

Signed at this day of19

(Signature)

Commander Defence Force ⁵(5)

Rank and Appointment ⁶(5)

Officer authorised to act for Commander Defence Force ⁷(5).

**DEFENCE (SUMMARY JURISDICTION AND
PUNISHMENT) REGULATIONS**

SI 52/1984
SI 45/1988

(SECTION 136)

[Commencement 20th September, 1984]

- 1.** These Regulations may be cited as the Defence (Summary Jurisdiction and Punishment) Regulations. Citation.
- 2.** In these Regulations, unless the context otherwise requires — Interpretation.

“authorised officer” means the officer to whom some or all of the functions of commanding officer have been delegated in accordance with regulation 10(1);

“craft” means any ship or boat;

“detachment” means a part of a unit which is so separated from the unit to which it belongs that the commanding officer of that unit cannot effectively exercise his disciplinary powers as commanding officer over that part;

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

“punishment warrant” means a warrant in the form prescribed by Part VII of the First Schedule to the Defence Rules of Procedure (Part I);

“sub-unit” means any body, craft, established or group of members of the Defence Force created as a sub-unit by Commander Defence Force;

⁵ Strike out if inappropriate.

⁶ Strike out if inappropriate.

⁷ Strike out if inappropriate.

“unit” means any body, craft or establishment of the Defence Force designated as a unit by Commander Defence Force;

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

(2) For the purpose of these Regulations a day’s pay shall be calculated by dividing by 365 the amount of a person’s pay as defined in the Defence (Pay) Regulations, for the period of one year.

Offences which cannot be dealt with summarily.

3. A charge may not be dealt with summarily if it is laid under any of the following sections of the Defence Act: 28, 29, 30, 35, 36, 69, 70, 73, 76 where the principal offence cannot be dealt with summarily by virtue of this paragraph, or 78 where the civil offence is murder, manslaughter, treason, treason-felony or rape.

Offences which cannot be dealt with summarily without permission of higher authority.

4. A charge may not be dealt with summarily without permission of Commander Defence Force if it is laid under any of the following sections of the Defence Act: 31, 43, 46, 47, 48, 49, 50, 51, 57, 60, 61, 62, 67, 68, 74, 76 where the principal offence cannot be so dealt with by virtue of this paragraph, or section 78.

Charges against officers.

5. (1) A charge against an officer of or above the rank of senior lieutenant may not be dealt with summarily.

(2) A charge against an officer below the rank of senior lieutenant may not be dealt with summarily without the permission of Commander Defence Force.

Commanding officer’s powers of punishment without warrant.

6. A commanding officer who deals summarily with a charge may without punishment warrant award one or more of the following punishments —

- (a) subject to any lesser maximum punishment prescribed by law, a fine of a sum not exceeding the amount of the offender’s pay for fourteen days;
- (b) except in the case of a marine below leading rank, a reprimand;
- (c) where the offence has occasioned any expense, loss or damage, stoppages; and

- (d) except in the case of an officer or warrant officer, a minor punishment other than deprivation of good conduct badge or medal.

7. A commanding officer who deals summarily with a charge may with punishment warrant award one or more of the following punishments —

Commanding officer's powers of warrant punishment

- (a) except in the case of an officer, imprisonment for a period not exceeding three months together with either dismissal with disgrace from the Defence Force or dismissal from the Defence Force and, in the case of a leading rate, disrating;
- (b) except in the case of an officer; dismissal from the Defence Force together, in the case of a leading rate, with disrating;
- (c) except in the case of an officer, detention for a period not exceeding three months;
- (d) except in the case of an officer or of a marine below leading rate and subject to any contrary provisions in these Regulations, disrating to a rate not below able rate;
- (e) subject to any lesser maximum punishment prescribed by law, a fine of a sum not exceeding the amount of the offender's pay for twenty eight days;
- (f) except in the case of a marine below leading rate, a severe reprimand; and
- (g) except in the case of an officer or warrant officer, a minor punishment of deprivation of good conduct badge or medal.

8. Before a warrant punishment is awarded —

Procedure for warrant punishments

- (a) the commanding officer shall submit any appropriately completed punishment warrant to Commander Defence Force;
- (b) after consultation with the Minister, the Commander Defence Force may approve the recommended sentence, complete the punishment warrant accordingly and return it to the commanding officer or refer the same back to the commanding officer for reconsideration; and
- (c) the punishment warrant shall be formally read to the accused by, or on behalf of, the commanding officer.

Placing units and detachments under command

9. Commander Defence Force may place for disciplinary purposes a unit or detachment under the command of the commanding officer of another unit or detachment, in which event that officer is for such purposes the commanding officer of members of the unit or detachment so placed under his command.

Delegation to authorised officer
SI 45/1988

10. (1) A commanding officer may in writing delegate, for such a period as he shall think fit, to an officer under his command —

- (a) who commands a sub-unit and is not below the rank of Lieutenant; or
- (b) who holds the appointment of Base Executive Officer,

his power to investigate, deal summarily with and dismiss charges relating to persons subject to service law belonging to that sub-unit or, as the case may be, to HMBS Coral Harbour.

(2) An authorised officer may award one or more of the following punishments —

- (a) if he is of the rank of lieutenant-commander or above —
 - (i) subject to any lesser maximum punishment prescribed by law, a fine of a sum not exceeding the amount of the offender's pay for ten days, and
 - (ii) except in the case of an officer or warrant officer, a minor punishment other than deprivation of good conduct badge or medal; and
- (b) if he is of the rank of senior lieutenant or below —
 - (i) subject to any lesser maximum punishment prescribed by law, a fine of a sum not exceeding the amount of the offender's pay for seven days,
 - (ii) except in the case of an officer or warrant officer, the following minor punishments —
 - (aa) stoppage of overnight leave and extra work or drill for a period not exceeding seven days,

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- (bb) except in the case of a chief petty officer or petty officer, stoppage of overnight leave for a period not exceeding fourteen days,
 - (cc) extra work or drill for not more than two hours a day for a period not exceeding seven days, and
 - (dd) admonition.

(3) A commanding officer may impose such restrictions as seem to him to be proper on the exercise by the authorised officer of his delegated powers.

11. Subject to any restrictions imposed by these Regulations or by the commanding officer, an authorised officer is, while exercising his delegated powers in respect of any person, the commanding officer of that person for the purposes of the Act and these Regulations.

Status authorised
officer

12. (1) Subject to regulation 9, the officer commanding a detachment is a commanding officer for the purposes of the Act and these Regulations.

Detachments

(2) While two or more craft not designated, either singly or collectively, as a unit are detached from their unit and are in company, the senior officer present is the commanding officer for the purposes of the Act and these Regulations of all persons subject to service law on board those craft.

(3) When the officer commanding a detachment under paragraphs (1) or (2) of this regulation is below the rank of commander, he may be restricted from exercising all or any of his powers as commanding officer either by the officer commanding the unit to which the detachment belongs or by Commander Defence Force, if it appears necessary to do so having regard to the rank and experience of the officer commanding the detachment.