

SI 51/1984

DEFENCE (MINOR PUNISHMENT) REGULATIONS

(SECTION 136)

[Commencement 20th September, 1984]

Citation.

1. These Regulations may be cited as the Defence (Minor Punishment) Regulations.

Minor
punishments.

2. The following minor punishments are prescribed for the purposes of section 79(1)(m) of the Defence Act —

- (a) deprivation of good conduct badges and good conduct medal;
- (b) stoppage of overnight leave and extra work or drill for a period not exceeding fourteen days;
- (c) stoppage of overnight leave for a period not exceeding thirty days;
- (d) extra work or drill for not more than two hours a day for a period not exceeding seven days; and
- (e) admonition.

DEFENCE (FORFEITURES AND DEDUCTIONS) REGULATIONS

SI 47/1984

(SECTIONS 153, 154, 156, 157, 158 and 205)

[Commencement 20th September, 1984]

Citation.

1. These Regulations may be cited as the Defence (Forfeitures and Deductions) Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

“authorised officer” has the meaning prescribed in regulation 3;

“board of officers” means, for the purposes of regulation 11, a board appointed by Commander Defence Force consisting of not less than three officers of whom the president is not below the rank of commander;

“officer” means any member of the Defence Force of or above the rank of midshipman;

“public claim” means any public debt or disallowance, including any over-issue or advance of pay made through an error as to the facts;

“service claim” means any debt due to any service mess, club, institution or other service organisation; and

“warrant officer” has the same meaning as in the Defence (Regular Force Enlistment and Service) Regulations and the Defence (Reserve) Regulations.

3. The authorised officer for the purposes of sections 154, 156, 157, 158, 159 and 160 of the Defence Act is the officer not below the rank of commander appointed by Commander Defence Force for those purposes.

Authorised Officer.

4. The pay of an officer, warrant officer or marine shall be available to meet all fines, stoppages, forfeitures or deductions of pay to which he is properly liable under service law except that he shall, subject to any forfeiture, remain in receipt of not less than one half of his pay.

Minimum rates of pay.

5. (1) The pay of an officer, warrant officer or marine shall be forfeited —

Forfeiture of pay.

- (a) (i) for every day of absence, other than absence by reason of his having been made a prisoner of war;
- (ii) for every day of imprisonment or detention;
- (iii) for every day in which he is in the hospital in any such case in the circumstances laid down in section 154(1) of the Act; and
- (b) for every day of absence by reason of his having been made a prisoner of war if the authorised officer is satisfied as laid down in section 154(2) of the Act.

(2) For the purposes of section 154(1)(c) of the Act, the proper medical officer shall be the Medical Officer to the Defence Force.

6. In addition to deductions from pay specifically authorised by the Act, the pay of an officer, warrant officer or marine shall be liable to deductions —

Deductions from pay.

- (a) on the order of the authorised officer to meet any public or service claims that there may be against

the officer, warrant officer or marine, including pay forfeited but received by the officer, warrant officer or marine by virtue of section 153 of the Act; or

- (b) If the officer, warrant officer or marine has in writing authorised the deduction; or
- (c) for any fine imposed under the Act.

Computation of time

7. For the purpose of section 154 of the Act, the number of days that a person is absent or is in hospital shall be computed as follows —

- (a) the number of days shall be reckoned from the time when the absence or the time spent in hospital commences;
- (b) each period, of twenty four hours shall be reckoned as one day and, subject to subparagraph (c), a part of a day shall be reckoned as one day; and
- (c) when the total period of the absence or the time spent in hospital is less than six hours, no account shall be taken of such a period or time unless the person was, by reason of his being absent or in hospital, prevented from performing a service duty which was thereby imposed on some other person.

Investigation into loss occasioned by wrongful act or negligence

8. (1) Subject to paragraph (2), an investigation for the purpose of section 156(1) of the Act into the cause of any loss of or damage to, public or service property shall be by way of —

- (a) a board of inquiry convened under section 126 of the Act; or
- (b) an examination by the authorised officer of evidence whether oral or written, relating to the cause of such loss or damage.

(2) Where in the course of an examination of evidence under subparagraph (1)(b) it appears to the authorised officer that a person may have been responsible for such loss or damage, he shall be given an opportunity of making a statement, if he so desires, for consideration by the authorised officer:

Provided that it shall not be necessary to do so where the person has been convicted by a court-martial or by his commanding officer in circumstances involving a finding

that he was guilty of a wrongful act or negligence which occasioned the loss or damage.

- 9.** For the purposes of section 157(1) of the Act — Investigation to
barrack damages.
- (a) an investigation shall be by way of —
- (i) a board of inquiry convened under section 126 of the Act, or
 - (ii) an examination by the commanding officer of the unit concerned, or by an officer appointed by him, of the evidence, whether oral or written, relating to the loss or damage; and
- (b) the amount which a person may be required to contribute towards compensation for the loss or damage shall be the amount of the loss or damage divided by the number of persons who, under section 157(1) of the Act, could be called upon so to contribute, or such lesser amount as approved by the board or investigating officer:

Provided that in calculating the number of persons by which the amount of the loss or damage is to be divided, no account shall be taken of persons who it appears on investigation under subparagraph (a) of this regulation could not have occasioned the loss or damage.

- 10.** In respect of each order made by him, the authorised officer shall maintain a record being — Record relating
to orders by
authorised
officer.
- (a) copies of court orders and all relevant correspondence;
 - (b) copies of board of inquiry reports, or of other statements or evidence considered by him;
 - (c) applications for consideration of the case by a board of officers;
 - (d) minutes containing his reasons for the order or any other decisions made by him; and
 - (e) the directions of any board of officers.

- 11.** (1) An officer, warrant officer or marine against whom an order has been made under sections 156, 159 or 160 of the Act may apply, on the form set out in the Schedule, to the authorised officer for the further examination of his case by a board of officers, and the authorised officer may then, if he has power to do so under section 159 or 160 of the Act, vary or revoke the order. Review by board
of officers.

Schedule.

(2) Where the officer, warrant officer or marine does not withdraw his application within seven days of its submission —

- (a) the authorised officer shall send the record of the case to Commander Defence Force;
- (b) Commander Defence Force shall appoint a board of officers for a further examination of the case and send them the record;
- (c) the board of officers shall consider the case, give such directions as they think fit, and return the record to Commander Defence Force; and
- (d) Commander Defence Force shall return the record to the authorised officer who shall give effect to the directions of the board officers.

Remission and variation of forfeitures and deductions

12. (1) In addition to the Security Council, Commander Defence Force may act as remitting authority for the purposes of section 158(2) of the Act.

(2) The Security Council or, subject to any order by the Security Council, Commander Defence Force may remit forfeitures and deductions imposed under sections 154, 155, 156 or 159 of the Act in such manner as they shall think fit.

(3) The Security Council or, subject to any direction by the Security Council, the Commander Defence Force may at any time direct the authorised officer to vary or revoke any order made by such officer under section 159 or 160 of the Act and the authorised officer shall comply with any such direction.

SCHEDULE (Rule 11)

APPLICATION FOR REVIEW BY BOARD OF OFFICERS

FORM OR RECORD

PART 1. To be completed by applicant.

To the Authorised Officer

Pay No:

Rank:

Name:

Unit:

I refer to the order you made against me for a deduction from my pay and apply to have the case examined by a board of officers. I request the board to take the following matters into account:

Signed: Dated:

PART 2. To be completed by authorised officer.

An order was made by me against the above-named as follows:

Register No:

Date:

Amount:

Grounds:

I have reviewed the order and/the applicant having withdrawn his application/consider that it shall be/maintained/revoked/ varied to /referred to the board of officers.

Signed: Dated:

PART 3. To be completed by Commander Defence Force.

I appoint a board of officers consisting of the persons listed below. The board is to consider the applicant's representations, make such directions as they shall think fit and return this record to me not later than (date). The board may wish to take the following into account:

President:

Member:

Member:

Signed: Dated:

PART 4. To be completed by President of board of officers.

The board has duly considered the case and directs that the order shall be/maintained/revoked/varied to

Signed: Dated:

PART 5. To be completed by Commander Defence Force.

To the Authorised Officer.

You are to give effect to the directions of the board.

Signed: Dated:

PART 6. To be completed by the Authorised Officer.

In pursuance of the board's direction, the order is/maintained/revoked/varied to /with effect from.

The applicant has been informed.

Signed: Dated: