a. *Soldiers domiciled in Great Britain or Northern Ireland.*

(1) If the soldier is not dangerous to himself or to the public and is not in urgent need of further treatment in hospital, the officer commanding the hospital is, if his relatives or friends are willing to receive him, to arrange for the soldier's disposal accordingly (*see also* sub-para *b*).

(2) If the soldier is dangerous to himself or to others, or urgently in need of further hospital treatment, the officer commanding the hospital is first to establish where the soldier's home is and then to make arrangements with the regional hospital board of the area in which the soldier's home is situated, or in the case of a soldier whose home is in Northern Ireland with the Northern Ireland Hospitals Authority, requesting them to specify the mental hospital to which the soldier should be sent (*see also* sub-paras (3) and (4)). In any case of doubt or difficulty in determining the area in which the soldier's home is situated the question is to be referred to the Ministry of Defence (AMD 5) for a decision, the soldier being retained in hospital meanwhile.

(3) If the soldier to be terminated (*see* sub-para *a*(1)) requires hospital treatment and is willing to receive it informally his transfer should be arranged directly with the hospital specified by the appropriate Regional Hospital Board of the Department of Health or the Northern Ireland Hospitals Authority.

(4) If the soldier to be terminated (*see* sub-para *a*(1)) requires hospital treatment and is unwilling to receive it informally, and if his nearest relative is unwilling to apply for his compulsory admission to hospital, the officer commanding the hospital, on being notified of the hospital where there is a vacancy, is to ask the approved social worker (mental welfare officer) to arrange for application to be made for the patient's compulsory admission to hospital.

(5) Should a soldier who is suffering from psychiatric disorder become due for termination or transfer to the Army Reserve before it has been possible to arrange for his disposal in accordance with sub-para *a*(2) his termination is to be delayed until such arrangements have been completed. Every effort is to be made to ensure that the arrangements are carried out with as little delay as possible.

(6) Any soldier undergoing psychiatric treatment in a military hospital is, if his termination from the Service is considered necessary, to be transferred to a civil hospital on his termination. If transfer to a civilian hospital would cause injury to the patient, then termination is to be delayed until the patient is fit for transfer.

b. Soldiers domiciled outside Great Britain and Northern Ireland. If it appears that the home of a soldier is outside Great Britain and Northern Ireland the case is to be referred to the Ministry of Defence (AMD 5) for instructions as to his disposal, the soldier being retained in hospital pending decision. A soldier suffering from a psychiatric disorder transferred from one hospital to another, or to his relatives or friends, is to be accompanied by a conducting party to be furnished under local arrangements, if such is considered necessary by the medical authorities.

9.436. Reserved.

Section 6 - Certificates on Transfer to the Army Reserve or on Termination

Form of Certificate

9.437. A Certificate of Service, which includes an assessment of military conduct and character, a summary of Army service, the record of decorations or medals awarded, and certificates of transfer to the Army Reserve (if applicable) and of termination, will be issued to a soldier when transferred to the Reserve or terminated as specified in the table below (*see also* **paras 9.439 – 9.443**).

Serial	*Category of soldier or reservist*	*Occurrence: (i.e. transfer or retransfer to the Reserve or termination)*	*Form of certificate to be issued*
(a)	*(b)*	*(c)*	*(d)*
1	A regular soldier with less than six months' service.	On termination.	**AF B 108J**
2	A regular soldier who is an officer cadet at the RMAS, or on an appointment to a commission.	On termination.	**AF B 108J**
3	A Section A Army reservist.	*a*. On transfer to the Army Reserve on demobilization.	**AF B 108B**
		b. On termination during a period of mobilization or on demobilization.	**AF B 108B**
4	A Section D Army reservist who re-engaged into Section D of the Army Reserve without a break between the termination of his service in Section A and his first engagement into Section D	*a*. On termination other than during a period of mobilization or on demobilization.	**AF B 108 (ADP)**
		b. On transfer to Section D of the Army Reserve on demobilization	**AF B 108B**
		c. On termination during a period of mobilization or on demobilization.	**AF B 108B**
5	A Section D Army reservist who enlisted direct into the Army Reserve.	*a*. On termination other than during a period of mobilization or on demobilization.	**AF B 108D**
		b. On transfer to Section D of the Army Reserve on demobilization.	**AF B 108B**
		c. On termination during a period of mobilization or on demobilization.	**AF B 108B**

9.438.

a. A Certificate of Service will be issued to all personnel on termination of service by the Service Personnel Veterans' Agency (SPVA). He is to be given a temporary certificate (**AF B 108C**) in accordance with the Unit Documentation Manual (Soldiers) 1994 (**AC 60136**) para 8.005, a copy being sent to the Terminations Wing of the Army Personnel Centre (APC). The Certificate of Service is to be despatched to him as soon as possible by recorded delivery by the SPVA.

b. If a soldier is to be transferred to the Reserve or terminated on the expiry of leave without being recalled to his unit or depot, a written notification of the date on which he is being transferred to the Reserve or terminated together with his **AF B 108X** (or the temporary Certificate in lieu as in sub-para *a*) is to be sent by recorded delivery to the soldier by an officer authorized by the commanding officer to act on his behalf.

c. A soldier terminated with less than six months service is to be issued with an **AF B 108C** on leaving his unit and a Certificate of Termination (**AF B 108J**) will be issued to him by the SPVA.

d. For a soldier serving overseas who is to be transferred to the Reserve or terminated in the United Kingdom the Certificate of Service (**AF B 108X** is to be prepared by the commanding officer and forwarded direct to the Terminations Wing of the APC. Details of the soldier's home address are to be attached. The commanding officer of the depot or equivalent unit is to issue a temporary certificate (**AF B 108C**) in accordance with sub-para *a*, on the day on which the soldier leaves the depot or equivalent unit for his home address. Overseas units are to keep the depot or equivalent unit informed of all action taken and to notify the depot or equivalent unit by signal of the soldier's estimated time of arrival in the United Kingdom.

e. For a soldier who has been granted the concession of spending his last six months' service in the United Kingdom, the commanding officer of the unit overseas is to assess the soldier's military conduct and complete a manuscript testimonial, which is to be sent with the soldier's documents to the commanding officer of the unit in the United Kingdom for entry by him in the Certificate of Service when the soldier is finally terminated.

General Preparation of AF B 108X

9.439. The following general instructions are to be observed in preparing the **AF B 108X**.

a. All entries are to be completed before the certificate is issued to the soldier.

b. The assessment of military conduct and the testimonial are to be entirely free from erasure or correction.

9.439A. Reserved.

Unit Responsibilities

9.439B. The unit commanding officer is responsible for completing the **AF B 108X**. The form is to be neatly typed and free of erasure and deletion. A copy of the **AF B 108X** is to be forwarded to the APC no later than two weeks before the soldier is due to leave the unit.

Completion of AF B 108X

9.439C. Entries on **AF B 108X** in respect of a warrant officer or NCO of the rank of sergeant or above are to be written and signed personally by the commanding officer. For a soldier below the rank of sergeant, the form may be completed by the company or equivalent commander, but in these circumstances the testimonial, once typed, is to be countersigned by the unit commanding officer. An officer in temporary command of his unit or sub unit is to sign in his capacity as officer commanding and not on his behalf. The entries are not to be seen or signed by the soldier until they have been signed or countersigned by the unit commanding officer. **AF B 108X** should then be franked by the unit stamp.

9.439D. Military conduct is to be assessed in accordance with **paras 9.448 – 9.459**. A soldier terminated under **paras 9.396**, **9.397** or **9.404** is not to be given an assessment higher than 'Unsatisfactory'. A soldier terminated under **para 9.405** for disciplinary reasons is not to be given an assessment higher than 'Satisfactory'.

9.439E. The testimonial is to be written in accordance with **paras 9.460 – 9.463**. For a soldier terminated under **paras 9.396**, **9.397**, **9.404** or **9.405** care is to be taken to ensure that statements in the testimonial do not conflict with the assessment of military conduct.

9.439F. The unit is to ensure that the assessment of military conduct and testimonial has been read to the soldier who is to sign in the space provided.

9.439G. A soldier terminated after attestation, but before final approval, is not to be given an assessment of military conduct or a testimonial. A soldier terminated with less than six months service or a soldier terminated at any time solely for the purpose of re-enlistment into the Regular Army or for the purpose of being appointed to a regular commission is to be given an assessment of military conduct annotated 'based on ... months service', but is not to be given a testimonial.

9.440. In the case of a soldier terminated for misconduct, dismissed, or dismissed with disgrace, the cause of termination will be entered in red ink and also written in red ink across the **AF B 108C**, or on the face of the other Certificates of Service in the **AF B 108** series, and signed by the authorized officer of the APC. The following endorsement will also be made in red ink:

> 'CAUTION. It is a criminal offence knowingly to make a false answer in an attestation paper. Persons who have been terminated from Her Majesty's forces for misconduct or who have been dismissed or dismissed with disgrace from those forces are cautioned against attempting to re-enlist by concealing the circumstances of their termination or dismissal unless the conviction has become spent by virtue of the **Rehabilitation of Offenders Act 1974**.'

9.441. An Army reservist who is permitted to rejoin the Colours is to be required to surrender his Certificate of Service (**AF B 108(ADP)**). If retransfer to the Reserve or termination is carried out within 12 months of the return to the Colours the certificate surrendered is to be returned to the individual and **AF B 108B** issued for the period served with the Colours since rejoining. If transfer or termination is carried out after 12 months from his return to the Colours the Certificate of Service surrendered is to be destroyed and a fresh certificate (**AF B 108(ADP)**) prepared and issued in respect of the whole of the current engagement.

9.442. When a reservist is recalled to the Colours in order to stand trial for an offence committed during his service with the Colours, his Certificate of Service is to be surrendered. If the individual is convicted and the sentence affects the assessment of military conduct grading as laid down in **para 9.457**, or the testimonial, the surrendered Certificate of Service is to be destroyed and a fresh certificate (**AF B 108(ADP)**) prepared and issued to him.

9.443.

a. If, on mobilization, an Army reservist hands his Certificate of Service to the commanding officer at the place of re-joining, it is to be forwarded to the APC for safe custody. It is to be returned to the reservist when he again leaves the Colours.

b. If the soldier has been mobilized during reserve service, but is not actually mobilized at the date of termination, the mobilized service is to be recorded in the Certificate of Service as 'Army service'. The total period of reserve service, irrespective of the section or sections of the Reserve in which service has been given is to be recorded in the Certificate of Service as 'reserve service'.

9.444. A mobilized Army reservist on retransfer to the Army Reserve or on termination (if actually mobilized at the date of termination), who is furnished in accordance with **para 9.437** with **AF B 108B** to cover the period of mobilized service, is to have his military conduct and his testimonial assessed on that period of service since rejoining the Colours. Unless the reservist has incurred adverse entries on his regimental conduct sheet the assessment of military conduct on **AF B 108B** is not to be lower than the assessment previously awarded, and for this purpose the time qualifications in **para 9.456** will not apply.

9.445. Re-enlisted Soldiers. Only one Certificate of Service will be issued to a soldier on his transfer to the Reserve or termination. Details of previous engagements are to be shown on the **AF B 108 (Insert)**. In assessing his military conduct the requirements of **para 9.444** are to be observed.

9.446. If the soldier is terminated while in prison or other civil penal establishment, or if transferred to the Reserve or terminated from the military corrective training centre, his Certificate of Service is to be sent to the governor or commandant concerned by the SPVA or to beissued to the soldier. If the soldier is confined in a civil mental hospital the certificate is to be sent to him through the hospital superintendent.

9.447. Reserved.

Assessment of Military Conduct

9.448. Since it is important to have a uniform system of establishing a soldier's military conduct during Army service, an assessment of his military conduct is to be made by the commanding officer in the following terms:

a. Exemplary.

b. Very Good.

c. Satisfactory.

d. Fair.

e. Unsatisfactory.

9.449. The assessment is to be based on the overall conduct of the soldier and is to take into consideration offences committed by him and recorded on his regimental conduct sheet. Standards required for these assessments are given in **para 9.457** and the time qualifications for soldiers with less than two years service are given at **para 9.456**. Convictions which are spent under the **Rehabilitation of Offenders Act 1974** are not to be taken into account. Minor punishments or awards which are not subject to rehabilitation, or dispensations from trial which were incurred more than five years before the date of assessment, are to be disregarded.

9.450. A commanding officer may award an assessment one higher or one lower than that arrived at through the application of **paras 9.454 – 9.457** if there are exceptional reasons for doing so. He should also take into account the nature of any offences of which the soldier has been found guilty by a court other than a Court Martial which have been entered on his regimental conduct sheet in accordance with **Annex H to Chapter 5** and which have not already been taken into account in establishing the soldier's military conduct as they did not result in punishments shown in **para 9.457**. He is not, however, to award an assessment above 'Unsatisfactory' to a soldier terminated for misconduct, dismissed or dismissed with disgrace. Any soldier terminated under **para 9.405** should not be given an assessment higher than 'Satisfactory'.

9.451. Where an administrative termination under **para 9.414** results from a positive drugs test result then an assessment of 'Unsatisfactory' is to be awarded. Those who admit drug abuse or refuse to take a compulsory drugs test and are to be terminated under **para 9.414** should not be automatically downgraded but the commanding officer is to consider downgrading under **para 9.450**.

9.452. Reserved.

9.453. The APC is to be informed if a conduct assessment has been upgraded or downgraded under the terms of **para 9.450** together with the reasons for such action.

9.454. In assessing a soldier's military conduct, only entries in the regimental conduct sheet are to be taken into account.

9.455. A soldier's military conduct is normally to be assessed on his conduct during the period of his current engagement only. Exceptionally, where a soldier has served continuously or otherwise on a number of engagements, his military conduct may be assessed over the whole of his Army service, even though this may include service for which he has already received a military conduct assessment. This course is to be adopted only where it is to the soldier's advantage. Where the soldier's conduct is assessed over the whole of his service in this manner, offences committed during the whole period are also to be taken into account. The rules on spent convictions and minor punishments in **para 9.449** apply.

9.456. In the case of a soldier terminated or transferred to the Reserve who has completed less than two years service the assessment is to be worded:

‘ _____ based upon _____ months service'.

Service for this purpose includes any terminal leave granted, and service as a younger soldier under the age of 17½ years. In assessing the conduct of a soldier with less than two years service the normal standards of conduct shown in **para 9.457** are to apply.

9.457. Standards of conduct necessary for the various assessments are given below. Dispensations from trial and minor punishments or awards which are not subject to rehabilitation are to be disregarded if they were incurred more than five years before the date of assessment. Convictions which are spent under the **Rehabilitation of Offenders Act 1974** are not to be taken into account. (*See* **AGAI 62**, Annex K for detail concerning the application of the **Rehabilitation of Offenders Act 1974**.)

a. Exemplary. To be eligible for an assessment of ‘Exemplary' a soldier must have:

(1) No awards of imprisonment (including a suspended sentence), youth custody or detention in a young offenders institution, or other form of detention in a civilian institution.

(2) No awards of detention (including a suspended sentence) or field punishment.

(3) No reduction in substantive rank on disciplinary grounds.

(4) No case of desertion in which trial has been dispensed with.

(5) No award of dismissal, or dismissal with disgrace, or where any of the offences of which he has been found guilty by a court involves misconduct of a nature expressed in **para 9.404***e*.

(6) No award of military or civil fines or community sentences, recorded as a ‘Regimental Entry'.

b. Very Good. To be eligible for an assessment of ‘Very Good' a soldier must have:

(1) No awards of imprisonment (including a suspended sentence), youth custody or detention in a young offenders institution, or other form of detention in a civilian institution.

(2) No awards, in total of all awards, of detention (including a suspended sentence) or field punishment of more than 14 days.

(3) No reduction in substantive rank on disciplinary grounds.

(4) No case of desertion in which trial has been dispensed with.

(5) No award of dismissal, or dismissal with disgrace, or where any of the offences of which he has been found guilty by a court involves misconduct of a nature expressed in **para 9.404***e*.

(6) No more than two separate awards of military or civil fines or community sentences, recorded as a ‘Regimental Entry'.

c. Satisfactory. To be eligible for an assessment of ‘Satisfactory' a soldier must have:

(1) No awards of imprisonment (including a suspended sentence), youth custody or detention in a young offenders institution, or other form of detention in a civilian institution.

(2) No awards, in total of all awards, of detention (including a suspended sentence) or field punishment of more than 28 days.

(3) Not been reduced in substantive rank on disciplinary grounds more than once.

(4) No case of desertion in which trial has been dispensed with.

(5) No award of dismissal, or dismissal with disgrace, or where any of the offences of which he has been found guilty by a court involve misconduct of a nature expressed in **para 9.404***e*.

d. Fair. To be eligible for an assessment of ‘Fair' a soldier must have:

(1) No awards of imprisonment (including a suspended sentence), youth custody or detention in a young offenders institution, or other form of detention in a civilian institution.

(2) No awards, in total of all awards, of detention (including a suspended sentence) or field punishment of more than 112 days.

(3) Not been reduced in substantive rank on disciplinary grounds more than once.

(4) No case of desertion in which trial has been dispensed with.

(5) No award of dismissal, or dismissal with disgrace, or where any of the offences of which he has been found guilty by a court involve misconduct of a nature expressed in **para 9.404***e*.

e. Unsatisfactory. Covers all whose military conduct is assessed below 'Fair'.

Note: The assessment 'Satisfactory' replaced the assessment 'Good' in 1984.

9.458. For soldiers terminated for misconduct, dismissed, or dismissed with disgrace under **paras 9.396**, **9.397**, **9.404** or **9.405**, the restrictions at **para 9.450** apply.

9.459. The following interpretations are to apply in connection with the rules in **para 9.457**:

a. A sentence of eight days or more forfeiture of pay awarded when on active service is to count for this purpose as a sentence of field punishment. An award of less than eight days forfeiture of pay is not to be taken into account when assessing military conduct.

b. The expression 'reduction on disciplinary grounds' refers to:

(1) The reduction of a substantive warrant officer or NCO to a lower rank, or to the ranks by sentence of Court Martial, and

(2) The reduction of a lance corporal or lance bombardier to the ranks by a commanding officer as a punishment for an offence against the **Army Act 1955**.

c. Reduction from substantive rank for inefficiency or unsuitability and reversion from acting rank for any reason is not to be considered, for this purpose, as a reduction in rank.

Form of Testimonial

9.460. The object of giving a soldier a character reference in testimonial form is to assist him to obtain civil employment when he leaves the Colours. The character assessment should consist of a comprehensive statement illustrating the soldier's ability and qualifications and should be so worded that prospective employers can readily assess the true worth of the man. The testimonial (**AF B 108X**) is to be written by the commanding officer, or company or equivalent commander, neatly typed onto the **AF B 108X** and subsequently signed by him and the soldier. It is to be free from erasure (*see* **para 9.439***b*). No reference is to be made in the testimonial to any conviction whether spent or not under the **Rehabilitation of Offenders Act 1974**.

9.461. The guiding principle in examining a soldier's documents and in appraising his worth is to differentiate between his qualifications from the standpoint of the Army and his qualifications as an individual returning to civil life to seek employment. The testimonial should therefore contain any information that would show what personal attributes and special qualifications a man possesses which are relevant to employment in civil life. The likelihood of a reservist or a terminated soldier obtaining civil employment depends partly on the accuracy and the quality of the testimonial. If soldiers who have been highly recommended are found to be untrustworthy or unreliable, then employers will lose confidence in such documents. Further, if a soldier's character has been assessed in terms higher than he deserves, injustice will be done to other men whose characters have been truly recorded. The testimonial should therefore, so far as is practicable, be consistent with the military conduct assessment and the stated cause of termination. On the other hand if, on account of comparatively trifling irregularities of a purely military nature, a soldier's testimonial is not worded in such a manner as to commend him to a prospective employer, his subsequent career in civil life will be prejudiced to the detriment of the good name of the Service and of recruiting. The responsibility of commanding offices in this respect is therefore very great.

9.462. The testimonial is to be based on the commanding officer's or company or equivalent commander's personal knowledge of the soldier and on information supplied by officers under whom the soldier has served and after careful study of the soldier's documents.

9.463.

a. When anything can truthfully be said in the soldier's favour in regard to trustworthiness, reliability, sobriety, tact, intelligence, power of command, total abstinence or proficiency in sport it is to be stated, together with any other qualities that might influence a prospective employer. Reference to the physical condition of a soldier or any adverse comment thereon is in no circumstances to be made in the testimonial. If the soldier has been employed during his service in any capacity that may be useful in assisting him to obtain employment in civil life, this should be stated. Testimony as to his ability to lead, control and administer men or the value of equipment or stores for which he has been personally responsible should be included. If he has voluntarily reverted in rank in order to continue in the Service for a longer career it must be made clear that this in no way reflects on his conduct or efficiency but rather the reverse. For warrant officers and NCOs the period of service in each rank may often usefully be stated.

b. A provisional testimonial, based on the above guide lines and instructions, is to be prepared and issued to all soldiers prior to normal release. This testimonial, in typed form, is to be given to the soldier approximately six months before his due date for release and should be in his possession when he attends his final Resettlement Board. A copy of his provisional testimonial is to be retained in the unit documents for reference when preparing the soldier's Certificate of Service (**AF B 108(ADP)**). The issue of this provisional testimonial does not affect the soldier's right under **para J5.067** to inform a prospective employer that a written reference from his commanding officer or other appropriate officer may be obtained on request.

c. When it becomes apparent that a soldier will fail to complete his engagement on medical, disciplinary, administrative or voluntary grounds, the unit is to inform the APC. The unit is to complete the action detailed in **para 9.439B** and forward the **AF B 108X** with the appropriate termination documentation.

d. When a soldier is being terminated as a result of the misuse of drugs the following is to be included on the **AF B108X**. In the case of a positive CDT the wording *''Service terminated for a positive drug test in respect of a X class drug'* is used in all cases. In the case of those who admit the misuse of drugs *i.e.* those who are not positive above cut off level on a CDT the wording *'Service terminated following the admission of taking a X class drug'*.

Loss of, Damage to, or Tampering with Certificates of Service

9.464. A duplicate of **AF B 108(ADP)** or **AF B 108B** is not to be issued in normal circumstances: a warning to this effect is printed on each certificate. The only exception to this rule is in the event of an **AF B 108(ADP)** becoming lost in the post in transit between the APC and the former soldier. In this case the Terminations Wing is to confirm the loss with the Royal Mail and then authorize the issue of a replacement **AF B 108(ADP)**. In all other cases of loss, provided the reservist or former soldier can prove and makes a statutory declaration on **AF D 465** that any of the above mentioned certificates have been lost through circumstances beyond his control, the Relations with the Public office is to furnish him with **AF B 108A** (brief extract of service in letter form). Should a certificate be lost a prospective employer may, with the written consent of the reservist or ex-soldier, refer to the Relations with the Public office at the APC who are to supply such information regarding the conduct and character as is recorded in the soldier's documents.

9.465. Should a reservist or ex-soldier be unable to make a statutory declaration (*e.g*. when residing abroad) his case is to be dealt with by the APC who will decide whether **AF B 108A** should be issued. If there is any doubt about a case it is to be submitted to the Ministry of Defence (DM(A)) with full details for decision.

9.466. If, in the opinion of the Relations with the Public office at the APC the reservist or ex-soldier will suffer undue hardship through the replacement of his Certificate of Service only by **AF B 108A**, a full statement of the case is to be submitted to the Ministry of Defence (DM(A)) who may then authorize the issue of a duplicate **AF B 108(ADP)**.

9.467. Should a reservist or ex-soldier make an application for a new Certificate of Service on the grounds that the one that was issued to him has become damaged, torn or burnt through fair wear or accident, and if, from an inspection of the certificate the APC is satisfied that it has been so damaged and further, if from an examination of the man's documents the appropriate Divisional Colonel Manning and Career Management is satisfied that the certificate has not been wilfully mutilated either with fraudulent intent or to conceal any adverse entry he may, subject to **para 9.465**, issue **AF B 108A** in lieu.

9.468. When it is discovered that a Certificate of Service has been tampered with, either by the addition or erasure of entries, or in any other manner, the certificate is to be endorsed in red ink as follows:

a. Inside front cover - 'This certificate has been tampered with'.

b. On the page which has been tampered with - 'The information on this page has been tampered with'.

c. Endorsements are to be signed on each page by the APC. Where practicable, some indication should be made of the inaccuracy of the certificates, *e.g*. if the assessment of military conduct has been altered from 'Unsatisfactory' to 'Satisfactory' further endorsement should be made as follows - 'The entry against military conduct should read 'Unsatisfactory'.

d. A report, together with the relevant documents in original, is to be made immediately to the Ministry of Defence (DM(A)) with the minimum of delay, in order that the question of possible action under the **Seamen's and Soldiers' False Characters Act 1906** may be considered.

Section 7 - Resettlement Matters

_J9.469.

a. The resettlement service is designed to give assistance to all officers, ratings, soldiers and airmen with their resettlement in civilian life. Details of the service are given in **JSP 534**, The Tri-Service Resettlement Manual and any further information may be obtained from Service educational authorities.

b. The resettlement service:

(1) Provides for all ranks information and advice on all matters affecting their resettlement.

(2) Emphasizes the need to prepare for eventual return to civilian life by use of the educational and training facilities provided during Service life and after leaving the Service.

(3) Provides personal resettlement interviews for officers, ratings, soldiers and airmen.

c. Commanding officers are responsible for ensuring that information and advice on all aspects of resettlement in civil life are available to all ranks at any time during their service.

National Insurance

J9.470. Service personnel are insurable under the **Social Security Act** but pay earnings related contributions at special reduced rates. During service they and their families are eligible for most of the social security benefits or for broadly equivalent benefits under Service arrangements. On return to civil life contributions paid during service will reckon in full for the normal benefits. Details of contributions rates, benefits and the procedure for claims are published in Defence Council Instructions or other regulations.

Appointments to Her Majesty's Body Guard of the Yeoman of The Guard and as Yeoman Warders of the Tower of London

J9.471. Yeoman of the Guard. Candidates for appointment are to be serving or terminated male warrant officers, or senior NCOs, of the Royal Marines, Regular Army or Royal Air Force who have completed at least 22 years pensionable service. Details of conditions and method of application are contained in **Annex H(J)** to this Chapter. Commanding officers are to bring this regulation to the notice of eligible candidates at regular intervals.

J9.472. Yeoman Warders of the Tower of London. The Constable of the Tower of London is the authority for appointing Yeoman Warders. Candidates for appointment are to be former warrant officers or senior NCOs above the rank of sergeant or equivalent of the Royal Navy, Royal Marines, British Regular Army or Royal Air Force. In very exceptional circumstances of distinguished service sergeants or equivalent may be considered. Details of conditions and method of application are in **Annex H(J)** to this Chapter. Commanding officers are to bring this regulation to the notice of eligible candidates at regular intervals.

In-Pensioners Royal Hospital Chelsea

J9.473. Terminated warrant officers and NCOs and soldiers of the Regular Army with either a long service or disability pension may be considered for admission to the Royal Hospital, Chelsea as In-Pensioners.

J9.474. Details of conditions and method of application are contained in **Annex L** to this Chapter.

J9.475 - J9.477. Reserved.

PART 7 - RESERVES

Army Reserve

9.478. Compulsory Liability. The liability for service in the Army Reserve for soldiers who terminate their Colour service, other than as recruits, is as follows:

a. For men, but not women, who enlisted before 1 January 1986 who terminate their Colour service with less than 12 years from the relevant date, including those transferred on payment under the provisions of **para 9.374**, or on compassionate grounds under the provisions of **para 9.375**, the period is to be the balance of 12 years.

b. For men, but not women, who enlisted on or transferred to the Notice Engagement on or after 1 January 1986 or who joined on the Open Engagement on or after 1 January 1991, who terminate their Colour service before the completion of their engagement their Army Reserve service is to be six years or the balance of 22 years, whichever is the lesser. Servicemen enlisted for Home Service have no reserve liability.

c. For women who enlisted on or transferred to the Notice Engagement on or after 1 January 1987 or who joined on the Open Engagement on or after 1 January 1991, who terminate their Colour service before the completion of their engagement, their Army Reserve service is to be six years or the balance of 22 years, whichever is the lesser. Servicewomen enlisted for Home Service have no reserve liability.

The statutory authority for the above is the **Army Terms of Service Regulations 1992**, Regulation 12. The following categories will not be required on the Army Reserve:

d. Women terminated from Colour service under **para 9.395** 'Free on Family Grounds'.

e. Women on the Army Reserve who subsequently become pregnant. Such women are to inform the appropriate Divisional Colonel Manning and Career Management who will authorize their termination from the Reserve.

f. Soldiers who complete a short service S Type engagement. However, soldiers serving on an S Type engagement who have completed at least three years reckonable service and who subsequently end their Colour service on transfer by premature voluntary release (PVR) will be required to serve in the Reserves for the balance of their engagement to complete 12 years service in all.

g. Soldiers serving on a Special S Type engagement unless the soldier extends his/her service and thus completes three or more years' Colour service, in which case they are required to serve the balance of 12 years in the Army Reserve.

9.479. Any soldier under the age of 18 years whose Colour service is to be terminated for any reason is to be terminated and is not to be transferred to the Army Reserve.

9.480. Voluntary Service. On completion of Colour service, and Army Reserve service or Territorial Army service if applicable, all ex-soldiers, male or female, may volunteer to enlist in the Army Reserve Section D. Soldiers enlisted for Home Service may not volunteer for enlistment in the Army Reserve Section D.

9.481. On transfer to or enlistment in the Army Reserve a soldier is to be subject to Regulations and Administrative Instructions for the Army Reserve and the Long Term Reserve (**AC 60211**), Parts 1 and 2.

Long Term Reserve

9.482. Liabilities. All male soldiers (but not female soldiers) enlisted on or after 28 February 1964 and who have completed their Colour and Army Reserve service and are not members of any other Reserve have a liability for recall in an emergency until they attain the age of 45 under the provisions of the **Reserve Forces Act 1980**. It includes male soldiers who have completed three or more years colour service on an S Type or Special S Type engagement. It also includes men who have terminated their Colour service by premature voluntary release on payment or for any other reasons other than the exceptions stated below:

a. A man in any of the following categories is not liable or eligible for service in the Long Term Reserve:

(1) Having claimed his termination as a statutory right under the provisions of:

(a) The **Army Act 1955**, section 14.

(b) The **Armed Forces (Discharge by Purchase) Regulations 1968**.

(c) The **Army Terms of Service Regulations 1992**, Regulations 6 and 7.

(2) Having been granted a commission.

(3) Being a member of the Armed Forces of the Crown (including Reserves).

(4) Being liable to recall under Section 31 of the **Reserve Forces Act 1981**.

b. In addition to the exceptions given in sub-para *a* the liability may be relaxed on the authority of the Ministry of Defence (DM(A)) and the APC.

9.483. Long Term Reservist. A long term reservist is subject to the Regulations and Administrative Instructions for the Regular Reserve and the Long Term Reserve (**AC 60211**), Parts 1 and 3.

Pensioners

9.484. Soldiers, whether male or female, who are in receipt of a service pension have a liability to be recalled in the event of imminent national danger or great emergency, or to defend the United Kingdom against attack, until the age of 60.

Voluntary Reserves

9.485. Territorial Army. Opportunities for service in or attachment to the TA are open to all men and women on completion of their Colour service, and normally before the end of their service in the Army Reserve. Details regarding enlistments or attachments of regular reservists are given in the Regulations and Administrative Instructions for the Regular Reserve and the Long Term Reserve (**AC 60211**), Part 2, Annex B and **AGAI 44**.

Reserve Forces Act 1996

9.486. All servicemen and women enlisted after 1 April 1997 will have a total reserve liability, on completion of their colour service, of 18 years or until the age of 55 whichever is the lesser. This reserve liability is split into two parts:

a. Regular Reserve. Either for six years or for the balance of 22 years whichever is the lesser; and

b. Long Term Reserve. The balance of 18 years or until the age of 55 whichever is the sooner.

9.487. Soldiers enlisted before 1 April 1997 will not have their reserve liability altered unless they volunteer to become subject to the provisions of the **Reserve Forces Act 1996**.

9.488 - 9.999. Reserved.

ANNEX A TO CHAPTER 9
RULES FOR DETERMINING THE AGES OF OFFICERS AND SOLDIERS,FOR OFFICIAL PURPOSES

(PARAS **9.002** AND **9.072** REFER)

Officers

1. The official age of a Regular Army, TA or Reserve officer is to be determined as follows:

a. For those commissioned from the ranks whose first attestation was before 1 January 1962 - from the official date of birth declared on the first attestation of any kind.

b. Except for those covered by sub-para *a* above, from the date of birth on the birth certificate. If it is officially confirmed by the appropriate authorities that there is no trace of a birth certificate having existed then the date of birth given on a passport or other officially recognized document is to be accepted.

Adult Soldiers

2. Before 1 January 1962 the age declared by a recruit on first attestation for the Regular Army, Royal Marines, Army Reserve, Supplementary Reserve, Army Emergency Reserve, Territorial Army or TAVR is taken to be the official age for that or any subsequent enlistment into any of those forces, subject to:

a. The exceptions given in **para 3**.

b. The age recorded having actually been declared by the recruit himself and not being merely a record of his apparent age.

3. The following are the exceptions to the general rule stated in **para 2**:

a. In certain circumstances which are specified in the appropriate regulations and instructions, age is to be determined from the soldier's birth certificate.

b. Where a recruit on enlistment or re-enlistment into the Regular Army declares his age to be under the minimum age for adult service, his official age is to be determined from the particulars shown on his birth certificate and no account is to be taken of the age declared on any previous attestation.

Notes:

(1) The minimum age for adult service was reduced from 18 years to 17 years and six months in April 1939.

(2) The **Army Act 1955**, section 2(5), provides that the expression ‘appropriate minimum age' means the age of 18, unless for a particular class a lower age is for the time being prescribed. For the Brigade of Gurkhas the age of 17 years has been prescribed.

c. In cases of re-enlistment after discharge from the Regular Forces as a result of an under-age enlistment, the official age is to be determined from the particulars shown on the birth certificate.

d. Where a soldier first joined the Royal Navy or Royal Air Force under the age of 18 and any portion of his service therein is reckonable for Army pension, the official age is to be that which was accepted in the Royal Navy or the Royal Air Force.

4. From 1 January 1962 the use of birth certificate ages for official military purposes is applied to all entrants for the Regular Army and Territorial Army, subject to the following exceptions:

a. Entrants who have had previous service, to whom the rules in **paras 2** and **3** will apply.

b. Where a recruit is unable to produce his or her birth certificate on enlistment, evidence of date of birth contained in a passport will be accepted in lieu.

c. Where a recruit born in England, Scotland, Wales or Northern Ireland is unable to produce either a birth certificate or a passport containing the date of his birth, application is to be made for details of birth to the appropriate Registrar General.

d. If evidence of birth is not obtainable in any other way a Statutory Declaration, made by a responsible person in support of the recruit's statement of age, is if possible to be obtained.

Soldiers Under the Age of 17½

5. The official age of soldiers under the age of 17½ will be determined by their birth certificates (**Army Act 1955**, section 2(4) refers).

ANNEX B TO CHAPTER 9
SPECIAL APPOINTMENTS

(PARAS **9.003** REFER**)**

Part 1 - Appointment to HM Tower of London and The Royal Hospital, Chelsea

HM Tower of London

1. Constable. Conferred on field marshals or retired general officers. The term of appointment is for five years and is not normally extendable.

2. Lieutenant. Conferred on a retired general officer. The term of appointment is for three years and is not normally extendable.

3. Major and Resident Governor and Keeper of the Jewel House. This appointment may be filled by a retired major general, brigadier, colonel or lieutenant colonel in open competition with civilians. The term of appointment is initially for five years but may be extended.

The Royal Hospital, Chelsea

4. Governor. Conferred on field marshals or retired general officers. The term of appointment is for five years but this may be extended.

5. Lieutenant Governor. *C*onferred on retired major generals. The term of appointment is initially for five years but this may be extended.

Part 2 - Conditions for Appointment to Her Majesty's Body Guard, as a Military Knight of Windsor and as a Captain of Invalids

1. Applications from officers who wish to have their names placed on the list of candidates for appointment, after retirement, to Her Majesty's Body Guard of the Honourable Corps of Gentlemen-at-Arms, as Exons in the Queen's Body Guard of the Yeoman of the Guard, as Military Knights of Windsor and Captains of Invalids are to be addressed to the Ministry of Defence (MS1).

Conditions

2. Her Majesty's Body Guard of the Honourable Corps of Gentlemen-at-Arms.

a. On appointment a candidate must be:

(1) A retired regular officer in the rank of Major or above.

(2) Aged between 50 and 52. In exceptional circumstances officers may be appointed up to the age of 56.

(3) Not less than 5ft 8in height without footwear.

b. Vacancies are filled by Her Majesty, on the recommendation of the Captain of the Corps, from a list of officers of long and meritorious service kept at the Ministry of Defence. Officers may register for appointment after reaching the rank of Major.

3. Exon in the Queen's Body Guard of the Yeomen of the Guard.

a. A candidate must be:

(1) A retired regular officer.

(2) Not over 55 years of age on appointment.

(3) Not less than 5ft 10in in height (measured without boots).

b. Vacancies are filled by Her Majesty, on the recommendation of the Captain of the Queen's Body Guard, from a list of officers of long and good service kept at the Ministry of Defence.

4. Military Knight of Windsor.

a. Applicants for registration on the list of candidates for appointment will have held a commission in the Regular Army. At the time of registration an applicant must be under 65 years of age. Officers, who must be married, are entitled to accommodation within the precincts of Windsor Castle. A small stipend is payable. On appointment a Military Knight receives a free issue of full dress uniform.

b. Before registration candidates for appointment will be required to attend a Ministry of Defence Selection Board, but registration by this Board does not imply selection to fill any vacancy. Selection, which is the Sovereign's prerogative, is dependent on passing a comprehensive medical examination.

c. Applications may be addressed by retired officers to the Ministry of Defence (MS1). Requests by serving officers may similarly be forwarded, through the next superior headquarters, to the Ministry of Defence (MS1).

5. Captain of Invalids

a. The establishment of the Royal Hospital includes five Captains of Invalids who are selected from officers on the retired list not above the rank of substantive colonel, preference being given to those who have been disabled by military service. The appointment is for 10 years in the first instance but the appointment is renewable at the discretion of the Commissioners of the Hospital who also have the power to remove a Captain of Invalids at any time for misconduct.

b. Their duties are generally to attend to the discipline and welfare of the Company of In-Pensioners of which each one is in charge, to act as the week's Captain in Waiting in his turn and to perform such other duties as the Governor may direct. Captains of Invalids are required to reside in the Royal Hospital and unfurnished quarters, with carpets and curtains and a generous allowance of fuel and light are provided. Details of the salary may be obtained from the Ministry of Defence (MS1).

c. Ideally a candidate should be about 50, but not more than 60 years of age. On reaching the age of 70 he would have to relinquish his appointment.

ANNEX C TO CHAPTER 9
RULES FOR THE RETENTION OF SUBSTANTIVE RANK AND THE GRANT AND RETENTION OF HONORARY RANK BY OFFICERS OF THE REGULAR ARMY ON LEAVING THE ACTIVE LIST

(PARAS **9.026** REFER)

1. General. This Annex lays down the current rules for the retention of substantive rank and the grant and retention of honorary rank by officers of the Regular Army who leave the active list.

2. Retention of substantive rank

a. A regular officer who is eligible by length of service for retired pay or gratuity, or who retires on account of ill health having been reported by the approved medical authority as being unfit for military service, will retain his substantive rank on retirement.

b. A short service officer who qualifies for the full rate of retired pay applicable to a regular officer will similarly retain his substantive rank on retirement.

c. A retired officer will forfeit his rank and status after conviction by a civil power where said conviction results in a custodial sentence.

Grant of Honorary Rank

3. A regular or short service officer who retires on retired pay and who will retain his substantive rank under **para 2** may be granted the honorary rank equivalent to the highest acting rank which he has held, provided that the acting rank was held for an aggregate period of six months.

4. A short service or extended service officer who does not qualify under **para 2***b* above but who has completed 10 or more years commissioned service on the active list of the Regular Army will, on relinquishing his commission, be granted honorary rank equivalent to either the substantive rank which he held on leaving the Army or the highest acting rank which he has held, provided that this acting rank was held for an aggregate period of six months.

5. The period of six months referred to in **paras 3** and **4** may be disregarded if the officer's service in the acting rank was terminated by wounds or sickness which involved absence from duty and subsequent unemployment or cessation of service on the active list.

6. Any period during which acting rank is held while an officer is seconded or loaned to another Department or Service (including a Commonwealth, Colonial or Associated Force), will count under **paras 3** and **4**.

7. Local rank does not qualify an officer for the grant of honorary rank, but in very special circumstances, to be determined by the Defence Council, an officer may be granted honorary rank equivalent to his local rank.

8. The grant of honorary rank is subject to the officer concerned having given satisfactory service throughout his career.

9. The grant of honorary rank will be notified in the London Gazette, but an officer who receives from the Ministry of Defence in writing official intimation of the grant of honorary rank may assume the rank if he so desires, pending and subject to confirmation in the London Gazette.

Relinquishment of Honorary Rank

10. Honorary rank will be suspended automatically when an officer is re-employed on the active list of the Regular Army, in the TA or in another force or in another Service or on enlistment into the ranks. At the end of any such service the honorary rank so suspended may be restored unless the officer has qualified for a higher honorary rank during that service, when the higher honorary rank may be granted.

11. An officer may be deprived of his honorary rank on conviction by the civil power or at the discretion of the Defence Council.

ANNEX D TO CHAPTER 9
SPECIMEN REPORT AND LETTER REQUIRED IN CERTAIN CASES OF DISCHARGE

(PARA **9.340** REFERS)

1. Report. Report to be rendered in the case of discharge of a soldier (for any cause) who enlisted from a Community Home (*see* **para 9.340**).

Sir,

It is intended to discharge from the Army the soldier described below who enlisted from a Community Home.

Army No _____ Surname _____

Christian or Fore Names _____

Unit and Corps _____

Establishment from which enlisted _____

_____

Date of enlistment _____

Cause of discharge _____

Proposed date of discharge _____

You are requested to notify me within seven days of receipt of this letter of any wishes that you may have concerning the destination of the above named soldier on discharge.

If no reply is received by _____ (*insert date*) the soldier will be sent to the following address

_____

Place _____

Date _____ Officer Commanding Unit _____

2. Letter. Letter to be sent by the officer commanding the unit to the parent or legal guardian in the case of a soldier under 18 years of age or an apprentice tradesman over that age who is to be discharged for any cause (*see* **paras 9.339 – 9.340**).

Sir/Madam

I am writing to inform you that it is proposed to discharge your son/ward[1]

_____ from the Regular Army on[2]_____

The reason for the proposed discharged is[3]_____

_____

Please notify me, within seven days of receipt of this letter, where you wish your son/ward to be sent on discharge.

[1] Enter Army number, rank, Christian / Forenames, Surname, Unit and Corps.

[2] Enter proposed date of discharge

[3] Enter reason for discharge

ANNEX E TO CHAPTER 9

Reserved

ANNEX F TO CHAPTER 9
RULES FOR DISCHARGE FOR SOLDIERS ON 'O' TYPE ENGAGEMENTS AND OFFICER CADETS AT THE ROYAL MILITARY ACADEMY SANDHURST

(PARAS **9.379** AND **9.414** REFER)

1. Free Discharge.

a. A soldier who has been enlisted on an 'O' type engagement or is an officer cadet at RMA Sandhurst may be granted a free discharge from this engagement should he/she:

(1) Fail to pass a Unit Selection Board;

(2) Fail to obtain a recommendation for a commission at a Regular Commission Board;

(3) Fail to pass an educational course at the college of Military Education and Training Services.

(4) Fail to complete the training for a Regular Army commission.

(5) Decide to participate in a civilian element of the post-Welbeck College gap scheme outside UK or Germany.

b. Alternatively, cadets on 'O' Type engagements may be given the option of converting to the Open engagement.

c. A free discharge may also be given to a soldier selected for and entering into an agreement to accept an Army Bursary. This discharge is given on the understanding that the potential Army Bursar is required to give a formal undertaking of accepting the conditions of the bursary. If so discharge will be effective from the date of the formal acceptance.

d. Financial obligation of parents. The rules promulgated above do not in any way absolve the parents or guardians of those who have been Army scholars or Welbexians from repaying any sums related to their tuition and maintenance at school or at Welbeck as assessed by the Secretary of State in accordance with the undertaking entered into by them when the entrant was accepted as a scholar or as a Welbexian.

e. Application for discharge is to be made on **AF B 130**.

ANNEX G TO CHAPTER 9
PROCEDURE FOR APPLICATIONS FOR PREMATURE VOLUNTARY RELEASE

(PARA **9.422** REFERS)

(Not applicable to soldiers serving on the Open Engagement).

1. Applications for premature voluntary release are to be made by soldiers on **AF B 132A**. On receipt of such application the commanding officer is to ascertain, by signal from the Army Personnel Centre (APC), whether or not the soldier is in a restricted category under **para 9.416** and the relevant purchase costs if applicable.

2. If it is confirmed that the soldier is not restricted then the required purchase costs, and passage money where applicable, are to be paid into the unit imprest account and a receipt for the same given to the soldier. The receipt is to stress that the money has been accepted on deposit only and in no way means that the release of the soldier will be authorized. Should the soldier not be able to pay the costs into the imprest account then he is to be informed that his application will not be processed further. The soldier should be warned by his commanding officer that should he wish to withdraw the application subsequently, this may be refused by the APC. If the APC approves the withdrawal of the application, the purchase costs will be refunded immediately.

3. Once the purchase costs have been paid into the imprest account, and bank clearance obtained as necessary, the soldier's application is to be sent to the APC who are to arrange, for Parts 1 and 2 of **AF B 132** to be completed in triplicate and sent to the unit.

4. If the soldier is in a restricted category but the commanding officer considers that there are grounds, or that it is in the interest of the Service, for a waiver of the restriction to be granted, then the process outlined in **para 2** is to be followed and the soldier's application, with supporting evidence and **AF B 132**, should be sent to the Ministry of Defence (DM(A)), through staff channels.

5. If the soldier wishes to be released overseas, the procedure at **para 9.316** is to be followed.

6. Attention is drawn to **paras 9.339 – 9.340** as to the action required before the release of soldiers under the age of 18, apprentices and those under 19 who were enlisted from community homes.

7. On receipt of **AF B 132** the commanding officer is to arrange for Parts 3, 4 and 5 to be completed. **AF B 132** is then to be processed according to the instructions at the head of the form and the soldier released, if serving in the United Kingdom, or returned to his depot or equivalent unit for release, if serving overseas. Once clearance for release has been obtained, the termination is to be completed with the minimum of delay.

8. Should, however, the soldier be in a restricted category under **para 9.417**, or the commanding officer wish to retain him under **para 9.418**, then the following instructions apply:

a. Protected Employments - The commanding officer is to forward **AF B 132** direct to the APC with a request that the soldier's application for release be registered and that it be placed before the next Protected Employments Board for consideration. Such applications must not be withheld. The soldier's name will then be registered by the Board, which meets twice yearly in January and July. The release date agreed will be notified to all concerned on conclusion of the Board's sitting.

b. Deferments - If the commanding officer considers that it is essential in the interest of the Service for the soldier's release to be deferred then his application should be referred to the brigade, or equivalent commander, in accordance with **para 9.418**. The soldier is to be informed of the situation and of a likely release date.

9. Applications for release free of cost on compassionate grounds are to be processed in accordance with **paras 9.423 – 9.424**. Where the soldier's commanding officer considers that insufficient grounds exist for recommending the application, he is to inform the soldier accordingly. When he considers that sufficient grounds do exist he is to forward **AF B 132A** to the APC as soon as possible. When the **AF B 132** is received by the commanding officer, he is to arrange for Part 3 to be completed and for the form, together with a copy of the **AF B 132A** and all supporting evidence to be forwarded to the GOC division or district for consideration and action as in **para 9.423***a*.

10. When a soldier serving overseas is to be terminated from his depot or equivalent unit, then as soon as premature voluntary release has been authorized the soldier is to be sent to that unit. The soldier's unit documents including medical documents and a copy of **AF B 132** completed at Sections 5 and 6 are also to be sent to the terminating depot or equivalent unit without delay. Transfer to the Reserve or termination is to be carried out by the officer commanding the depot as soon as possible after the soldier's arrival. When the soldier applies to reside abroad, the commanding officer is to ensure that the provision of **paras 9.316 – 9.317** are complied with before transfer to the Reserve or termination is effected.

11. The following special provisions are to apply when a soldier is on leave from a unit stationed outside the United Kingdom. This course of action is only to be pursued when there is evidence of exceptional compassionate circumstances that cannot wait until the soldier's return to his unit.

a. A soldier on leave from a unit in Germany, Holland, Belgium or Luxembourg who wishes to apply for premature voluntary release is to apply in writing to his commanding officer.

b. A soldier who, after leaving a unit stationed other than in the countries listed at sub para *a*, and when on leave in the United Kingdom or the Irish Republic, decides to apply for premature voluntary release may do so, in writing, to the APC. Such applications must reach the APC not later than 10 days before the date of re-emplaning. Applications submitted within 10 days of re-emplaning are not to be considered unless accompanied by evidence of extreme compassionate circumstances. The APC is to signal the soldier's unit asking if the commanding officer has any objection to the soldier being posted to the depot or equivalent unit concerned so that his application may be speedily processed. If there is no objection the soldier is to be so posted. If there is an objection the soldier is to return to his unit forthwith having been so advised by the APC.

c. A soldier who, before leaving his unit overseas, decides that he wishes to apply for premature voluntary release while on leave or on duty in the United Kingdom, or while on leave in the Irish Republic, is to apply to his commanding officer before departure for the United Kingdom. If premature voluntary release is authorized by the commanding officer, he is to inform the APC, who are to arrange for transfer to the Reserve or termination to be carried out at a depot or equivalent unit on completion of the soldier's leave or duty. If such an application is refused this fact together with the reasons for refusal are to be communicated to the APC and to the soldier.

12. Transfer to the Reserve and termination on payment are to be carried out under the following authorities:

a. Transfer to the Reserve of soldiers on payment is to be authorized under **para 9.374**. When no payment is to be made because of compassionate grounds, transfer to the Reserve is to be authorized under **para 9.375** '*free on compassionate grounds*'.

b. Except for terminations under **paras 9.391**, **9.400** and **9.401**, the termination of soldiers on payment is to be authorized under **para 9.399**. When no payment is to be made because of compassionate grounds, termination is to be authorized under **para 9.402**, '*free on compassionate grounds*'.

ANNEX H(J) TO CHAPTER 9
CONDITIONS OF APPOINTMENT

(PARAS **9.471 - 9.472** REFER)

A. To Her Majesty's Body Guard of the Yeomen of the Guard

1. A candidate for appointment must be:

a. Of 'Very Good' character in the Royal Marines or 'Exemplary' character in the Regular Army or Royal Air Force.

b. Under 55 years of age on assuming the appointment.

c. ot less than 5 feet 10 inches in height (without boots).

d. Not less than 36 inches round the chest.

e. In possession of a Long Service and Good Conduct Medal.

f. One who has completed 22 years service in the Royal Marines, the Regular Army or the Royal Air Force.

2. A candidate who has received promotion to commissioned rank will not be debarred from consideration.

3. Applications, which may be made at any time after completion of 20 years of service, are to be forwarded by the candidate's commanding officer as follows:

a. For Royal Marines personnel, to the Director of Drafting, Pay and Records, Royal Marines, Centurion Building, Gosport.

b. For the Regular Army, to the Ministry of Defence (MS 1b), London.

c. For the Royal Air Force, to AOC RAF Record and Pay Office, HQ PTC, RAF Innsworth.

4. Applications are to be accompanied by:

a. A certified copy of Record of Service.

b. Certified copies of Conduct Sheets.

c. A certificate by a medical officer showing the exact height and chest measurements.

d. Present home address.

5. Uniform is issued free, but shoes must be provided at the yeoman's own expense.

6. Yeomen are required to attend for duty at St James's Palace about six times a year. There is no restriction on place of residence. Limited subsistence allowances and railway warrants are provided where appropriate.

B. As Yeomen Warders of The Tower of London

1. This appointment is the reward for deserving, gallant and meritorious service.

2. A candidate for appointment must be:

a. A member or a former member of the Royal Navy, Royal Marines, British Regular Army or Royal Air Force who has attained the rank of warrant officer or senior NCO above the rank of sergeant or equivalent. In very exceptional circumstances of distinguished service sergeants or equivalent may be considered;

b. Of 'exemplary' character in the Royal Navy, Regular Army or Royal Air Force and very good' character in the Royal Marines;

c. Under 50 years of age on assuming the appointment;

d. In possession of a Long Service and Good Conduct Medal. In exceptional circumstances candidates without the Long Service and Good Conduct medal will be considered. However, the same length of service requirement as for award of the medal will apply.

3. Recruitment and selection is by open competition and will normally take place shortly before vacancies occur. However, applications may be submitted at any time before or after leaving the Service. Application packs may be obtained from the Human Resources Section, HM Tower of London, EC3N 4AB.

4. Yeoman Warders are sworn in as:

a. Members of the Yeoman Body;

b. Members of the Queen's Body Guard of the Yeoman of the Guard Extraordinary;

ANNEX I TO CHAPTER 9
CONDITIONS FOR ADMISSION AS AN IN-PENSIONER TO THE ROYAL HOSPITAL, CHELSEA

(PARA **9.474** REFERS)

1. Those soldiers eligible for admission to the in pension establishment of the Royal Hospital will be in one of the following classes of soldiers of good character in receipt of a Service pension or Service invalidity pension following service in the British Army (or the Victoria Cross annuity):

a. Soldiers who have reached the age of 65 years.

b. Soldiers shown to be incapable of supplementing their pensions by their own exertions owing to the loss of a limb, wounds or other injuries or disabilities resulting from Army service.

c. Soldiers shown to be so incapable from other causes, provided that they are not under 55 years of age.

2. Preference will be given to those who have borne the best character and rendered the longest service in the Army, but it is within the discretion of the Commissioners of the Hospital to admit such out-pensioners of good character as may from time to time be required for the efficient administration of the Hospital, irrespective of their age, length of service or earning capacity.

3. In-pensioners may cease to belong to the establishment by permission of the Commissioners, who may also expel in-pensioners for misconduct. In-pensioners under 65 admitted solely on account of ill health and who afterwards recover sufficiently to be capable of earning may be required to leave the establishment at the discretion of the Commissioners.

4. Applications for admission to the establishment or requests for further information should be made to the Lieutenant Governor and Secretary, Royal Hospital, Chelsea, London SW3.

CHAPTER 10
Orders, Decorations and Medals

General

J10.001.

a. The Sovereign's awards to members of the forces fall under four broad headings:

(1) Awards for:

(a) Gallant and distinguished services in operational areas;

(b) Non-operational gallantry.

(2) Awards for inclusion in either the New Year Honours List or the Sovereign's Birthday Honours List.

(3) Medals for meritorious service or for long service and good conduct.

(4) Medals for service in a specified operation or operational area.

b. In addition, Mentions in Despatch, Queen's Commendation for Bravery, Queen's Commendation for Bravery in the Air and Queen's Commendation for Valuable Service may be awarded.

c. Awards granted by certain civilian societies are officially recognized and may be worn in uniform.

d. Persons recommended for awards other than those mentioned in **para J10.002***e* must be known to be alive at the time the recommendation is forwarded to the Ministry of Defence.

Gallantry Awards and Operational Awards

J10.002.

a. The following awards may be recommended for gallant and distinguished services in an operational area:

*****Victoria Cross
Companion of the Order of the Bath
Commander of the Order of the British Empire
*****Distinguished Service Order
Officer of the Order of the British Empire
Member of the Order of the British Empire
*****Conspicuous Gallantry Cross
*****Royal Red Cross (Class I)
*****Distinguished Service Cross
*****Military Cross
*****Distinguished Flying Cross
Royal Red Cross (Class II)
Mention in Despatches
Queen's Commendation for Bravery
Queen's Commendation for Bravery in the Air
Queen's Commendation for Valuable Service.

b. The following awards may be recommended for non-operational gallantry not in active operations against the enemy:

*George Cross
*Royal Red Cross (Class 1)
*Air Force Cross
Royal Red Cross (Class 2)
*George Medal
*****Queen's Gallantry Medal
Queen's Commendation for Bravery
Queen's Commendation for Bravery in the Air.

c. The award of a bar (or additional bar) may be recommended for the holder of an award marked*****.

d. Relevant extracts from the Statutes and Warrants governing the above awards (except Queen's Commendations and Mentions in Despatch) are to be found in Appendix A to Chapter 2 of **JSP 761**.

e. Posthumous Awards. All Service gallantry awards may be awarded posthumously except for the DSO. However, the RRC may only be awarded posthumously for acts of gallantry.

f. A recommendation for an award for gallantry should be made as soon as possible after the action for which the award is proposed.

g. Civilians. Acts of gallantry by civilians (whether Crown servants or not) which appear to attain a standard meriting recognition should be reported through the same channels as recommendations for Service personnel. If the act is not considered to be of a sufficiently high standard to justify a State award a Defence Council letter of appreciation may be recommended.

h. On proposals submitted by Chief of Joint Operations (CJO) or a CinC, a scale of awards may be approved for a specific operation or operational area. Instructions regarding individual recommendations are issued when the scale has been approved.

i. In time of war, with a view to immediate reward in specially deserving cases, the Sovereign may place a limited number of awards at the disposal of a CinC or force commander, who may approve an award and permit the recipient to wear the ribbon and use the appropriate letters after his name. Such awards require the formal approval of the Sovereign and details are to be forwarded to the Ministry of Defence as soon as possible.

j. Recommendations are to be treated 'RESTRICTED-HONOURS' or higher. They are to be submitted in duplicate to the Ministry of Defence in accordance with the instructions contained in **JSP 761**.

k. A recommendation may be submitted to the Royal Humane Society for an award for saving or attempting to save life. (*See* **para J10.014**.)

The New Year Honours List and the Sovereign's Birthday Honours List

J10.003.

a. The following awards may be recommended for the New Year and Sovereign's Birthday Honours List:

Order of the Bath
Order of the British Empire
Royal Red Cross
Queen's Volunteer Reserves Medal

b. When more than one name is submitted for any particular award the order of priority of merit is to be stated.

c. Retired officers and ex-officers serving in civilian posts are not eligible for awards in the Military Division of an Order.

d. Recommendations, which are to be treated 'RESTRICTED-HONOURS' or higher, are to be forwarded in accordance with instructions contained in **JSP 761** (Chapter 4).

10.004. Reserved.

Medals for Meritorious Service and for Long Service

J10.005.

a. The medals that are awarded for meritorious service and for long service and good conduct are:

The Meritorious Service Medal.

The Long Service and Good Conduct Medal.

b. The Meritorious Service Medal is common to all three Services. Each Service has its own Long Service and Good Conduct Medal and each medal is constituted under a separate set of regulations.

c. Recommendations for Meritorious Service Medals and for Long Service and Good Conduct Medals are to be made in accordance with **paras 5.392 – 5.397** and **10.010 – 10.011** for individuals eligible under **paras 10.006** and **10.008 – 10.011**.

The Meritorious Service Medal

10.006. The Meritorious Service Medal is awarded to not more than 89 candidates in each calendar year who qualify to be considered for recommendation by their commanding officers after completing 20 years reckonable soldier service which may include service with the MPGS on a MLSE engagement.

10.007. The award of an annuity ceased to be paid from 1 April 1981.

Long Service and Good Conduct Medal

10.008. On completion of 15 years reckonable service a soldier, or member of the MPGS serving on a MLSE engagement, qualifies to be considered for recommendation by his commanding officer for this award. A soldier, having been awarded the medal, qualifies for consideration for the award of a clasp when he completes a further 15 years reckonable service, reckoned from the date of the award of the medal, as published in Defence Council Instruction Medal Lists, providing he has incurred no regimental entry during this second period of service. Reckonable and non reckonable service is laid down in the **Pay Warrant** Articles 450 to 452.

10.009. The detailed qualifications and method of recommendation are laid down in **paras 5.393 – 5.397**. **AGAI 68** should also be read.

10.010. Officers. An officer who completes 15 years reckonable service, 12 years of which must have been served in the ranks, and who considers that he qualifies for the award of this medal, may submit an application to the MOD Medal Office through his commanding officer for the award.

10.011. An officer who, having been awarded the medal as a soldier, has completed a further 15 years service reckoned from the date of the award of the medal, seven years of which must have been served in the ranks, and who incurred no regimental entry during this period of service may submit an application, as in **para 10.010** for a clasp.

War Medals and Clasps

J10.012. The conditions governing the grant of war medals, the procedure for submitting the names of personnel who appear to be eligible and instructions regarding issue are announced after the institution of the award.

Civil Awards for Gallantry

J10.013. No restriction is placed on the acceptance of any British civil award for gallantry, but the only insignia and ribbons of such awards which are allowed to be worn with uniform are:

a. Sovereign's Awards. These medals are worn on the left breast.

b. Other Awards - The Life Saving Medal of the Order of St John of Jerusalem, the medals of the Royal Humane Society and the medal of the Royal National Lifeboat Institution. Awards are to be reported to the Ministry of Defence so that the necessary authority may be given for them to be worn. They are worn on the right breast and the insignia and ribbon of one award only may be worn for one act of gallantry.

J10.014.

a. The Royal Humane Society considers applications for awards to personnel who have taken part in rescues or attempted rescues from drowning or asphyxia (including the use of artificial respiration) and from dangerous cliffs or other heights and also analogous cases of gallantry displayed in the aeronautical field, *e.g*. In connection with aircraft crashes. Occurrences solely involving Service personnel may be reported, as well as those which involve Service personnel and civilians. Cases coming within the scope of the Royal National Lifeboat Institution, the Society for the Protection of Life from Fire, or local (*e.g*. Glasgow and Liverpool) Humane Societies, will not be considered.

b. Cases of gallantry where a recommendation for a State award has not been made or, if made, has been unsuccessful, may be referred to the Secretary, Royal Humane Society, Brettenham House, Lancaster Place, LONDON WC2E 7EP.

c. For home units, applications should be made within two months of the date or occurrence; for units abroad, within 18 months. The Society may waive the time limit for applications by home units where an initial recommendation for a State award has been unsuccessful.

Presentation of Insignia of Orders, Decorations and Medals

J10.015.

a. The insignia of the awards referred to in **paras 10.001**a(1) and (2) are presented to the recipients at Investitures held at Buckingham Palace, or by the representative of the Sovereign or by a senior officer of the forces.

b. Arrangements for the presentation of the following awards are set out in sub-paras *c* to *i.*

(1) Victoria Cross
George Cross
Knights Grand Cross
Knights Commanders.

(2) Companions and Commanders of Orders
Distinguished Service Order
Officers and Members of the Order of the British Empire
Conspicuous Gallantry Cross
Royal Red Cross
Distinguished Service Cross
Military Cross
Distinguished Flying Cross
Air Force Cross
George Medal
Queen's Gallantry Medal.

(3) Mention in Despatches
Queen's Commendation for Bravery
Queen's Commendation for Bravery in the Air
Queen's Commendation for Valuable Service.

(4) Medals for meritorious service or for long service and good conduct.

c. Recipients of any of the awards referred to in sub-para *b(1)* will be summoned to an Investiture at Buckingham Palace provided they are in the United Kingdom and it is practicable for them to attend. If recipients of the Victoria Cross or the George Cross are unlikely to be in the United Kingdom for a considerable time, arrangements may be made for presentation of the awards overseas by the appropriate representative of the Sovereign.

d. Recipients of any of the awards referred to in sub-para *b(2)* who are in the United Kingdom will be summoned to an Investiture at Buckingham Palace. Otherwise, the award will be presented by the appropriate representative of the Sovereign.

e. The awards referred to in sub-sub-paras *b*(3) and (4) will be sent to the commanding officer, who is to arrange for presentation to the recipient at a suitable parade.

f. Medals sent to Service authorities are to be kept in safe custody pending presentation. Receipts are to be obtained from the recipients after presentation.

g. Invitations to attend Investitures will be sent from the Central Chancery of the Orders of Knighthood and will give precise information about the ceremony and will be accompanied by a form of application for guest tickets.

h. An individual attending an Investiture is to wear the ribbon of the award which is to be presented.

i. The rules regarding travelling expenses are laid down in Regulations for Army Allowances and Charges (**AC 10**).

Commonwealth and Foreign Awards

J10.016.

a. The regulations governing the acceptance and wearing of Commonwealth and foreign orders, decorations and medals are contained in **Annex A** to this Chapter. The restrictions referred to in **para 9** of this Annex are that only one Commonwealth or foreign medal may be worn for one act of gallantry. Service personnel may accept any Commonwealth or foreign award which is not designed to be worn. The Ministry of Defence should be notified of any award made.

b. The regulations governing the manner of wearing Commonwealth and foreign orders, decorations and medals are laid down in the Defence Supply Chain Manual (**JSP 336**) Volume 12 Part 3 Pamphlet 10.

c. All applications for permission to wear foreign or Commonwealth awards of campaign or commemorative war medals are to be submitted to the appropriate Service branch of the Ministry of Defence.

Wearing of Orders, Decorations, Medals and Ribbons

J10.017.

a. The regulations governing the manner of wearing decorations, medals and ribbons and the order in which they are to be worn are laid down in Dress Regulations Pamphlet No 1 (**AC 60175**) and in the Defence Supply Chain Manual (**JSP 336**), Volume 12 Part 3, Pamphlet 10.

b. The ribbon of an order, decoration or medal is to be worn, and the appropriate letters after the name used, from the date of the official notification of the award or, in the case of an immediate award under **para 10.002**, as soon as the Commander in Chief or Force Commander has approved the award.

c. When the grant of a war medal has been notified to the Services and names have been submitted the commanding officer may, pending approval of the award to the individual, provisionally authorize the wearing of the approved ribbon by personnel whose names have been submitted.

d. Service personnel may only wear on uniform or civilian clothes medals awarded to them or approved for them to wear by HM The Queen.

Wearing of Civil, Commonwealth and Foreign Awards for Gallantry

J10.018. Not more than two insignia and medal ribbons, may be worn for one act of gallantry. When two insignia and medal ribbons are so worn, at least one of them must be a Sovereign's award.

Forfeiture and Restoration

J10.019.

a. Provision is made for the forfeiture or restoration of orders, decorations and medals of orders and gallantry awards in the Statutes and Warrants respectively governing them - *see* Chapter 9 of **JSP 761**.

b. Mentions in Despatch, Queen's Commendations for Bravery, Queen's Commendation for Bravery in the Air and Queen's Commendations for Valuable Service are subject to forfeiture under conditions similar to those for other personal awards for service in operations, for gallantry, or for distinguished non operational service, as the case may be.

c. The conditions under which war medals, awards for meritorious service and long service and gallantry awards are forfeited and restored are laid down at **paras 5.398 – 5.400D** and **Annex B** to this Chapter. *See also* **paras 5.401 – J5.402** and **Annex C** to this Chapter with respect to restoration.

10.020. When a soldier in possession of the Victoria Cross or George Cross forfeits his medals or decorations a report is to be made to the Ministry of Defence, with a view to the Sovereign's pleasure being ascertained as regards the retention or forfeiture of the Victoria Cross or George Cross.

J10.021. When any member, or former member, of the armed forces has been dismissed the Service with disgrace, or on conviction of treason, sedition, desertion during hostilities, cowardice, mutiny or other great infamy, consideration will be given to the forfeiture of campaign and commemorative medals and clasps thereto in accordance with the respective Service warrants or discretionary powers. Each Service will operate a two stage procedure for cases where forfeiture might be appropriate.

10.022 - 10.999. Reserved.

ANNEX A(J) TO CHAPTER 10
FOREIGN AND COMMONWEALTH OFFICE RULES ON THE ACCEPTANCE AND WEARING OF FOREIGN ORDERS DECORATIONS AND MEDALS

(PARA **J10.016** REFERS)

The following are the extant Rules issued by the Foreign and Commonwealth Office which is the responsible authority

RULES GOVERNING THE ACCEPTANCE AND WEARING OF FOREIGN ORDERS, DECORATIONS AND MEDALS BY CITIZENS OF THE UNITED KINGDOM AND HER OVERSEAS TERRITORIES

These rules set out the circumstances under which a citizen of the United Kingdom or her Overseas Territories ("UK Citizen") may be granted the Sovereign's permission to accept and wear an Order, Decoration or Medal ("foreign award") conferred by a Head of Government of a foreign country, Head of Government of a Commonwealth country of which the Sovereign is not Head of State and certain international organizations (collectively referred to as "foreign state").

Principles

1. No UK citizen (this includes British subjects and British-protected persons (BPP)) may accept and wear a foreign award without the Sovereign's permission. Such permission must be sought as soon as there is any indication that an award may be offered. BPPs may accept awards conferred by their Rulers.

2. The granting of permission for a UK citizen to accept an award offered by a foreign state will only be considered if the award recognizes specified services rendered to the interests of that foreign state.

3. Permission will not be given for UK citizens to accept a foreign award if they have received, or are expected to receive, a UK award for the same services.

4. Acceptance of a foreign award does not mean that the UK will make a reciprocal offer directly or indirectly associated with the UK recipient.

Permission

5. Permission to wear a foreign award, if granted, will be either:

a. Unrestricted - allowing the award to be worn on any occasion; or

b. Restricted - allowing the award to be worn only on particular occasions associated with the foreign state that conferred it.

6. The grant of permission, whether unrestricted or restricted, will be conveyed by letter to the UK citizen concerned from the Sovereign's Private Secretary.

Application

7. A foreign state wishing to confer an award on a UK citizen is expected to ascertain - through its Diplomatic Representative at the Court of St James's whether permission to accept an award would be likely to be given. Such requests for clearance will only be entertained in respect of awards given by Heads of State or Governments recognized as such by the Sovereign.

8. Requests made by certain international organizations (*e.g*. The United Nations and NATO) in respect of service in operations under their auspices should be made to the Defence Services Secretary in the Ministry of Defence.

9. Requests made in respect of services rendered more than five years previously, or in connection with events in the distant past (including commemorative awards) will not be entertained.

10. Requests for clearance meeting the requirement of theses regulations will be submitted to the Sovereign for consideration by the Secretary of State for Foreign and Commonwealth Affairs - who will be under no obligation to make such a submission if the application has not been made as indicated in **paras 7 - 8** above.

11. Requests for clearance in the case of foreign awards conferred by private societies or institutions will not be granted.

Guidelines

12. Each request will be treated on a case by case basis. The fact that a similar application has been approved in the past should not be taken as implying that permission will be granted.

13. The grant of unrestricted permission will be considered in the case of foreign awards conferred for services:

a. Related to saving or attempting to save life (including medals issued by life-saving societies and institutions);

b. By any member of the UK Armed Forces or other UK official on exchange, attachment or loan to a foreign state who is involved in a military operation or an emergency on behalf of that country, state or organization (it will be for the UK to decide if the operation or emergency is of the standard to fall within this criterion);

c. By any member of the UK Armed Forces serving in a UK unit within a bilateral force under the command of the other country who renders especial service to that country's forces in a military operation or emergency; or

d. In military operations under the auspices of an international organization (*e.g*. the United Nations).

14. The grant of restricted permission will be considered in the case of foreign awards conferred:

a. On the occasion of and in connection with a State or official visit by a Head of State or Government of a foreign or Commonwealth country.

b. In connection with a State visit by The Sovereign.

c. To members of Special Missions when The Sovereign is represented at a Coronation, wedding or funeral or other similar occasion; or on any Diplomatic Representative (this does not apply to his or her staff) when specially accredited to represent The Sovereign on such occasions.

15. Other than in circumstances described in **paras 13 - 14** above, permission, unrestricted or restricted will *not* be granted to (this guidance applies equally to the spouses or partners of Crown servants):

a. Crown servants generally.

b. In particular, to Heads or other members of HM Diplomatic or Consular establishments abroad, when leaving their posts - whether on transfer or on final retirement; and

c. Senior officials, military or civilian, visiting foreign states.

16. No permission is needed for the acceptance of any foreign award if it is designed not to be worn.

ANNEX B TO CHAPTER 10
ROYAL WARRANT
(PARA **10.019***c* REFERS)

Grant, Forfeiture and Restoration of Medals

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of The Commonwealth, Defender of the Faith, to all to whom these Presents shall come, Greeting!

WHEREAS His Late Majesty King George VI by Warrant under His Royal Sign Manual dated the eleventh day of May One thousand nine hundred and fifty was pleased to make provision for the grant, forfeiture and restoration of medals;

AND WHEREAS by Warrants under Our Royal Sign Manual dated the first day of August One thousand nine hundred and fifty-three, the twenty-eighth day of January One thousand nine hundred and sixty-one, the twenty-fifth day of April One thousand nine hundred and sixty-six, the seventeenth day of February One thousand nine hundred and sixty-nine and the fifth day of February One thousand nine hundred and seventy, We did amend the aforesaid Warrant;

AND WHEREAS, We deem it expedient now to make fresh provision for the award of war, campaign and general service medals and for the forfeiture and restoration of war, campaign and of other awards granted for long service efficiency, or any of the Queen's Medals for Champion Shots;

OUR WILL AND PLEASURE IS that provision for such award, forfeiture and restoration shall be as stated in the schedule attached hereto:

OUR FURTHER WILL AND PLEASURE IS that the issue of war, campaign and general service medals as special marks of Our approval of the service of Our Armed Forces shall be notified in each case through our Defence Council;

NOW THEREFORE, WE do hereby declare that the Warrants dated the first day of August One thousand nine hundred and fifty-three, the twenty-eighth day of January One thousand nine hundred and sixty-one, the twenty-fifth day of April One thousand nine hundred and sixty-six, the seventeenth day of February One thousand nine hundred and sixty-nine and the fifth day of February One thousand nine hundred and seventy shall be abrogated, cancelled and annulled as shall also the Warrant by His Late Majesty King George VI dated the eleventh day of May One thousand nine hundred and fifty.

Given at Our Court at St James'
this 10th day of June
One thousand nine hundred and eighty-five
in the Thirty-fourth year of Our Reign.

MICHAEL HESELTINE.
By Her Majesty's Command.

Schedule

1. In this schedule, the term ‘war medal' means a campaign star, or a medal commemorative of a campaign, granted in commemoration of an arduous campaign or other well-fought operation entailing danger to life from enemy action or other exceptional risk and hardship, or a medal which is granted for specified service in a non operational command during a state of war.

2. A war medal commemorative of a campaign may be given to an officer, or to a soldier, whether combatant or non combatant, who has rendered approved service during such campaign with the Army. Clasps for battles or special operations against an enemy may be issued to all officers and soldiers engaged therein whose duties necessitated their being present.

3. Any officer or member of the military forces or any former officer or former member of the military forces who has been dismissed the Service with disgrace, or on conviction of treason, sedition, desertion during hostilities, cowardice, mutiny, or other great infamy, shall be liable at the discretion of the Defence Council, to forfeit any war medal and clasp and any medal and clasp awarded for long service, meritorious service (except for gallantry), efficiency or any of the Queen's Medals for Champion Shots (subsequently referred to herein as the Queen's Medals) of which they may be in possession (together with any gratuity appertaining thereto, not already paid) or to which they may be entitled by their service up to the date of their conviction, and the Defence Council will consider such cases accordingly. For the purposes of this provision the expression ‘other great infamy' shall include a conviction by a civil court in respect of which that Court awarded a sentence of more than six months imprisonment.

4. Any war medal and clasp, and any medal awarded for long service, meritorious service (except for gallantry), or efficiency, forfeited by an officer, or member of the military forces or any former officer or former member of the military forces, may be restored at the discretion of the Defence Council.

5. If an officer or member of the military forces or any former officer or former member of the military forces is permitted or required to replace a medal or other decoration wilfully made away with, or lost through carelessness, or otherwise they shall be subjected to a stoppage of the amount required to be paid for the duplicate.

ANNEX C TO CHAPTER 10
RESTORATION OF AWARDS

(PARA **10.019***c* REFERS)

1. The restoration of awards forfeited under **Annex B** to this Chapter will be considered in the following circumstances:

a.

(1) When a minimum of three years service (including approved service involving periodic training), has been rendered subsequent to release from detention or imprisonment (or if not applicable, subsequent to the date of conviction), provided that no offence has been committed during such service as would normally disqualify the individual from the award of an 'Exemplary' character on discharge or transfer to the reserve.

(2) In cases of desertion during a state of hostilities, no award(s) instituted for service during that period of hostilities in which desertion took place will be restored under sub-para *a*(1) above or sub-paras *b* and *c* below, unless the individual subsequently rendered approved service in the armed force from which he deserted, in the area and, before the termination of the particular period of hostilities for which the award was instituted. In this respect, approved service is deemed to be paid service of one day or more after release from detention or imprisonment and before the termination of the appropriate period of hostilities. Non regular soldiers who have been found guilty of desertion (or have had their trial for desertion dispensed with) may not aggregate service before conviction with subsequent service in order to qualify for the restoration of a campaign star or medal, if the former service is not reckonable as qualifying service for pay, or for increments of pay under the **Pay Warrant 1964**, Article 451.

b. When the required three years requalifying service has not been completed owing to:

(1) discharge or release;

(2) death; or

(3) wounds or sickness, not due to misconduct,

provided that no offence has been committed during the period between release from detention or imprisonment (or, if not applicable, subsequent to the date of conviction), up to the date of termination of service, as would normally disqualify the individual from the award of an 'Exemplary' character on discharge or transfer to the reserve.

c. When the individual:

(1) is accepted for re-enlistment and provided he has truthfully declared all former service. (This condition does not apply in the case of soldiers who were conscripted under the provisions of the **National Service (Armed Forces) Act, 1939**, immediately following removal from commissioned rank. Such personnel, however, are not thereby debarred from qualifying for restoration under any other condition specified in this Annex.)

(2) is mobilized from the Reserve; or is promoted to sergeant or higher rank.

d. At the discretion of the Army Board to the Defence Council in recognition of meritorious service not necessarily resulting in a decoration, or when otherwise specially recommended.

2. The provisions for restoration as specified in **para 1**, sub-paras *b*, *c*(1) and *c*(2) above, are not to apply in the case of awards forfeited on conviction of treason, sedition, mutiny or cowardice.

3.

a. The provisions for restoration specified in **para 1** sub-paras *a*, *b* and *c* are not to apply in cases where the Meritorious Service Medal and/or a Long Service and Good Conduct Medal has been forfeited under the terms **para 3 of Annex B** to this Chapter.

b. Restoration of a Meritorious Service Medal and/or of a Long Service and Good Conduct Medal forfeited under the terms of **para of Annex B** to this Chapter will only be considered:

(1) When a minimum of three years service with irreproachable conduct has been completed subsequent to the date of the withdrawal of the medal, or

(2) In the special circumstances defined in **para 1***d*.

CHAPTER 11
Military Aid to the Civil Authorities

Related Publications

J11.001. This Chapter is to be read in conjunction with Defence Council Instructions and the following publications:

a. **JSP 373** Military Aid To The Civil Community In The United Kingdom 1997 Edition.

b. **Manual of Service Law**.

c. Land Operations Volume III (**AC 70516**).

d. Internal Security Doctrine and Instructions - Aide Memoire for sub unit and detachment commanders - The Suppression of Unlawful Disturbances (**AC 70726**).

Military Aid to the Civil Power (MACP)

J11.002. United Kingdom

a. Should the assistance of the armed forces be called for in order to maintain law, order and public safety, the officer to whom the application is made is at once to inform the Ministry of Defence (Counter Terrorism and UK Operations (CT & UK Ops)) and his immediate superior authority. A request for assistance will normally be made to the Ministry of Defence by the relevant government department and should be confirmed in writing. If a direct request for assistance is received, and standing arrangements do not provide otherwise, the Service commander on the spot is to brief the requesting authority on the above procedures and report it to his superiors. It is, however, possible in very exceptional circumstances for grave and sudden emergencies to arise which in the opinion of the commander demand his immediate intervention to protect life and property. In such emergencies he is to act on his own responsibility and is to report as early as possible the matter and the action he has taken to the Service authorities mentioned above and to the chief officer of police.

b. The 'Chief Officer of Police' means:

(1) In England and Wales, the Commissioner of Police for the City of London, the Commissioner of Police of the Metropolis or the Chief Constable of a county or a combined area (Schedule 8 to the **Police Act 1964**).

(2) In Scotland, the Chief Constable of a given police area (**Police (Scotland) Act 1967**).

(3) In Northern Ireland, the Chief Constable of the Police Service of Northern Ireland.

J11.003. Overseas

a. In territories outside the United Kingdom the principles governing the provision of aid to the civil power may vary according to local conditions and local laws. When necessary, separate instructions setting out the rights and duties of members of Her Majesty's forces may be issued by the Ministry of Defence. If, by agreement of Her Majesty's Government with the local government, Her Majesty's forces are employed on internal security duties, regard must be paid by the commander both to the local law and any existing emergency regulations affecting that employment. Any request for assistance will normally be dealt with through Her Majesty's Representative, and the commander will always act in consultation with him. In exceptional cases where prior consultation is impossible, the commander must inform Her Majesty's Representative as soon as possible.

b. 'Her Majesty's Representative' means:

(1) In a foreign country, the British Ambassador.

(2) In an independent Commonwealth country, the British High Commissioner.

(3) In an overseas territory of the United Kingdom, the governor or other officer administering the government of the territory.

(4) In the New Hebrides, the British Resident Commissioner.

Military Aid to other Government Department (MAGD) and Military Aid to the Civil Community (MACC) in Emergencies in Peacetime.

J11.004.

a. If a national emergency is proclaimed under the **Emergency Powers Act 1920** (or the **Emergency Powers (Northern Ireland) Act 1926** in Northern Ireland) in a situation where the supply and distribution of the essentials of life to the community are extensively threatened, the powers of the authorities will be regulated by Order in Council. The Ministry of Defence will issue the necessary instructions to commands affected.

b. Where there is no proclamation the Defence Council may, under the **Defence (Armed Forces) Regulations 1939**, Part C of the Second Schedule to the **Emergency Laws (Repeal) Act 1959**, the **Emergency Powers Act 1964** and the **Defence (Transfer of Functions) Act 1964** and in accordance with instructions issued by them, authorize the temporary employment of Service personnel on work which the Council have approved as being urgent work of national importance.

J11.005. Service personnel will normally be provided in cases of emergency for the following purposes only:

a. To maintain essential supplies and services (MAGD).

b. To give assistance in the event of a sudden emergency such as a flood or widespread fire where sufficient civil resources cannot be mobilized in time (MACC).

c. To give assistance to farmers in an agricultural crisis (MACC).

Such assistance is to be carried out under the supervision of officers, petty officers, warrant officers, non commissioned officers or leading ratings, who are to ensure that any instructions issued by the representative of the civil authority or organization for the proper and safe performance of the work are observed.

J11.006. In a major emergency, the Ministry of Defence (D CT & UK Ops) is responsible for issuing overall directives and policy; planning, coordinating and controlling the assistance provided, including assistance provided by the Royal Navy, Royal Marines, the Royal Air Force and any additional resources which may be allotted. Army divisions or districts are responsible for planning, coordinating and controlling the assistance provided within their boundaries. HQ Land Command is responsible for coordination between divisions or districts as and when needed. RN and RAF liaison officers are provided at HQ Land Command and Army division or district headquarters as necessary.

J11.007. Applicants for assistance to maintain essential supplies and services or for temporary agricultural work (**para J11.005***a* and *c*) will be made by the appropriate government department to the Ministry of Defence.

J11.008. The Defence Council has, by order dated 17 January 1983, approved such work as considered by a local commander, at the time when the work needs to be performed, to be urgently necessary for the purposes of alleviation of distress and the preservation and safeguarding of lives and property in time of disaster as urgent work of national importance and has authorized the temporary employment on such work of Service personnel. Applications for this type of assistance may be made direct to the nearest Service headquarters or unit. Requests for MACC are to be handled in accordance with the guidance given in Military Aid to the Civil Community in the United Kingdom (**JSP 373**), however a local commander has authority to use his discretion in exceptional cases of emergency, particularly when danger to life is involved, to provide assistance immediately and without reference to higher authority. The local commander is at once to inform the Ministry of Defence, Royal Navy or Royal Air Force Command Headquarters, Headquarters Land Command and Army division or district headquarters as appropriate, and his immediate superior authority of any such assistance given.

Service Assistance in Disasters Overseas

J11.009.

a. Service personnel may be called upon to assist in relief operations following disasters overseas. Her Majesty's Representative (*see* **para J11.003**) is responsible for deciding whether there is a need for, and the extent of Service assistance.

b. Where United Kingdom forces are stationed in the country concerned and where very exceptional circumstances arise which preclude prior consultation with Her Majesty's Representative, a Service commander may offer immediate relief on his own initiative. If relief is accepted he is to inform Her Majesty's Representative, the Ministry of Defence, command headquarters and his own immediate superior as soon as possible of the action taken including the extent of the relief provided which must be kept to the minimum and in no circumstances is to exceed £20,000 in value.

Military Aid to the Civil Community in Routine Situations

11.010. In situations other than emergencies military aid is to be provided as laid down in Defence Council Instructions or Ministry of Defence letters of instructions and will follow the general guidance contained in the Ministry of Defence handbook Military Aid to the Civil Community in the United Kingdom (**JSP 373**).

11.011 - 11.999. Reserved.

CHAPTER 12
Official Information and Public Relations

PART 1 - GENERAL

Official Secrets Act

J12.001. 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. On joining and leaving the Regular Services all personnel will sign declarations regarding the Official Secrets Act on Ministry of Defence **Forms 134** and **135** respectively.

Restrictions on Travel to Certain Countries

J12.002. All serving and retired personnel are subject to special restrictions on travel abroad on leave to particular countries (*see* **LANDSO 2221**, the Defence Manual of Security (**JSP 440**), Volume 2, Chapter 21 and the Army Leave Manual (**AC 13216**)). On leaving the Service all individuals are to be reminded that these restrictions still 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.

Disclosure of Official Information

J12.003. It can be an offence against the Official Secrets Acts 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 authorized 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 authorized 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 any one seconded for service with another Government department is not to be disclosed without the express permission of that department. Details are found in LANDSO 2221 and the Defence Manual of Security (**JSP 440**), Volume 1, Chapter 11.

J12.004. 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 their official studies, is the property of the Crown and is not to be published in any form without the prior approval of the Ministry of Defence.

Restrictions on Use of Official Documents

J12.005. Official reports, correspondence and documents 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.

J12.006. 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 Stationery Office, in whom Crown copyright is vested, or from a person holding his delegated authority. Applications should be referred to the Ministry of Defence (MOD Library (Crown Copyright Section)), copy to Assistant Director Defence Publicity (Army) (AD Def Pub(A)).

Security of Official Documents

J12.007. Instructions governing the security of official documents, and in particular their protective marking, custody, handling and transmission, are contained in the Defence Manual of Security (**JSP 440**), Volume 1.

Visitors

J12.008. A commanding officer 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 Ministry of Defence instructions governing visits to ships, units and establishments of persons not in Her Majesty's Service are carefully observed. These instructions are to be found in **LANDSO 2221** and the Defence Manual of Security (**JSP 440**), Volume 2, Chapter 21.

Police and other Civilian Authorities' Reports

J12.009. 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 forces are reminded that all reports from 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.

Disclosure of Official Information to Courts

J12.010. 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 7.030**.

12.011 - 12.014. Reserved.

PART 2 - ACTIVITIES INVOLVING THE USE OF OFFICIAL INFORMATION OR EXPERIENCE

(MOD Sponsor: DGMC)

J12.015. General Considerations. This Section sets out procedures for Service personnel to seek authorization to communicate with the media. A number of considerations should be taken into account before doing so, including:

a. Is it in the defence interest?

b. Does the benefit justify the time, cost and effort?

c. Is there a risk to operational security or of disclosure of classified information?

d. Would this compromise service ethos?

e. Are there any patent, copyright, collaboration security or international relations implications?[1]

J12.016. Purpose. These regulations govern contact between all Service personnel and the media, and for writing or speaking in public. These rules must be followed to ensure that operational security is upheld and standards of political impartiality and public accountability are met at all times.

J12.017. Applicability.

a. These regulations cover all public speaking, writing or other communication, including via the internet and other sharing technologies, on issues arising from an individual's official business or experience, whether on-duty, off-duty or in spare time. These regulations are to be followed by:

(1) all members of HM Forces who are serving in international organizations:- who are to observe the rules and procedures of that organization, but who remain subject to this regulation.

(2) members of HM Forces who are serving in international organizations:- who are to observe the rules and procedures of that organization, but who remain subject to this regulation.

b. These regulations remain in force until explicitly superseded.

Personnel who have left the Service

J12.018. Introduction.

a. It is the policy of the MoD and the Armed Forces to be as open as possible about defence activities and to explain the reasons for Government policies and decisions, provided that essential security is not compromised. The MoD must also comply with relevant legislation, such as the **Freedom of Information Act 2000** and the related public access rights that came into effect on 1 January 2005.

b. As in any organization, it is important that all MoD personnel communicate in a manner that maintains and, where possible, enhances the reputation of the organization. All contacts with the media or public disclosure of information by members of the Armed Forces must be authorized in advance, where this relates to material or experiences gained in the course of official duties. Engaging in such activities without obtaining authorization at the appropriate level may be a serious disciplinary or administrative matter which could ultimately lead to dismissal, as would the acceptance of payments in contravention of **J12.024** below.

J12.019. Maximizing Communications Effect.

a. Presentational aspects must be an integral part of all MoD activity and decision-making. It is a core task of all personnel to consider how to portray their activities in an interesting and accessible way, for both the internal and external audiences, and how to support the MoD's strategic communications aim - to enhance the reputation of the Department and Armed Forces both internally and externally. Everyone should look for opportunities to explain what defence is about to the public and other stakeholders. When personnel can make a contribution to knowledge on the basis of specialized information and experience obtained in the course of their official duties, in particular, professional, scientific and engineering personnel, they should be encouraged to do so, so long as policy, defence and commercial interests are protected.

b. Any such participation in public discussions or contribution to knowledge of this kind must, however, be such as will not:

(1) prejudice national security.

(2) put at risk collaboration security.

(3) create the possibility of embarrassment to the Government in the conduct of its policies.

(4) bring into question the impartiality of HM Forces.

c. Although these principles apply primarily to the disclosure of information and for the discussion of political issues, they apply with equal force to the public expression, in the press or elsewhere, of opinions which are or could be embarrassing to the Government when given by individuals who are identified or are readily identifiable as Service personnel.

1 (A politically controversial topic is one which is, has been, or is clearly about to be, a matter of controversy between political parties in this country.)

d. The Director-General, Media and Communication (DGMC) has ultimate official authority for internal and external communications including all matters related to contact with the news media and communicating in public. Members of the Armed Forces are to seek prior permission if they wish to write or speak or otherwise communicate in the public domain on Defence or related matters, before entering into any commitment. Personnel who are in any doubt about the need to obtain authorization are to take advice from the appropriate DGMC contact at **J12.025** before committing to communication with the media or writing or speaking in public. DGMC has delegated some approval authority to Command Media Operations personnel who should always be consulted before approaching DGMC.

Contact details can be found at **J12.025**.

J12.020. Contact with the News Media.

a. DGMC (specifically, D News Press Office and Regional Press Officers) 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 for all contact with the news media contact is that it must be referred to the appropriate D News staff indicated in **J12.022** or, where delegations are in place, to the appropriate Command Media Operations branch. This includes proposals for communicating with the news media such as writing letters to newspapers, contributing to online debates, or participating in radio or television programmes (including phone-ins) on any topic related to official defence matters. It also includes contact with the media when attending outside events, *e.g.* at conferences and seminars, and invitations to media representatives to speak to briefings, courses or other departmental events. Invitations for Service personnel to take part in a radio or television programme are usually made by the broadcasting authorities through official channels, but a direct approach may sometimes be made.

b. If a journalist makes contact with a member of the Armed Forces requesting information that falls within the terms of the **Freedom of Information Act 2000** (or other information access legislation and regulations), or requests are received for contentious information from any source, the D News Press Office are to be consulted. If it is necessary to telephone a journalist who has submitted an FOI request to clarify or refine its terms, care is to be taken to avoid the conversation drifting to other matters. A note of the conversation is to be made immediately.

c. If approval is given to communicate with the media, the range of topics that can be covered – and the terms of the engagement (*e.g.* background, on the record) - will be agreed at the time of authorization. Individuals are not to comment upon or disclose official information beyond that agreement. The individual is to report back to D News Press Office or the Regional Press Officer who approved the contact so that any appropriate follow-up action can be taken and to protect individuals in the event of any subsequent misreporting.

d. Exceptionally, some Service personnel will have a general authorization from D News personally to speak to the news media, which must be recorded in their agreed formal job descriptions or terms of reference. These individuals are to ensure they keep records and inform D News Press Office or the Regional Press Officer of all media contacts and the information communicated. Additionally, they are to avoid comment on issues of a politically controversial nature.

e. 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.

f. 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, relevant Regional Press Officer, or to D News Press Office directly, using the contacts listed in **J12.025**.

g. Defence Press and Broadcasting Advisory Committee (DPBAC). Defence Advisory (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 Director of News in the MOD.

J12.021. Communicating in Public.

a. DGMC are the department's professional advisers on communicating with the public. They will consult MoD policy branches as appropriate. Members of the Armed Forces are to seek prior permission if they wish to write or speak or otherwise communicate in the public domain on Defence or related matters**,** before entering into any commitment. All such communication must help to maintain and, where possible, enhance the reputation of Defence.

b. Examples of communicating in public are:

(1) publishing material (for example books, articles, papers for academic qualifications, 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;

(2) self-publishing or otherwise releasing material on the internet or similar sharing technologies, for example through a blog, podcast or other shared text, audio or video, including via mobile devices;

(3) interviews with journalists using broadcast, print or electronic media;

(4) speaking at conferences, private engagements or other events where the public or media may be present;

(5) completing external organizations' questionnaires, taking part in external surveys or polls, or contributing to external studies or research projects; this Regulation is not intended to prevent personnel from replying suitably to questionnaires from responsible publications such as Who's Who. In any case of doubt the appropriate Security Directorate or the local Security Officer is to be consulted.

(6) contributing to any online community or shared electronic information resource available outside government, for example a bulletin board, newsgroup, wiki, on-line social network, multiplayer game or other information-sharing application.

c. In all cases, the impact of the material must be considered carefully, both in terms of the effect on its intended audience but also on any unintended audience through any wider coverage by the media. All personnel are to make every effort to minimize the scope for misreporting and misrepresentation and avoid straying beyond the issues that they have been approved to speak on. Responsibility for seeking authority in sufficient time to allow proper consideration rests with the individual.

d. Use of Internet. MOD policy on the Acceptable Use of Information Technology and Telecommunications, which includes use of the internet, is in **JSP 740**; Security Operating Procedures (SyOps) for the system concerned may contain further restrictions on use. MOD's Web Publishing Policy is contained in **JSP 745**. Further details may be obtained from DGInfo.

e. *Membership of Institutes*. Service personnel are free to join institutes, including the International Institute for Strategic Studies (IISS), the Royal Institute of International Affairs (RIIA), or the Royal United Services Institute for Defence Studies (RUSI), and may actively participate in the proceedings of those bodies. They are however required to seek guidance if they are in doubt about the propriety of their participation on any particular occasion.

J12.022. Authorization for Contact with the News Media and Communicating in Public.

a. Senior Personnel (1-star and above). All personnel of 1-star rank and above are to seek approval from DGMC before accepting any invitation to speak or write publicly – whether through the media or some other channel. Requests should be submitted at least seven days in advance to D News Press Office for media, and DCP Coord for other contact. For personnel of 2-star rank and above, Ministerial approval is required. This should be sought through DCP Coord.

b. Below 1-star - News Media. In all cases, personnel are to first go through their chain of command (Commanding Officer (CO) or Head of Establishment, Department or Division) to ensure that they are content that the proposed contact with the news media is in furtherance of Defence interests. Subsequent clearance is then required as follows:

(1) *For Contact with Regional or Local News Media*. DGMC Regional Press Officers have delegated powers of authorization from D News. In some instances authority has been delegated further to Command Media Operations staff. Where this is not the case – including for all controversial issues - Command Media Operations branches must ensure that the Regional Press Officer is informed of proposed contact at the regional or local level. The DGMC Regional Press officer will refer contentious issues to the D News Press Office. Where there is a risk of a regional or local issue becoming a national issue, D News Press Office will take over the lead handling responsibility. This reflects DGMC's primacy in all matters relating to news media and communicating in public.

(2) *National News Media*. D News' Chief Press Officers will be required to authorize all contact with the national news media, whether it be proactive or reactive. D News will seek advice as necessary from the single Service ADs in D Def PR and will judge whether Ministers need to be consulted.

(3) *International Media or Contact with Media Abroad*. Permission for any contact with international media in operational theatres is determined by DGMC in conjunction with PJHQ. Outside operational theatres, there are a significant number of visits which include interaction with foreign media. Where this occurs at local or regional level, it is normally sufficient for permission to be granted by the relevant Command Media Operations branch or defence attaché. Where there is the potential for foreign national media to be involved, D News Press Office is to be informed. Rules for contact with international media in UK are the same as per national media.

c. Exceptionally, some Service personnel will have a general authorization from D News personally to speak to the news media, which must be recorded in their agreed formal job descriptions or terms of reference, as set out at **para J12.020***d*.

d. Below 1-star - Communicating in Public other than through the News Media. In all cases, personnel are to first go through their chain of command to ensure that the proposal furthers Defence interests, check the material is unclassified, that there are no operational security concerns and that the cost and effort is justified. If so, COs or Heads of Establishment may authorize the contact. But they must first take advice from the relevant Media Operations and/or Secretariat branch if there is any potential for controversy, media or national interest. If this is the case, subsequent clearance by DGMC is required, using the following channels (who will ensure D News are informed where media contact is involved).

(1) Navy personnel through their chain of command to the AD DefPR (Navy).

(2) Army Personnel through their chain of command to the AD DefPR (Army).

(3) RAF Personnel through their chain of command[2] to the AD DefPR (RAF).

[2] RAF manuscripts are to go through PCB(AIR) in the first instance

All personnel should bear in mind that apparently single-Service issues can have implications for the reputation of all three Services.

e. In addition:

(1) Scientific and technical material should be sent first to D Def Sy (S&T/Ind) who will forward it with their recommendations to DCP;

(2) Material on medical issues should be sent first to Service Medical Directors who will consult with DMSD (specifically with D Med F&S) if the topic is or could be controversial and will forward it with their recommendations to DCP.

f. The responsibility to observe and comply with the Official Secrets Act and with any other applicable laws, such as copyright or patent, lies solely with the individual. Classified or commercially sensitive material is not to be disclosed, and individuals are to avoid conflicting with MoD or government policy. The security or other national interest of collaborating countries must be fully protected, even where UK interests are not directly affected. Personnel should be aware that their comments might be reported and publicized.

g. Permission to publish outside MoD, if granted, will apply only to the material as submitted. 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.

h. Articles or notices for the in-house MoD or Service publications listed below on non-controversial topics can be submitted direct to in-house editors through COs or line management:

(1) *Defence Focus.*

(2) *Globe and Laurel.*

(3) *Naval Review.*

(4) *Navy News.*

(5) *RAF News.*

(6) *Soldier*.

Additionally, subject to local orders, matters intended for ship and unit magazines, and for corps and regimental journals, may also be submitted direct to editors. COs must satisfy themselves that material intended for publication does not infringe security regulations and is generally suitable. For all publications, the same guiding principles apply that the material must maintain and enhance the reputation of Defence and every effort must be made to ensure that the material does not create an adverse impact. Internal publications that also have an external profile (*e.g*. if they are available on subscription or on the internet) must follow the procedures for external clearance at sub-paras *c* and *d* above.

J12.023. Operational Security.

a. Experience shows that adversaries take a close interest in information put into the public domain by MoD and look for opportunities to use it to their advantage. All personnel are reminded of the paramount requirement to protect operational security. They are also to avoid actions that might damage relations with other nations. Personnel are not to pass on any classified or other information that has not been authorized for release, including to friends and family.

b. Instructions are contained in the relevant Security Manuals about the disclosure of information to:

(1) Members of Parliament;

(2) Foreign countries and foreign nationals;

(3) Committee members, consultants and defence lecturers;

(4) Contractors.

J12.024. Payment for Speaking to the Media and Public Speaking and Writing.

a. The principle applying to the issue of payments to serving personnel should be that they are paid once for their work. It is a normal part of the duties of serving Service and civilian personnel to explain their work in public and this should not attract additional payment. Serving Service personnel are not to 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*.). Where an organization offering payment insists on making a donation to charity, the choice of charity must lie with the organization offering the payment.

b. Payment to an individual for information or speaking may be authorized only if the subject matter falls entirely outside official work, or use of official information or experience, and has been prepared in an individual's own time, without using any MoD resources. Examples could be historical works, fiction or regimental histories. COs or Head of Establishment, Department or Division should be consulted in the first instance to ensure this is the case. If in doubt they should take advice from their Media Operations and/or Secretariat branch who should in turn consult DGMC staff in accordance with **para J12.022***c* if uncertain. If authority to proceed is given, individuals are to make clear that they are not acting in an official capacity.

J12.025. DGMC Contact Points.

	Mil	Civ	DII email
a. For proposed contacts with the national News Media:			
Defence Press Office (London)			
D News Chief Press Officers	9621 82906	020 7218 2906	DGMC-DNews ChiefPressOff1
	9621 84677	020 7218 4677	DGMC-DNews ChiefPressOff2
b. For contact with local or regional media.			
Regional Press Offices			
Scotland	94740 2004	0131 310 2004/5	
North East	94777 2020	01904 66 2020 or 2066	
North West	94554 2219	01772 260219	
Midlands	94461 2338	01743 262338	
Wales	93762 2218	01446 744044	
Eastern	95331 7149	01480 425346	
South East	9621 83259	020 7218 3259	
South West	9375 54344	01752 554344	
c. For Single-Service issues, contact the relevant Service AD -			
D Def PR (Navy) AD	9621 87903	020 7218 7903	DGMC-DDefPR NavyAD
D Def PR (Army) AD	9621 84385	020 7218 4385	DGMC-DDefPR ArmyAD
D Def PR (RAF) AD	9621 87905	020 7218 7905	DGMC-DDefPR RAFAD
d. RAF personnel should submit manuscripts for clearance in the first instance to:			
Publications Clearance Branch (Air)	95271 7144	020 8838 7144	AHB(RAF)&PCB(AIR)-(RAF)-PCB(AIR)
e. For any other issues including clearance of requests by officers of 1-star and above to speak or write in public:			
DCP Coord	9621 82125	020 7218 2125	DGMC-DCP Coord

12.026 - 12.029. Reserved.

PART 3 - PUBLIC RELATIONS (EXTERNAL COMMUNICATION)

Public Relations (External Communication) - General

J12.030. 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 press. The regulations in this chapter are supplemented by The Tri-Service Media Handling Guide. By press is meant not only newspapers and periodicals but also other publications, radio and television, films and newsreels, *i.e.* All information media.

Visits by Press Representatives

J12.031. Commanding officers must ensure that instructions governing the admission of press representatives to Service 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 Media Operations staff.

Incidents Liable to Cause Parliamentary or Press Comment

J12.032. 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 Ministry of Defence (Defence Press Office) with the earliest possible official information of any incidents or occurrences in which the Royal Navy, the Army or the Royal Air Force is involved and which may be liable to form the subject of comment in Parliament or in the press as defined in **para J12.030**.

J12.033. 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.

J12.034. Where such an incident occurs in a detached unit the commanding officer is to inform the Ministry of Defence direct by immediate signal, as well as the CinC and such other authorities as may be laid down in local orders.

12.035 - 12.999. Reserved.

ANNEX A(J) TO CHAPTER 12
PROCEDURE FOR SEEKING PERMISSION TO SPEAK IN PUBLIC, TO LECTURE, OR TO WRITE FOR PUBLICATION

(PARAS **J12.016**, **J12.021**, **J12.022** AND **J12.023** REFER)

Public Speaking

1. Applications for or proposals by Service personnel to make public speeches (*see* Note 1) or film, radio or television appearances, or to communicate with the press or other non Governmental bodies are to be made as follows:

a. Personnel serving in Ministry of Defence headquarters are to seek prior approval from the Director General Media and Communication (DGMC), through the appropriate Service Assistant Director Defence Publicity and the individual's director, or head of personnel division, department or division (*see* Notes 2 and 3). Two star officers and above must seek approval from Ministers. Exceptions to this rule are authorized for Meteorological Office Staff and for certain other individuals whose duties bring them into regular contact with the press, but the DGMC should be consulted in any case of doubt.

b. Personnel serving outside Ministry of Defence headquarters are to seek the prior approval of the CinC or head of establishment, or of the officer, official or authority to whom his responsibility for giving approval in accordance with the regulations in **paras J12.005 – J12.023** has been delegated. In unusual circumstances, or in any case of doubt, the CinC or head of establishment, or his authorized representative, is to consult the DGCC, through the appropriate Assistant Director Defence Publicity. If there is insufficient time for the necessary consultation the invitation should normally be refused (*see* Note 3).

2. It may be desirable and useful to seek permission in principle before embarking on the preparation of the full text where the activity is to be given advance publicity.

3. *See also* **para J12.022** concerning payments for broadcasting, lecturing or writing for publication.

Lecturing or Writing for Publication

4. Application by Service personnel for permission to publish any book, monograph, article, letter or other textual material, to give a public lecture or to put forward any thesis for a degree or diploma are to be submitted in the first instance to the author's commanding officer or head of establishment. This includes the publication of official information for public access on the Internet or any other electronic or communications medium. Material submitted for open publication must be 'Unclassified' and applicants, or their commanding officers should seek guidance as necessary from the appropriate security authority. Unless covered by **paras 3 - 4**, applications are then to be submitted as follows:

a. Navy and RM personnel to Assistant Director Defence Publicity (Navy) (AD Def Pub(N)).

b. Army personnel to Assistant Director Defence Publicity (Army) (AD Def Pub(A)).

c. Air Force personnel to PCB (Air).

d. Equipment Capability, Defence Procurement Agency, DLO and Defence Operational Analysis Organization (DOAO) personnel to HQ Sy (S&T) 2.

e. Other civilian personnel to the DGMC.

5. The clearance authority should refer material which appears to come within the scope of a 'DA' Notice to the Office of the Defence Press and Broadcasting Advisory Committee (DPBAC).

6. Material on scientific or technical subjects is to be sent by the author's commanding officer or head of establishment/Division including Ministry of Defence staff to HQ Sy (S&T) 2 who will forward it with their recommendations to AD Def Pub(N), AD Def Pub(A) or PCB (Air) as appropriate.

7. Material on Army and RAF medical subjects should be forwarded to the appropriate clearance authority through single service Medical Directors. Instructions for RN Service medical subjects are contained in BR 1991 (Instructions for the RN Medical Service).

8. No commitments or negotiations with private publishers or the organizers of lectures or discussion groups may be entered into before authority is obtained. Authors who wish to make forward plans or to give advance publicity to any such activity are advised to submit a brief synopsis of the text for approval in principle; the full text should then follow as soon as possible. Copies of the full text must not be forwarded to publishers or other outside bodies before full approval has been given and it must be made clear to any organizers that participation is subject to clearance of the full text.

9. Texts should be complete with illustrations, drawings, *etc*.. They should be typewritten and submitted in duplicate. Material for clearance should reach the appropriate clearance authority as soon as possible and not later than three (clear) weeks before it is required, as controversial and technical material or lengthy books may take a considerable time to clear. Cases of special urgency can be considered on their merits. If however, the work is based on or includes any element of official material, information or experience, additional problems of Crown copyright may have to be referred to the Ministry of Defence Library (Crown Copyright Section) and the agreement of The Stationery Office may have to be obtained before authority to publish can be given.

10. Applicants should state in the submission to their commanding officer or head of establishment whether or not:

a. The work has been carried out in the course of official duties.

b. Use has been made of official material (published or unpublished) either by inclusion of extracts from official documents or by the use of official documents as a basis for the work.

c. The work includes non-official material (*e.g*. material obtained from a commercial or private source) and, if so, if the owner of the copyright has given written permission for its use.

d. The work was done in official time, the author's own time, or both; if the last, the proportion should be stated.

e. Official typing or reproduction facilities were used in preparing the manuscript.

f. A fee or other payment is expected; if so, the amount should be stated (*see* **para J12.002**).

11. Applications should be referred to the author if the submission omits any of the above points on the **MOD Form 655**.

12. The individual's commanding officer or head of establishment, department or division should state whether or not he recommends publication when he forwards the application to the clearance authority. His comments should accompany that statement whenever he considers it necessary to comment on any aspects of the application and particularly where the material deals with scientific, technical or medical matters which are the concern of his establishment, department or division.

13. Permission to publish will apply only to the text as submitted; if any alterations, other than of a purely editorial nature, are made after permission has been given, further authority must be sought for the alterations. The granting of permission to publish does not confer official endorsement of the content of the text; statements tending to imply that official approval has been given, or references to the fact that permission has been granted, must not be included in any part of the text and are not to be made separately. A copy of the text will be retained by the Ministry of Defence for reference.

14. Material intended for publication in the journals listed below may be submitted direct to the editors, who will obtain clearance on policy and security grounds as necessary from Service Directors of Corporate Communications or from the Ministry of Defence publication clearance authorities as appropriate;

RUSI Journal	Navy News
Naval Review	Soldier
Army Quarterly Defence Journal	RAF News
British Army Review	Dockyard newspapers
Air Clues	The Officer

15. Subject to local orders, matter intended for ship and unit magazines, and for Corps and Regimental journals, may also be submitted direct to the editors. Commanding officers must satisfy themselves that material intended for such publications does not infringe security regulations and is generally suitable, having regard to all the considerations set out in this chapter.

16. Articles or notices concerning social or athletic matters which do not contravene the provisions of security regulations may be published without authority from the Ministry of Defence.

Notes:

1. Public speeches should be submitted for prior clearance under the procedures for lectures (**para 4**) if their text is likely to be published afterwards, or quoted by a broadcasting authority, newspaper or magazine, either in whole or in part if they contain scientific or technical data, or if they comment on procurement Executive projects, so that they may be fully cleared in all respects, including Crown copyright aspects.

2. Because service in the Ministry of Defence is likely to be regarded as conferring a special degree of authority or importance on statements made by an official speaker, Ministerial approval will be sought by the DGMC in all cases concerning personnel serving in the Ministry of Defence.

3. Normally, permission to express views on politically controversial issues will be refused. For any exception to this rule, the DGMC will seek the prior approval of the Secretary of State for Defence.

CHAPTER 13
Estate, Works and Lands

The Defence Estate

J13.001. The Defence estate consists of all land, water and buildings and other structures owned or used by the Ministry of Defence and the Armed Services.

J13.002. Top Level Budget (TLB) holders are responsible for the efficient management of the Defence estate. Within the Ministry of Defence, the Defence Estates (DE) provides a defence wide strategic overview of the management of the estate and maintains the full range of professional services to assist the TLB holders in the discharge of their responsibilities.

Responsibility for Works Services

J13.003. Works services are divided into projects and property management. Financial limitations set by the Treasury determine the separation between the two categories.

J13.004. Specific guidance on property management and projects are contained in **Joint Service Publications (JSPs) 434** (Property Management) and **435** (Works Projects).

J13.005. The 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 lie with the appropriate budget holder, with policy, procedural, contractual and technical guidance available from central Ministry of Defence sources. Exceptions to this are:

a. Royal Engineers (RE) are responsible for works services on operations, in overseas locations not staffed by the DE, RN or RAF when the operation is mounted.

b. Particular commitments for restoring overseas airfields to their operations state with all speed: these situations occur in the event of hostilities when it is not possible for the normal Ministry of Defence works services procedures to effect repairs immediately and RE are ordered to do so by the CinC.

J13.006. The DE provides a central focus for works policy regarding projects, property management, upkeep of historic buildings and liaison with governmental and non-governmental departments, including local authorities. It is 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 contracts. It also acts as an interface between the construction industry and Ministry of Defence works staff. It is responsible for rationalization of the Ministry of Defence estate including sales and acquisitions of land and buildings.

J13.007. The Ministry of Defence 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 the DE, are responsible for providing the necessary funding and estate management.

Property Management

J13.008. Management of the Ministry of Defence estate is the responsibility of appropriate TLB holders who appoint Property Managers (PRPMs) to oversee the works maintenance programme for one or more establishments within the estate. Depending upon the size of the establishment a PROM may have an assistant (an assistant PROM (APROM)) or in the case of the RAF, an OC Works Services Flight (OCWSF). The PROM represents one or more budget holder's interest as clients and is able to call upon advice from two professional civilian sector organizations, the Establishment Works Consultant (EWC) and the Works Services Manager (WSM), and from the DE. The PROM is the designated officer in the works maintenance contracts let to the EWC and WSM.

J13.009. The EWC is a commercial professional organization, 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 the DE, after open competition, on a fixed fee contract except for those appointed under the tied-site arrangements and on those sites served by RE personnel.

J13.010. The WSM is a separate commercial professional organization 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.

J13.011. The PROM will interface with regional offices of the DE for advice on buildings, property management, works technical advice and lands issues.

J13.012. Details of property management are contained in **JSP 434** (Property Management). Further guidance can be found in **JSP 414** (Management Strategy) and advice and instructions issued periodically by the Ministry of Defence.

Capital Works Projects

J13.013. Whenever it is proposed to construct, refurbish buildings or other facilities where the cost is estimated to be of project proportions either for the use or benefit of Ministry of Defence personnel or upon land appropriated for such use, the user is to submit the proposal, through the chain of command, to his TLB holder (or lower budget level depending upon levels of financial delegation). Once the TLB holder, after seeking appropriate advice from the De and specialist advisers, has agreed to the proposal and included it in the management plan, a project sponsor 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** (Management Strategy) will determine which projects will have to be submitted to the Ministry of Defence for approval. Specific guidance is available in **JSP 435**.

J13.014. No changes or modifications are to be made to any works brief without the authority of the authorized sponsor and/or budget holder given in accordance with **JSP 435**.

J13.015. On project completion the project sponsor is to form an acceptance board convened by the appropriate budget holder, for 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 the responsibility for the subsequent maintenance and management of the facility by the property manager. Further details are contained in **JSP 435**.

Naming or Renaming of Barracks

13.016. When a barracks, camp or road is to be named or renamed a suggested name is to be submitted by the command or headquarters concerned for approval by the TLB holder concerned. If the proposal affects more than one TLB holder and there is conflict between the TLB holders, the matter is to be referred to the Ministry of Defence (DGS). If the proposed name is that of a Member of the Royal Family or a famous person who has died within the past 20 years, the Royal Assent or the agreement of the next of kin of a deceased person for such use will be obtained by the Ministry of Defence (PS 12(Army)). It is undesirable for the names of persons in the following categories to be used for the naming of barracks, camps and buildings within establishments and married quarters:

a. Serving members of the armed forces.

b. Retired officers re-employed and remunerated from public funds.

c. Serving members of the Civil Service.

13.017. The command or headquarters will publish the new name in its routine orders.

Reappropriations and Disposal of Buildings

13.018. It is the duty of a commanding officer or head of a service to bring to notice any reappropriation that, in his opinion, would lead to economy and be of advantage to the Service. Applications are to be submitted to the next headquarters, which is to consult the appropriate Higher Level Budget (HLB)

13.019. Subject to the following conditions, a reappropriation may be sanctioned by the appropriate HLB holder:

a. Only accommodation or buildings, other than Service Families Accommodation (SFA), authorized in the Services Accommodation Code (**JSP 315**) or Barrack Synopsis will be considered.

b. Space assigned to mobilization stores is not taken.

c. The cost of any works services involved is to be within delegated powers of approval and are subject to funds being available at the appropriate budget level.

d. A special or unauthorized issue of furniture or equipment is not involved

e. In the case of an effective work of defence, the reappropriation must not affect the object for which it was constructed.

f. Accommodation stores to meet the new requirement are available locally without detriment to normal maintenance requirements.

13.020. All other cases require the sanction of the appropriate TLB holder. Each proposal is to be detailed on AF K 1318 in duplicate, and is to be accompanied by a letter explaining the necessity of the service and the benefits to be derived from it. It is important that the plans should be in sufficient detail to illustrate clearly to anybody not personally acquainted with the situation the effect of the proposals and the structural alterations involved.

13.021. A board assembled to report on reappropriations, on sites for buildings, on new buildings or on SFAs considered unfit for further occupation, will consist of a field officer or retired officer Grade 2 as president; the project sponsor in the case of new buildings; a regimental officer; the PROM or APROM; a DE (works and/or land) representative; the OIC barracks; in the case of SFAs, a medical officer; and a representative of the Defence Housing Executive (DHE); and any other officers or civilian consultants concerned, according to the matter to be considered. The regimental officer will not be required if a regimental field officer is president. At the discretion of the convening officer, warrant officers or senior NCOs from the formation concerned may be detailed in place of the officers other than the field officer.

13.022. In minor cases not affecting SFAs it will be unnecessary to assemble a board, but the opinion of the commanding officer of the unit and of other officers concerned is to be obtained.

13.023. HLB holders are to maintain a master register of all reappropriations and misappropriations.

13.024. Proposals for the demolition of Ministry of Defence (Army Department) buildings are to be dealt with as follows:

a. When forming part of a general modernization or rebuilding scheme, all proposals for the demolition of temporary or permanent buildings are to be submitted and dealt with as part of that scheme.

b. When connected with a reappropriation proposal covered by **para J13.015** the proposals are to be submitted to the appropriate TLB holder on **AF K 1318**.

c. When the buildings or huts are situated on Ministry of Defence land that has been declared surplus, their demolition and subsequent disposal should be agreed between the TLB holder and the DE.

d. All proposals for the demolition of temporary huts and temporary structures, other than at *a, b,* and *c*, are to be authorized at HLB level.

e. Advice on proposals that affect listed buildings or ancient monuments or buildings in Conservation Areas must be sought from the DE.

Responsibility for Lands Services

J13.025. Budget holders retain responsibility for the overall management of all Defence land (land for the built estate, training land and ranges). The 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 the DE.

Management and Disposal of Redundant Land and Property

J13.026. Ministry of Defence land and property is to be kept under continuous review by TLB holders, commanding officers, heads of establishments and, in the case of the Army, division or district commanders, in consultation with their local DE office. 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 for which there is a continuing Defence requirement is to remain the responsibility of the TLB holder.

13.027. The decision as to whether caretaking of redundant holdings is necessary or desirable will be agreed between the TLB holder and the DE. On advice of the DE, who are responsible for arranging for the caretaking of all redundant land and property in the process of disposal, the TLB holders will retain full financial responsibility for the funding and provision of essential maintenance services and security until the point of sale. The appropriate HLB holder, through the PROM, will provide the necessary management.

J13.028. In cases where only part of an establishment has been declared redundant and is awaiting disposal, the unit occupying the remainder of the site will be responsible for any caretaking and maintenance which may be necessary; 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. The DHE retains the responsibility for management of the SFA site, working through the responsible budget holder.

J13.029. Whenever a property is suspended from disposal, the responsibility for care and management of the property will return full to the TLB holder.

J13.030. Specific guidance on site closures and disposal actions will be contained in a site closure guide to be published by the DE as a JSP.

13.031 - 13.999. Reserved.