STATUTORY RULES.


REGULATIONS UNDER THE AIR FORCE ACT, 1923.

I

THE GOVERNOR-GENERAL in and over the Commonwealth of

Australia, acting with the advice of the Federal Executive Council,

hereby make the following Regulations under the Air Force Act, 1923,

to come into operation as from the thirty-first day of December, 1927.

Dated this twenty-second day of December, 1927.

STONEHAVEN

Governor-General.

By His Excellency's Command,

T. W. GLASGOW

Minister of State for Defence.

AIR FORCE REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Air Force Regulations. Short title.

2. These Regulations are divided into Parts and Divisions, as follows:

Part I.—Preliminary—Regulations 1-23.
Part II.—Organization and Administration—Regulations 24-44.
Part V.—Leave of Absence—Regulations 120-123.
Part VI.—Discipline—
Division 1.—General—Regulations 133-170.
Division 1.—Offences—Regulations 171-193.
Division 1.—Arrest and Custody and Suspension—Regulations 194-209.
Division 4.—Investigation and Disposal of Charges—Regulations 210-220.
Division 5.—Summary and Minor Punishments—Regulations 221-243.
Division 6.—Absence, Desertion and Offences against Enlistment—Regulations 244-253.
Division 7.—Courts-Martial—General—Regulations 254-301.
Division 8.—Courts-Martial—Framing of Charges and Preparation of Accused's Defence—Regulations 302-309.
Division 9.—Courts-Martial—Procedure at Trial—Regulations 310-361.

321.—Price 3s.
Division 10.—Courts-Martial—Sentences—Regulations 362–379.
Division 11.—Courts-Martial—Confirmation, Revision, Approval, Commutation, Remission and Suspension of Sentences and Disposal of Proceedings—Regulations 380–385.
Division 12.—Field General Courts-Martial—Regulations 396–411.
Division 13.—Disposal of Persons under Sentence—Regulations 412–426.
Division 14.—Courts of Inquiry and Boards—Regulations 427–430.

Part IX.—Duties in Aid of Civil Power—Regulations 491–511.
Part X.—Miscellaneous—Regulations 512–513.

3. The Air Force Regulations being Statutory Rules 1932, No. 160, as amended to this date, and the Air Board Regulations, being Statutory Rules 1932, No. 161, are repealed.

4. In these Regulations, unless the contrary intention appears—

"Active Force" includes all parts of the Air Force other than the Reserve Force;

"Active service" means service in or with a force which is engaged in operations against the enemy, or in warlike operations in a country or place wholly or partly occupied by an enemy, or is in air-force, naval, or military occupation of any foreign country;

"Air Board" means the Board for administration for the Air Force constituted under these Regulations;

"Air cadet" means any person enlisted for the purpose of being trained as a pilot;

"Aircraft" includes aeroplanes, seaplanes, balloons, kite balloons, airships, and other machines for flying;

"Aircraftman" includes every airman not being a warrant officer or non-commissioned officer;

"Aircraft material" includes any engines, fittings, guns, gear, instruments, ammunition, bombs, or apparatus for use in connexion with aircraft, and any components or accessories of aircraft, and petrol, and any other substances used in providing motive power for aircraft, and lubricating oil;

"Air Force" means the Royal Australian Air Force established under the Air Force Act 1923;

"Air Force Act" or "the Act" means the Air Force Act 1923;

"Air-force convict" means a person under a sentence of penal servitude passed by a court-martial;

"Air-force decoration" means any medal, clasp, good conduct badge, or decoration;

"Air-force offence" means any offence against these Regulations;

"Air-force prison" means a place appointed by the Governor-General to be an air-force prison;
"Air-force prisoner" means a person under sentence of imprisonment passed by—

(a) a civil court for an offence for which under these Regulations, he could have been tried by court-martial; or

(b) a court-martial;

"Airman" includes every person subject to these Regulations other than an officer;

"Airman under sentence" means an air-force convict, or an air-force prisoner, whether officer or airman, or an airman under sentence of detention;

"Airman under sentence of detention" means a person under sentence or award of detention passed by or made by a civil court, by a court-martial, or by a commanding officer for an air-force offence;

"Air officer" means an officer of His Majesty's Air Forces above the rank of group captain;

"Air or other officer commanding" means the officer of air or lower rank commanding a group, or other higher command or formation and which is directly administered by the Air Board;

"Air service" means any service required by or under these Regulations to be performed by any officer or airman whether on land or sea or in the air;

"Air signal" means any signal intended for the guidance of aircraft whether given by flag, ground signal, light, wind indicator, or in any other manner whatsoever;

"Citizen Air Force" means the Citizen Air Force constituted under these Regulations;

"Citizen Forces" means the Citizen Forces within the meaning of the Defence Act;

"Civil prison" means a prison in a State or Territory in which a European sentenced to imprisonment by a civil court in that State or Territory may, for the time being, be confined, and with reference to a sentence passed, or the suspension of the currency of which is revoked, outside the Commonwealth or for an offence committed on war service means, in addition, a civil prison appointed by the Governor-General for the purpose;

"Commanding officer" means any officer having air-force command, or, according to the custom of the service, the officer who is in any given circumstances the commanding officer for the particular purpose, and in cases where it is not expressly otherwise provided the term means the commanding officer of a unit;

"Custom of the service" means the custom for the time being of the Air Force;

"Defaulter" means an airman under an award of confinement to barracks or camp;

"Defence Act" means the Defence Act 1903-1927;

"Equipment" means any article issued to a member of the Air Force for his use or entrusted to his care for air-force purposes;
"Governor-General" means the Governor-General of the Commonwealth or any person for the time being administering the government of the Commonwealth acting with the advice of the Executive Council;

"His Majesty's Forces" (with or without an adjective indicating the nature of the forces) includes the forces of the United Kingdom, of the Commonwealth, and of any British Dominion or Possession;

"His Majesty's Service" includes the service of the United Kingdom, the Commonwealth, and of any British Dominion or Possession;

"Member" means a member of the Air Force and includes any officer or airman;

"Member of the Defence Forces" includes any officer, airman, seaman or soldier;

"Member of the Naval Forces" includes any officer or seaman;

"Member of the Military Forces" includes any officer or soldier;

"Military Forces" means the Military Forces of the Commonwealth;

"Minister" means the Minister of State for Defence or other Minister of State for the time being administering the Air Force Act;

"Naval Defence Act" means the Naval Defence Act 1910-1918;

"Naval Forces" means the Naval Forces of the Commonwealth;

"Non-commissioned officer" includes any acting non-commissioned officer of the Air Force but does not include any warrant officer;

"Oath" includes affirmation in the case of any person who has a conscientious objection to take an oath;

"Officer" means an officer commissioned or in pay as an officer of the Air Force and includes an officer appointed or promoted to provisional, probational, or acting rank, and warrant and other officers holding honorary commissions;

"Penal servitude prison" means a prison or place in the Commonwealth, the United Kingdom, or a Dominion or British Possession, in which a European there sentenced to penal servitude by a civil court may, for the time being, be confined, or if there is no such prison or place, a civil prison;

"Place of detention" means—

(a) a place appointed by the Governor-General as a place in which sentences of detention may be undergone;

(b) such portions, as are approved by the Air Board, of a camp or barracks occupied by the Permanent Air Force at each air-force station or other place kept or used for air-force purposes; or

(c) any institution approved by the Air Board as a place of detention;

"Place of imprisonment" means a civil prison or an air-force prison;
"Proper air-force authority" when used in relation to any power, duty, act or matter, means such air-force authority as in pursuance of these Regulations or the custom of the service, exercises or performs that power or duty or is concerned with that act or matter;

"Superior officer" when used in relation to an airman includes a warrant officer and also a non-commissioned officer;

"Territory" means a Territory under the authority of the Commonwealth and includes a Territory governed by the Commonwealth under a mandate;

"Time of war" means any time during which a state of war actually exists and includes the time between the issue of a proclamation of the existence of war or of danger thereof and the issue of a proclamation declaring that the war or danger thereof declared in that prior proclamation no longer exists;

"Unit" includes an area headquarters; a group headquarters; a wing headquarters; a squadron which acts independently of a wing for all purposes or is not at the same station as its wing; a park; a depot; a school; an experimental section; a flight or any other detached section which acts independently for all purposes;

"War" means any invasion or apprehended invasion, or attack or apprehended attack on the Commonwealth or any Territory by an enemy or armed force, and includes actual war in which the Air Force takes part;

"War service" means active service or any air service in time of war;

"Warrant officer" means a warrant officer of the Air Force and includes an acting or temporary or provisional warrant officer, but does not include a warrant officer holding an honorary commission.

(2) Any reference in these Regulations to a Form shall be read as a reference to a Form in the Schedule.

5. (1) The Defence Act shall, subject to the Act and these Regulations, apply to the Air Force.

(2) The Australian Military Regulations shall not apply to the Air Force.

6. A delegation by the Governor-General in accordance with the provisions of these Regulations shall not be deemed to be revoked or to have lapsed by the fact that the Governor-General has ceased to hold office.

7. (1) The Minister may, by writing under his hand, delegate any power, duty, or other function conferred or imposed on or vested in him by these Regulations.

(2) The Air Board may delegate to any officer any power, duty, or other function conferred or imposed on or vested in it by these Regulations.

(3) A delegation under this Regulation shall be revocable at will, and shall not prevent the exercise or performance of any power, duty, or other function by the Minister or the Air Board, as the case may be.
(4) A delegation under this Regulation shall not lapse or be revoked by the Minister ceasing to hold office by death or otherwise; or by reason of the powers or functions of the Air Board becoming vested in an officer appointed to command the Air Force in time of war.

8. A power or function vested by these Regulations in a member of the Air Board, an air or other officer commanding, or a commanding officer, may be exercised by the Air Board.

9. (1) In these Regulations, except where the contrary intention appears, mention of a person by designation of his office includes any person who at any time lawfully performs the functions of or acts in the office, whether by virtue of permanent, temporary, or acting appointment, or by the assumption of the function of the office in pursuance of these Regulations, or of any order, or of the custom of the service, or otherwise.

(2) When in any Regulation a power is made exercisable by an officer or other authority by whom some act has been done, the power may be exercised by a successor in or temporary occupant of the office of the officer or other authority.

10. (1) These Regulations shall apply to all members of the Air Force.

(2) Any member of the Naval or Military Forces who is attached to, loaned to, or seconded for service in, the Air Force, shall whilst so attached, loaned, or seconded be subject to these Regulations as if he were a member of the Air Force.

11. (1) The Governor-General may,—

(a) Construct and maintain air defence works;

(b) Establish and maintain factories for the manufacture of Air Force equipment and uniforms;

(c) Acquire, construct, and maintain rifle, machine gun, and bombing ranges;

(d) Acquire or construct and maintain aircraft, aircraft material, aerodromes, vehicles, machine shops, and other works or establishments, in connexion with air defence;

(e) Authorize the employment of persons in a civil capacity in connexion with any services auxiliary to air defence, or any works or establishments maintained under these Regulations;

(f) Establish, erect, maintain or use such stations and appliances for transmitting and receiving messages by means of wireless telegraphy or telephony as he thinks fit for the purposes of air defence; and

(g) Subject to the provision of these Regulations do all matters and things deemed by him to be necessary or desirable for the efficient defence and protection of the Commonwealth or of any State.

12. The Governor-General may, in time of war, authorize an officer to assume control of any railway for transport for air-force purposes.

13. The principal railway official in any State or the owner, controller or manager of any railway or tramway in any State shall when
required by the Governor-General, and as prescribed, convey and carry
members, together with their horses, guns, ammunition, forage, baggage,
aircraft, aircraft material and stores from any place to any place on
the railway or tramway and shall provide all engines, carriages, trucks,
and rolling stock necessary for the purpose.

14. Members when on duty in uniform or carrying a rifle shall, subject to these Regulations, be conveyed over the railways or tramways in the Commonwealth on production of a pass signed by a commanding officer or other officer deputed by him.

15. No toll or due whether demandable by virtue of any Act or Tolls, State Act or otherwise, at any wharf, landing place, bridge, gate or bar on a public road, shall be demanded or taken in respect of—

(a) any member on march or duty;
(b) any horse ridden or used by any member on march or duty;
(c) any vehicle or aircraft employed only in conveying members on march or duty or conveying air-force arms, stores or baggage; or
(d) any animal drawing any such vehicle.

16. A member shall not be required under, or by reason of, any law of a State,—

(a) to obtain or have any licence or permission for doing any act or thing in performance of his duties as a member of the Air Force; or
(b) to register any animal, vehicle, vessel or article belonging to the Commonwealth and appropriated to the use of the Air Force.

17. Nothing contained in these Regulations shall prevent any member from volunteering to serve in any force that may be raised by the Commonwealth to augment any of His Majesty's Regular or other Forces, or to occupy or to defend any place beyond the limits of the Commonwealth.

18. A person not being a member of the Air Force who accompanies any part of the Air Force on active service within the limits of the Commonwealth or of any Territory shall be subject to these Regulations as if he were a member of the Air Force in the following manner—

(a) If, by order of the Governor-General, he accompanies the Air Force in an official capacity equivalent to that of an officer or if he holds a pass from the commanding officer of the part of the Air Force to which he is attached, entitling him to be treated on the footing of an officer—

(b) In all other cases—as an airman.

19. It shall not be necessary for any order or notice under these Regulations to be in writing unless by these Regulations required to be so, provided it be communicated to the person who is to obey or be bound by it either directly by the officer or person making or giving it or by some other person by his order.
20. (1) The forms in the Schedule shall be followed in all cases in which they are applicable and when used shall be valid in law.

(2) A deviation from such forms shall not by reason only of such deviation render any charge, warrant, order or proceeding, or other document invalid.

(3) The omission of any such form shall not by reason only of such omission render any act or thing invalid.

21. (1) Time for the purposes of any proceeding or other matter under these Regulations shall be reckoned exclusive of Sunday, Good Friday, and Christmas Day, but any time reckoned for the purposes of any punishment or of any deduction of pay shall include these days.

(2) In any sentence of penal servitude, imprisonment, detention or field punishment and any warrant issued in pursuance thereof, the word “month” shall, unless the contrary intention be expressed, be considered as meaning a calendar month.

22. Any report or application directed by these Regulations to be made to a superior authority, or proper air-force authority shall be made in writing through the proper channel unless such authority on account of air-force exigencies otherwise dispenses with the writing.

23. In any case not provided for by these Regulations, such course shall be adopted as appears, in the opinion of the proper air-force authority, best calculated to do justice.

PART II.—ORGANIZATION AND ADMINISTRATION.

24. (1) The Governor-General may constitute a Board of Administration for the Air Force.

(2) The Air Board shall have such powers and functions as are prescribed.

25. (1) The Air Board shall consist of two Members with flying experience and a Finance Member.

(2) The Chief of the Air Staff shall be the First Air Member and the Air Member for Personnel shall be the Second Air Member.

(3) Members of the Board and officers appointed in connexion therewith shall severally and jointly exercise such powers and perform such duties as are assigned to them by the Minister.

(4) Members of the Board shall allot the duties to their subordinates.

26. (1) The Air Board shall, subject to these Regulations and to the policy laid down by the Minister, be charged with the control and administration of the Air Force.

(2) The Air Board shall refer for the consideration of the Minister such matters as it deems necessary or upon which there is a want of unanimity of opinion of the members of the Board.

27. (1) The Air Board shall meet as often as it considers necessary.

(2) Two members of the Board shall constitute a quorum.

(3) The First Air Member shall be Chairman of the Board.

(4) The Board may cause the attendance in a consultative capacity at meetings of such technical or other officers as it deems advisable.
28. There shall be a Secretary to the Air Board who shall perform such secretarial duties as are allotted to him, and who shall keep and distribute as directed all agenda, minutes, recommendations, and decisions of the Board.

29. (1) Matters of routine shall be decided by and dealt with in the name of the member of the Air Board responsible, who if he thinks fit may delegate such duties to such subordinates as he decides.

(2) Any Member of the Board may refer to the Board any matter which he considers should be dealt with or decided by the Board as a whole.

(3) The First Air Member shall assemble meetings of the Board to deal with any such matters or with any matter dealt with by individual members of the Board if he thinks them matters for action by the Board as a whole.

(4) The Secretary to the Air Board shall prepare an agenda for each meeting of the Board and Members shall be responsible for the preparation of précis of such matters as shall be submitted by them.

(5) The decisions of the Air Board and the decisions of individual members on important subjects shall be signed by the Secretary to the Board and shall be promulgated as the Air Board directs.

30. (1) The Air Board shall submit its recommendations on the following matters for the approval of the Minister:

(a) Principles of organization of the Air Force;
(b) The distribution of the Air Force;
(c) The demands for aircraft from the Naval and Military Forces and the Allocation of the Air Force to meet them;
(d) Selection of air stations and aerodromes;
(e) Schemes for air-force development;
(f) Works and buildings not part of the approved policy; and
(g) Training policy—the selection and distribution of schools and training establishments.

(2) The First Air Member shall in general be charged with all preparations for war and, in particular, with:

(a) Intelligence in co-operation with Navy and Army;
(b) Preparation of maps and charts;
(c) Air organization;
(d) Air schemes of defence, liaison with Navy and Army;
(e) Air signal and meteorological services;
(f) Plans of development and mobilization of the Air Force;
(g) Advice regarding specification and design of aircraft engines, armament, ammunition and other equipment;
(h) Censorship;
(i) Works, buildings, communications, &c.;
(j) Provision of aircraft, engines, armament, ammunition, and other equipment;
(k) Receipt, inspection, custody, accounting, allotment, distribution, and issue of all air equipment, stores, and stores;
(l) Administration of stores and repair depots and parks;
(m) Repair and reconstruction of aircraft and other equipment;
(a) General supervision of technical work in units;
(b) Salvage of material and disposal of same;
(c) Records of aircraft and all other equipment;
(d) Transport of personnel and material by land, sea, and air;
(e) Ordinance services, furniture, &c.;
(f) Feeding, housing, and clothing of air-force personnel, &c.;
(g) Canteens and service institutes; and
(h) Postal arrangements.

(3) The Second Air Member shall be charged with the supply, general control, records, and distribution of all personnel, and in particular with—
(a) Recruiting, transfers, postings, promotions, discharges, and resignations;
(b) Gazettals;
(c) Casualties and leave;
(d) Pay and allowances;
(e) Discipline and all legal questions therewith;
(f) Personnel and ceremonial questions;
(g) Proposals for honours and awards;
(h) Arrangements for medical and sanitary services;
(i) Medical boards, &c., and chaplains; and
(j) Training of personnel.

(4) The Finance Member shall, in general, be responsible for all air-force finance and accounting and, in particular,—
(a) Consideration and compilation of Parliamentary estimates;
(b) Review of proposals for new expenditure or the redistribution of the sums allotted under different sub-heads of air-force votes;
(c) Treasury requirements; and
(d) Claims, compensations, pay, &c.

31. Any person who has been a member may, after having ceased to be a member, recover from the Commonwealth by suit in any court of competent jurisdiction any moneys which under his engagement or by any agreement with the Commonwealth are due to him.

32. The appointment or promotion of an officer under these Regulations shall not create a civil contract between the King or the Commonwealth and the officer.

33. The Air Force shall take precedence immediately after the Military Forces.

34. The Air Force shall be divided into the Permanent Air Force and the Citizen Air Force.

35. The Permanent Air Force shall consist of officers who are appointed officers of that force and of airmen who are bound to continuous air service during the continuance of their engagements.


(2) The Active Citizen Air Force shall consist of officers and airmen who are not bound in time of peace to continuous air service and
who are paid for their services as prescribed, and of persons who are liable under Part XII. of the Defence Act to be trained in the Citizen Forces and who volunteer for service in the Citizen Air Force, are selected by the Air Board and are allotted or transferred to the Citizen Air Force.

(3) The Air Force Reserve shall be constituted as prescribed and shall include the officers shown on the Air Force Reserve of Officers List.

37. In time of war, the Governor-General may, subject to the provisions of these Regulations, place the Air Force or any part thereof, under the orders of the Commander of any portion of His Majesty's Regular Forces.

38. (1) Members of the Permanent Air Force shall be liable to continuous air service and shall at all times be liable to be employed on any air service and in the defence and protection of the Commonwealth.

(a) Members of the Permanent Air Force may be required to serve for training or in air service either within or beyond the limits of the Commonwealth.

39. The Air Force shall be subject to such drill, training and inspection as approved by the Air Board and to such Regulations for its discipline and good government as are prescribed.

40. Subject to any Imperial Act, members of the Imperial Forces serving in the Commonwealth or a Territory with the Air Force shall be subject to these Regulations.

41. These Regulations shall apply to members of any air force raised in time of war within the Commonwealth whether serving within or beyond the limits of the Commonwealth.

42. A member of the Air Force who is borne on the books of any vessel of the Commonwealth Naval Forces or any vessel of His Majesty's Dominions transferred to the Commonwealth Naval Forces shall in such manner and subject to such modifications as are prescribed by Regulations made on the recommendation of the Air Board and the Naval Board be subject to the Naval Defence Act as though he were a member of the Naval Forces.

Provided that:—

(a) This Regulation shall not prevent the application of these Regulations to any person dealing with or having any relation with any such member or to any such member if found on shore as a deserter or absentee without leave;

(b) If any such member is employed on land the senior naval officer may, if he thinks fit, order that he shall during that employment be subject to these Regulations and while that order is in force he shall be subject to these Regulations accordingly; and

(c) If any such member commits an offence for which he is not amenable to a naval court-martial but for which he may be punished under these Regulations, he may be tried and punished for the offence under these Regulations.
45. A person shall not be permitted to serve in the Air Force who is found by any court of criminal jurisdiction of the Commonwealth or of a State or by any court-martial, whether air-force, naval or military—

(a) to have been convicted of any disgraceful or infamous crime; or

(b) to be of notoriously bad character.

44. The Governor-General may appoint an officer of the Air Force to command the whole or any portion of the Air Force in time of war.

PART III.—OFFICERS—APPOINTMENT, ATTACHMENT, SECONDMENT, ADVANCEMENT, TRANSFER, REGISTRATION, AND RETIREMENT.

45. (1) The Governor-General may, on the recommendation of the Air Board, appoint and promote officers and issue commissions to them.

(a) Commissions shall specify the branch to which officers are appointed and shall be as follows:

(b) Permanent commissions in the Permanent Air Force;

(c) Short service commissions in the Permanent Air Force for a period of four years in the Active Force, followed by a period of at least four years in the Reserve;

(d) Commissions in the Citizen Air Force;

(e) Temporary commissions in the case of officers of the Naval or Military Forces, attached, seconded or loaned for service in the Air Force; and

(e) Honorary commissions.

46. (1) The Governor-General may, on the recommendation of the Air Board, extend the short service commission of an officer for any period not exceeding three years.

(2) An officer whose commission is extended in pursuance of the last preceding sub-regulation shall be liable to serve for a period of not more than four years in the Reserve.

47. The Governor-General may, on the recommendation of the Air Board, appoint an officer holding a short service commission to a permanent commission at any time.

48. (1) The Governor-General may, on the recommendation of the Air Board, appoint a clergyman of any recognized religious denomination to be a chaplain of the Air Force.

(2) A chaplain of the Air Force shall, by virtue of his appointment, be an officer of the Air Force and shall be commissioned as such but shall not hold any rank other than that of Chaplain of the Air Force.

49. For the purposes of determining the duties, pay and retiring age of officers, the Air Force shall be divided into the following branches:

(a) the general duties branch;

(b) the stores and accounting branch; and

(c) the medical branch.
50. (1) The ranks of officers shall be as follows:—
Marshall of the Royal Australian Air Force,
Air chief-marshall,
Air-marshall,
Air vice-marshall,
Air commodore,
Group captain,
Wing commander,
Squadron leader,
Flight lieutenant,
Flying officer, and
Pilot officer.

(2) The Governor-General may, on the recommendation of the Air Board, appoint officers holding substantive rank to hold honorary rank or to act temporarily in a higher rank.

(3) Officers holding temporary rank shall take rank amongst themselves, whilst so acting, according to the dates of their temporary appointments, but as junior to all officers of the same grade having substantive rank.

(4) Honorary rank shall not confer the right of any command other than that to which the holder may be entitled by reason of his substantive commission; but an officer holding honorary rank shall, by virtue of such honorary rank, be entitled to such other privileges except pay, allowances, promotion or retirement as belong to corresponding substantive ranks;

Provided that while on war service an officer having only honorary rank may, when holding an appointment usually held by an officer having substantive rank, or serving with any part of the Air Force in a position usually held by an officer having substantive rank, exercise command in the same manner as if his rank were substantive.

51. (1) Chaplains to the Air Force shall be divided into first, second, third, and fourth classes;

(2) The rank of Chaplain shall for precedence correspond with other ranks according to the following scale:—
Chaplain, first class, shall correspond with group captain;
Chaplain, second class, shall correspond with wing commander;
Chaplain, third class, shall correspond with squadron leader;
Chaplain, fourth class, shall correspond with flight lieutenant.

52. Entry to commissioned rank in the general duties branch shall be as follows:—
(a) Persons may be selected and nominated by the Air Board for cadetships at the Royal Military College of the Commonwealth, subject to the following provisions:—
(i) They may, on graduating from the Royal Military College, be commissioned as lieutenants in the Military Forces and seconded for service in the Air Force, with the rank of pilot officer, for flying training;
(ii) They shall, on graduating in flying training, be granted permanent commissions; and

(iii) Their seniority shall date from the date of their secondment, and, as between two or more persons seconded on the same day, shall be determined by the results obtained on graduating in flying training;

(b) Persons may be selected for flying training under conditions approved by the Air Board, subject to the following provisions:

(i) They shall, on graduating in flying training, be appointed to short service commissions with the rank of pilot officer;

(ii) Their appointments shall be on probation for a period of twelve months and shall be confirmed on receipt of a satisfactory report from their commanding officer; and

(iii) Their seniority shall date from the day following their graduation in flying training and as between two or more persons so graduating on the same day shall be determined by the results obtained on graduating.

(c) Graduates from a university may be selected for appointment to permanent commissions under conditions approved by the Air Board, subject to the following provisions:

(i) Their rank on appointment shall be that of pilot officer;

(ii) Their appointment shall be on probation and shall be confirmed on graduating in flying training; and

(iii) Their seniority shall date from the date of their appointment, and as between two or more persons appointed on the same day, shall be determined by the results obtained on graduating in flying training.

53. Entry of persons to commissioned rank in the stores and accounting branch shall be under conditions approved by the Air Board subject to the following provisions:

(a) Their rank on appointment shall be that of pilot officer.

(b) Their appointment shall be on probation for twelve months and shall be confirmed on receipt of a satisfactory report from their commanding officer, and on their having passed the storekeeping and stores accounting subjects of the promotion examination for the next higher rank; and

(c) Their seniority shall date from the date of their appointment and, as between two or more persons appointed on the same day, shall be determined by the results of the confirmation of appointment examination.
56. Graduates from a university may be selected for appointment to short service commissions in the medical branch under conditions approved by the Air Board, subject to the following provisions:—

(a) Their rank on appointment shall be that of flight lieutenant, flying officer, or pilot officer;

(b) Their appointment shall be on probation for twelve months and shall be confirmed on receipt of a satisfactory report from their commanding officer and from the Director of Medical Services.

57. Officers of the Naval or Military Forces attached, seconded, or loaned for service in the Air Force, other than those mentioned in Regulation 52 may with their consent and with the approval of the Air Board and the Naval Board or the Air Board and the Military Board, as the case may be, be transferred to the Air Force with permanent commissions under conditions approved by the Air Board, subject to the following provisions:—

(a) Their rank on transfer shall be that of flying officer; and

(b) Their seniority and service towards increment shall be determined by anotating their appointments by a period equivalent to their actual air force service.

58. Entry to commissioned rank in the Citizen Air Force shall be under conditions approved by the Air Board.

59. (1) The Governor-General may delegate to the officer in command of any part of the Air Force, when beyond the limits of the Commonwealth, the power to appoint or promote officers to acting rank or temporary rank in the Air Force.

(2) The delegation under this Regulation may be made to an Officer personally, or by designation of his appointment and may be limited to the officer named, or be extended to the person for the time being performing the duties of the appointment or to the successors in command of the officer.

(3) A delegation shall be revocable at will by the Governor-General and shall not prevent the exercise of any power by the Governor-General.

(4) The revocation of a delegation shall not affect anything done under the delegation prior to the revocation.
(5) An officer appointed or promoted to acting rank or temporary rank under the powers conferred by this Regulation shall cease to hold that office if the Governor-General refuses to confirm the appointment or promotion.

(6) An officer whose appointment or promotion under this Regulation is confirmed by the Governor-General shall be deemed to have been appointed or promoted (as the case may be) from the date of his appointment or promotion under the powers conferred by this Regulation.

(7) Every act, matter, thing, right and liability which, by virtue or in consequence of, an appointment or promotion to acting rank or temporary rank under this Regulation is done, suffered, acquired, or incurred between the time an officer is so appointed or promoted and the time when that officer received notice of the refusal of the confirmation, shall be as valid and effectual as if it were done, suffered, acquired or incurred by an officer appointed or promoted by the Governor-General to that office.

60. In the first appointment of officers preference shall be given in the case of equality of qualifications to persons who have served with satisfactory record in any expeditionary force raised under the provisions of the Defence Act.

61. A person shall not be appointed an officer of the Active Force and an officer shall not be promoted until he has passed the examination approved by the Air Board, but persons or officers who have not passed the examination for any particular rank may be appointed or promoted provisionally as officers of that rank.

62. Officers provisionally appointed or promoted shall be removed from office, if they fail, within eighteen months, to pass the examination for the rank to which they have been so appointed.

Provided that, in time of war, such officers may continue to hold office for a further period not exceeding eighteen months beyond the termination of the war.

63. The Governor-General may, for distinguished service in time of war, or for exceptional gallantry on active service, appoint any person to be an officer or promote an officer in the Air Force without his passing the prescribed examination.

64. (1) A pilot officer of the general duties branch, other than one appointed under paragraphs (a) and (c) of Regulation 52, may be promoted to the rank of flying officer on the completion of eighteen months' service, towards which service as a cadet shall count.

(2) Pilot officers of the general duties branch appointed under paragraphs (a) and (c) of Regulation 52 may be promoted to the rank of flying officer on completion of twelve months' service.

(3) A pilot officer of the stores and accounting branch may be promoted to the rank of flying officer on completion of eighteen months' service.

65. The promotion of officers of the rank of flying officer and above shall be governed by the relative efficiency of officers eligible for promotion, and, where two or more officers are equally efficient, by the relative seniority of those officers.
66. Notwithstanding anything contained in these Regulations, an officer who is eligible for promotion to a higher rank, and who has served on active service shall, other things being equal, be granted preference in promotion to an officer of the same rank who is eligible for promotion to that higher rank, and who has not served on active service.

67. A chaplain to the Air Force may be promoted—
   (a) to the third class, after ten years' service as chaplain;
   (b) to the second class, after fifteen years' service as chaplain, including at least five years in the third class; and
   (c) to the first class, after twenty years' service as chaplain, including at least five years in the second class.

68. An officer shall not be entitled to be promoted as a right.

69. Any person serving or in pay as an officer although not duly appointed, registered or enrolled shall, while so serving or in pay, be deemed for all purposes of these Regulations to be an officer in the branch and of the rank or grade in which he is serving or of the pay in which he is in receipt; provided that the person so serving or in pay as an officer may at any time be ordered to revert to his true rank or grade.

70. Officers may be attached, seconded, or loaned for service in the Naval or Military Forces and officers of the Naval or Military Forces may be attached, seconded or loaned for service in the Air Force and the conditions governing such attachments, secondments or loans shall be as agreed to by the Air Board and the Naval Board, or the Air Board and the Military Board, as the case may be.

71. (1) Officers of the Permanent Air Force, not exceeding three in number, may be appointed as Aides-de-Camp to the Governor-General for gallantry and distinguished service in the field or for meritorious service in the interests of the Commonwealth.
   (2) To be eligible for appointment officers shall during their tenure of office, be in the Active Force and of permanent substantive rank not below that of squadron leader or higher than that of group captain.
   (3) Appointments shall be for three years, but in exceptional circumstances officers may be re-appointed for an additional term of two years.
   (4) The Governor-General may approve of officers of the Citizen Air Force, not exceeding two in number, accepting appointment as Aides-de-Camp on the Personal Staff of a Governor of a State.
   (5) The provisions of sub-regulations (2) and (3) of this Regulation shall in the like manner apply in the case of officers appointed Aides-de-Camp to a Governor of a State.

72. (1) An officer shall hold his appointment during the pleasure of the Governor-General, but the commission of an officer shall not be cancelled except for cause and after he has had notice in writing of any complaint or charge made, and of any action proposed to be taken against him and has been given the opportunity of making such statement as he thinks fit regarding the cause.
(3) The notification required by the last preceding sub-regulation shall not be necessary in the case of an officer—
(a) absent from duty without leave for a period of three months or more; or
(b) convicted by the civil power of any indictable offence or sentenced by the civil power to imprisonment.

73. (1) Except during time of war an officer may by writing under his hand tender the resignation of his commission at any time by giving three months' notice.
(2) Where an officer resigns his commission before completing twelve years' service as an officer, his service as an officer shall not, except in special cases, be reckoned towards the service required by the Defence Act.

74. (1) An officer who has been selected for training as a pilot and whose training as such has commenced shall not be entitled to resign his commission except with the special approval of the Air Board.
(2) On completion of his flying training, an officer shall be liable for eight years' service, four of which he may be required to serve in the Active Force, and the remainder in the Reserve.
(3) The Air Board may discontinue the training of any officer under this Regulation at any time.
(4) Where the training of an officer under this Regulation is not completed, the Air Board may dispense with the requirements of this Regulation.

75. (1) An officer who is—
(a) a graduate of the Royal Australian Naval College shall not, during the period of twelve years after the date at which he attains the age of eighteen years; or
(b) a graduate of the Royal Military College of the Commonwealth shall not, during the first eight years of his service as an officer,
be entitled to resign his commission, except with the approval of the Air Board and the Naval Board or the Air Board and the Military Board, as the case may be, and upon payment of such amount as prescribed by Regulations made under the Defence Act or the Naval Defence Act.

76. (1) A resignation by an officer of his commission shall not have effect until it has been accepted by the Governor-General.
(2) For special reasons the Governor-General may accept a resignation at any time after its receipt.

77. For the purposes of Regulations 73 and 75 service as an officer includes service as an officer in the Naval Forces or the Military Forces.

78. When a chaplain ceases to be a clergyman of his denomination or is, in the opinion of the head of his denomination or the governing or competent consultative body, unsuited for the duties of Chaplain his appointment may be terminated.
79. (1) The Governor-General may place officers of the Permanent Air Force on a half-pay list and such officers may be re-employed with any unit or on the staff and their seniority shall be as noted in the gazette.

(2) An officer shall not remain on the half-pay list for a longer period than one year and if not then re-employed shall be placed on the unattached list.

80. The Governor-General may place officers upon an Unattached List, and subject to Regulations 61 and 62 may appoint fit and proper persons to be officers on that List, and those officers may be employed for duty with any unit or on the staff.

81. Any officer who is liable for training under Regulation 443 and whose civil occupation necessitates his removal and residence at a place—

(a) which is not within the metropolitan area of the capital city in which there is a place appointed for air-force training; and

(b) which is not within an area appointed for naval or military training may be placed on the Unattached List and such officer may be re-transferred to a unit if, during the remainder of the term of his commissioned service, he becomes resident within the metropolitan area of a capital city in which there is a place appointed for air-force training.

82. (1) Officers on the Unattached List who are not liable for training under the Defence Act and who fail, for more than two consecutive years, to attend a course of instruction or a camp of continuous training for the full period of such camp shall be transferred to the Air Force Reserve of Officers List.

(2) Officers on the Unattached List who are not liable for training under the Defence Act, and who are not re-transferred to a unit within a period of five years, shall be transferred to the Reserve.

(3) This Regulation shall not apply to officers of the Medical Branch.

83. Officers on the Unattached List may be called upon by the Air Board to attend a course of instruction or camp of continuous training or to perform other air-force duty.

84. The Governor-General may constitute an Air Force Reserve of Officers and a list of those officers, called the Air Force Reserve of Officers' List, shall be kept, and may appoint fit and proper persons to be officers of that List, and all officers whose names are on that List shall be liable to such air service as is required by the Air Board.

85. (1) Officers of the Air Force Reserve of Officers List shall rank as junior to all officers of the same rank in the Active Force.

(2) Officers who have served in the Active Force shall take precedence among themselves in the rank in which they enter the Reserve according to their seniority in the last substantive rank held by them whilst serving in the Active Force, any interval occurring between the cessation of their service in the Active Force and the Reserve being deducted from the seniority accrued to them in the Reserve.
(3) Officers who have not served in the Active Force shall rank with each other and with other officers of the Reserve according to the dates of their appointments in their respective ranks in the Reserve.

(4) When required to do service in the Active Force, officers of the Reserve shall rank and take command with officers of the Active Force as though their seniority bore date from the date of the commencement of such service.

86. The Governor-General may place officers on a Retired List.

87. The appointments of officers on the Unattached, Reserve and Retired Lists shall be liable to be terminated if they fail during the months of January or February to report their address in writing to the Air Board and any permanent changes of address as they occur.

88. (1) The ages for compulsory retirement of officers shall be as set forth against the respective ranks in the following table:

<table>
<thead>
<tr>
<th>Substantive Ranks</th>
<th>General Duties Branch</th>
<th>Stores and Accounting Branch</th>
<th>Medical Branch</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air chief marshal</td>
<td>65</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air marshal</td>
<td>65</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air vice-marshal</td>
<td>60</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air commodore</td>
<td>57</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group captain</td>
<td>55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wing commander</td>
<td>48</td>
<td>56</td>
<td>48</td>
</tr>
<tr>
<td>Squadron leader</td>
<td>45</td>
<td>55</td>
<td>45</td>
</tr>
<tr>
<td>Flight lieutenant</td>
<td>40</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>Flying officer and pilot officer</td>
<td>49</td>
<td>43</td>
<td>40</td>
</tr>
</tbody>
</table>

(2) In special cases the Governor-General may extend the age for retirement for a period not exceeding two years.

(3) In time of war the ages for retirement may be extended for an additional period not exceeding the duration of the war and a period of three months thereafter.

89. In time of war officers of the Reserve and Retired Lists may be transferred or appointed to the Active Force notwithstanding that their ages exceed those prescribed in the last preceding regulation, and such officers shall be liable for service in the Active Force for the duration of the war and a period not exceeding three months thereafter.

90. An officer on the Retired List who is required to do service under these Regulations shall retain the seniority in the substantive rank which he held at the time of his retirement.

PART IV.—AIRMEN—ENTRY, ADVANCEMENT, REDUCTION, TRANSFER, DISCHARGE AND RETIREMENT.

91. Except as provided in the Defence Act and Regulation 443, the Air Force shall be raised and kept up by voluntary enlistment only.

92. Persons voluntarily enlisting as members of the Air Force may be required to engage to serve for the following periods:

(a) In the Permanent Air Force, for a period of six years; or

(b) In the Citizen Air Force, for a period of two years; followed by a period of four years in the Air Force Reserve.
83. Any person between the ages of eighteen years and thirty-five years may be enlisted for service in the Air Force.

84. Any person enlisting in the Air Force shall take and subscribe before an officer or a Justice of the Peace an oath in accordance with Form 1.

85. The oath of enlistment shall bind the person subscribing it to serve in the Air Force in accordance with the tenor of the oath until he is discharged, dismissed, or removed therefrom, or until his resignation is accepted.

86. The Air Board may authorize the amendment in an attestation of an error discovered subsequent to its being made, and the attestation as amended shall thereupon be deemed as valid as if the amendment had formed part of the original attestation.

87. (1) Air Cadets may be enlisted for flying training as follows:—

(a) In the Citizen Air Force in the case of Air Cadets selected for subsequent appointment to commissions in the Citizen Air Force, or in the Royal Air Force for a period of four years; or

(b) In the Permanent Air Force in the case of all other air cadets for a period of six years.

(2) For the purposes of discipline service as an air cadet shall be deemed to be service as an airman in the Air Force.

(3) On graduating in flying training, air cadets may be granted commissions.

88. In time of war any person who is employed under articles of apprenticeship or articles of service may, notwithstanding any provision of or obligation under the articles, enlist in the Air Force, and any person who so enlists shall not be liable during the period of his service in the Air Force and until a reasonable period thereafter to be claimed for service under the articles.

89. (1) Any person serving or in pay as an airman, although not duly enlisted or registered, shall, while so serving or in pay, be deemed for all purposes of these Regulations to be an airman of the rank or grade in which he is serving or of the pay in which he is in receipt: Provided that the person so serving or in pay as a warrant officer or non-commissioned officer may at any time be ordered to revert to his true rank or grade (if any).

(2) Except in time of war, a person serving or in pay as an airman within the Commonwealth, but not duly appointed or enlisted, may claim to be discharged, and the claim shall with all reasonable speed be allowed:

Provided that until the claim is allowed he shall for all purposes of these Regulations be deemed to be an airman in the Air Force.

100. The conditions governing the classification and re-classification, advancement and reduction of airmen shall be determined by the Air Board.
Ranks.

101. The ranks held by airmen shall be as follow:

**Warrant Officer, Class I.**—Sergeant-Major, 1st Class.
**Warrant Officer, Class II.**—Sergeant-Major, 2nd Class.
**Non-commissioned Officers**—
Flight Sergeant.
Sergeant.
Corporal.
**Aircraftmen.**—(Men in the ranks)—
Leading Aircraftman.
Aircraftman, 1st Class.
Aircraftman, 2nd Class.

Appointment of non-commissioned officers.

102. Warrant officers and non-commissioned officers shall be appointed by the Air Board.

Appointment or promotion for distinguished service.

103. (1) The Governor-General may, for distinguished service in time of war, or for exceptional gallantry on active service, appoint any person to be a non-commissioned officer, or promote a non-commissioned officer in the Air Force without his passing the approved examination.

(2) The Governor-General may delegate to any person the power to appoint or promote non-commissioned officers under this Regulation.

(3) A delegation under this Regulation shall be revocable at will and shall not prevent the exercise of any power by the Governor-General.

Power to reduce.

104. The Air Board and when on active service any officer appointed in that behalf by the Air Board may, for any reason, reduce any warrant officer or non-commissioned officer to any inferior rank or grade, to the ranks or in seniority of rank.

Posting and Attachments.

105. (1) An airman may, under such special conditions as are agreed to by the Air Board and the Naval Board or the Air Board and the Military Board, as the case may be, be attached to or seconded for service with the Naval Forces or Military Forces.

(2) The Posting or attachment of an airman to any unit of the Air Force shall be carried out as the Air Board directs.

Re-engagement.

106. An airman who is medically fit for service and satisfactory in conduct and efficiency, and who so elects during the three months preceding the completion of his period of enlistment or re-engagement, may, with the approval of the Air Board, be re-engaged for a further period of six years.

Agreement or Re-engagement.

107. An airman accepted for re-engagement shall sign before his commanding officer an agreement in accordance with Form 2, and shall continue, during the period for which he is re-engaged, to be bound by his original oath of enlistment.

108. (1) An airman selected for training as a pilot shall be re-engaged for a period of six years from the date of the commencement of his training, and his period of service on his previous enlistment or re-engagement shall be deemed to be terminated.

(2) Any airman who is re-engaged under the last preceding sub-regulation, shall not be entitled to purchase his discharge during the period for which he so re-engaged.
109. (1) The Air Board may dispense with the services of an airman at any time.

(2) The competent authority to authorize a discharge shall be the Air Board.

(3) The airman's commanding officer shall be competent to confirm his discharge.

110. (1) Any airman shall be entitled to be discharged at the expiration of the period of service for which he enlisted, unless such expiration occurs in time of war, in which case he shall not be entitled to his discharge until the time of war has ceased to exist.

(2) When such an airman becomes entitled to be discharged he shall be discharged with all convenient speed, but until discharged, he shall remain a member of the Permanent Air Force.

111. (1) An airman may, except in time of war, apply for his discharge before the expiration of the period of service for which he enlisted, provided that he gives one month's notice in writing to his commanding officer of his intention to apply for his discharge.

(2) If the Air Board approves of the application, the airman shall, upon payment of the prescribed purchase money, be discharged.

(3) Any notice or payment provided by this Regulation may, for special reasons, be waived or reduced by the Air Board.

(4) At any time within three months after enlistment an airman may, except in time of war, obtain his discharge without payment of the prescribed amount.

(5) The amount of purchase money shall be in accordance with the following scale:

- Under one year's service .......................... £30
- Over one year and under two years' service ...... £24
- Over two years' and under three years' service .. £18
- Over three years' and under four years' service .. £12
- Over four years' and under five years' service ... £8
- Over five years' and under six years' service ... £4

(6) In addition to any amount prescribed by the last preceding sub-regulation, an airman obtaining his discharge in pursuance of this Regulation, may be required to pay the whole or any part of the unexpired value of the free issue of uniform and kit.

112. Except in time of war, and except as provided in regulation 108, a re-engaged airman shall, upon the expiration of one month's notice given in writing to his commanding officer, be entitled to be granted a discharge without payment of any amount, before the expiration of the period of service for which he has re-engaged.

113. (1) Any person who is selected for training as a pilot and whose training as such is commenced shall not be entitled to be discharged either with or without payment of purchase money.

(2) On completion of his flying training, such person shall be liable for eight years' service, four of which he may be required to serve in the Active Force, and the remainder in the Reserve.

(3) The Air Board may discontinue the training of any person under this Regulation at any time.
(4) Where the training of a person under this Regulation is not completed, the Air Board may dispense with the requirements of this Regulation.

114. For the purpose of determining the medical fitness or otherwise of any airman, such airman may be medically examined in such manner as is approved by the Air Board.

115. An airman may be discharged for any of the following reasons:—

(a) Irregular enlistment;
(b) Not likely to become an efficient airman;
(c) Temporarily unsuited for flying;
(d) Being claimed as an apprentice;
(e) Having claimed a free discharge within three months of attestation;
(f) Having made a misstatement as to age on enlistment;
(g) Having made a false answer on attestation;
(h) Having been convicted by the Civil Power of an offence committed before enlistment;
(i) Having been dismissed or discharged for disciplinary reasons or having been called upon to resign from any portion of His Majesty’s Forces prior to enlistment in the Air Force;
(j) Having been sentenced to penal servitude (or imprisonment) by court-martial (or by Civil Power);
(k) On payment of the amount prescribed in Regulation 111:
(l) On request, purchase money having been waived;
(m) On being granted a commission;
(n) Medically unfit for further service;
(o) Medically unfit through his own default;
(p) Termination of period of enlistment;
(q) Having reached the age for retirement;
(r) Services being no longer required;
(s) Being surplus to establishment; or
(t) For such other reason as the Air Board thinks fit.

116. An airman discharged for disciplinary reasons shall forfeit the amount he would have had to pay if he were purchasing his discharge, or such smaller sum as the Air Board determines.

117. (1) Any person employed under articles of apprenticeship, or articles of service who has in time of war enlisted in the Air Force shall, upon discharge from the Air Force, unless the Minister otherwise determines, be entitled, within a period of three months after the date of his discharge, to resume his employment or service under his articles of apprenticeship or articles of service, and the period served by him after discharge shall be deemed to be a continuance of the period served by him prior to enlistment.
(2) If any master upon the application of an apprentice or a person serving under articles who is entitled under the last preceding sub-regulation to resume his employment or service, refuses to re-employ him or to allow him to resume his services under the articles, he shall be guilty of an offence:

Penalty: Fifty pounds or imprisonment for six months, or both.

118. (1) The age for retirement of an airman shall be as follows:—

<table>
<thead>
<tr>
<th>Rank</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>W.O.</td>
<td>60</td>
</tr>
<tr>
<td>N.C.O.</td>
<td>55</td>
</tr>
</tbody>
</table>

Any other airman

(2) In special cases the Governor-General may extend the prescribed age for retirement for a period not exceeding two years.

(3) In time of war the Governor-General may extend the age for retirement for an additional period not exceeding the duration of the war and a period of three months thereafter.

119. (1) The Air Board may appoint duly qualified civilian bandmasters to be part time bandmasters to air-force bands.

(2) A bandmaster on appointment, may be granted the honorary rank of warrant officer, class I, and, after five years' service in that rank, may be appointed to an honorary commission with the rank of flying officer.

(3) Honorary rank granted to a bandmaster under this regulation shall not confer a right of any command on parade or duty, except over members specially placed under his orders.

PART V.—LEAVE OF ABSENCE.

120. (1) Any member of the Permanent Air Force may, after completion of twelve months' service therein, be granted in each financial year, leave of absence not exceeding in the whole the number of days specified in sub-regulation (3) of this regulation.

(2) The Air Board may, when the circumstances warrant such action, grant proportionate leave not in excess of eighteen days at any time prior to the completion of twelve months' service.

(3) The total period of leave (exclusive of Sundays and holidays) that may be granted in any year shall be as follows:—

(a) To members and airmen borne on the authorized establishment for service as crews in aircraft, regularly employed on flying duties—30 days;

(b) To members not regularly employed on flying duties, but who during the preceding financial year have completed such number of flying hours as is determined by the Air Board—24 days; and

(c) To other members—18 days.

121. If in any year it is impracticable to grant leave of absence for recreation in accordance with the last preceding regulation to a member, it should be carried forward.
122. Annual leave of absence for recreation to an officer may be granted by the Air Board, and to an airman by the Air Board, or, subject to any restrictions imposed by the Air Board, by the commanding officer.

123. A member whose duties cannot in any year ordinarily be performed within the usual regular hours, and to whom no compensation in time or money has been given for the extra time worked by him, may, with the approval of the Air Board, be granted leave of absence for recreation in each year for twenty-four days, exclusive of Sundays and holidays.

124. (1) A member stationed in a remote locality, or in a locality where the climatic conditions are unusually severe, may be granted in each year leave of absence for recreation for a period exceeding eighteen days, but not exceeding thirty days, exclusive of Sundays and holidays.

(2) The localities to which the last preceding sub-regulation shall apply, and the period of leave which may be granted in any year to officers stationed in each such locality, shall be determined by the Air Board.

125. A member stationed in a locality referred to in the last preceding regulation, or in any other locality approved by the Air Board, may be allowed to accumulate leave of absence for recreation up to three consecutive years.

126. A member stationed in a remote locality may be allowed, in addition to recreation leave, reasonable time for travelling while on that leave for such period and under such conditions as are approved by the Air Board.

127. Except as provided in this part of these Regulations, leave of absence for recreation which is not taken by a member during the year in which it accrues shall lapse.

128. (1) With the approval of the Governor-General on the recommendation of the Air Board, leave of absence without pay may be granted to a member of the Permanent Air Force for any period not exceeding twelve months.

(2) The period of leave of absence granted under the last preceding sub-regulation to a member of the Permanent Air Force shall not be counted towards service for the grant of rank on retirement, medals or decorations, sick leave, long service leave, or furlough; but this sub-regulation shall not be construed as affecting the continuity of the member's service in the Permanent Air Force.

129. (1) The Air Board in the case of an officer, or a commanding officer in the case of an airman, may for any cause which appears to him sufficient, grant leave of absence not exceeding three days at any one time to a member of the Permanent Air Force. Leave of absence so granted may, at the discretion of an authority who has power to grant the leave, be deducted from any recreation leave due or becoming due
to the member, but all leave granted under this regulation in excess of three days in any one year shall be so deducted.

(2) Leave of absence granted under this regulation to a member to enable him to carry out a duty imposed on him by these Regulations shall not be deducted from recreation leave.

130. (1) The following days or any days prescribed under the law of any State to be observed in lieu thereof in that State shall be observed as holidays in Air Force establishments—
First of January,
Twenty-sixth day of January,
Christmas Day and the following day,
Good Friday and the following Saturday, and Monday,
The Anniversary of the Birth of the Sovereign,
Twenty-fifth day of April, and
Any day proclaimed by the Governor-General or required by any Act to be observed in lieu of any of the abovementioned days.

(2) Whenever any of such days, except the twenty-fifth day of April, falls on a Sunday, the next following Monday shall be observed as a holiday in Air Force establishments, in lieu of such Sunday.

(3) In addition to the days mentioned in sub-regulation (1) of this regulation, there may be observed as public holidays or half-holidays in Air Force establishments such additional days or half days as are approved by the Air Board.

(4) The Governor-General may by proclamation at any time for any special occasion appoint, in addition to the days hereinbefore named, any specified day or half day to be observed as a holiday or half-holiday in Air Force establishments or any part thereof.

131. The Minister or the Air Board may require any Air Force establishment to be kept open in the public interest for the whole or any portion of a holiday observed in pursuance of sub-regulation (1), (2), and (4) of the last preceding regulation, and may require the attendance and services of any member during any holiday.

132. A holiday shall not, except with the authority of the Air Board, be granted in lieu of any day on which the attendance and service of any member has been required.

133. Applications for leave of absence on the grounds of illness shall be supported by the certificate of a duly qualified medical practitioner approved by the Air Board, except in the case of single day absences not exceeding three in any twelve months, when, unless otherwise directed by the Air or other officer commanding, the production of a medical certificate shall not be necessary.

134. (1) The air or other officer commanding, or the Air Board in the case of the air or other officer commanding, may, subject to this regulation and on production of satisfactory medical evidence, grant leave of absence on the ground of illness.
(2) The basis for determining the leave which may be granted shall be ascertained by crediting the member with the following periods, such leave to be cumulative:

<table>
<thead>
<tr>
<th></th>
<th>Leave on Full Pay</th>
<th>Leave on Half Pay</th>
<th>Leave on Third Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>On date of appointment</td>
<td>7</td>
<td>5</td>
<td>3½</td>
</tr>
<tr>
<td>On completion of six months' service</td>
<td>14</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>On completion of twelve months' service</td>
<td>14</td>
<td>10</td>
<td>7</td>
</tr>
</tbody>
</table>

(3) To determine the leave for which a member is eligible under this regulation, the leave which has been granted during his service at rates of full pay, half pay, and third pay respectively shall be deducted from the periods ascertained under the provisions of the last preceding sub-regulation.

Provided that no deduction shall be made in respect of leave granted prior to the first day of July, 1920:

Provided further that no deduction shall be made in the case of a member who served abroad in any of His Majesty's Naval, Military or Air Forces during the war 1914-1918, in respect of leave granted to him within three years after the date of the termination of his appointment in or the date of his discharge from the Forces in which he so served.

(4) After deduction has been made as provided in the last preceding sub-regulation, the period remaining at each rate of pay shall be the amount of leave for which the member is eligible:

Provided that in the case of a member with not less than six months' service whose credit after such deduction has been made is less than fourteen days on full pay, ten days on half pay, and seven days on third pay, his credit shall be increased to those amounts; and that in the case of a member with less than six months' service whose credit after such deduction has been made is less than seven days on full pay, five days on half pay, and three and one half days on third pay, his credit shall be increased to those amounts.

(5) Where a member has been absent through illness for thirteen weeks continuously, and application for further leave is made, further leave may be provisionally granted, subject to sub-regulation (2) of this regulation, but the application with supporting evidence of illness shall be forwarded to the Air Board, and in such case the granting of further leave shall be subject to the approval of the Air Board.

135. Where, in cases of long service, the Air Board considers that exceptional treatment is justified, it may, where leave of absence on the ground of illness on pay has been exhausted, grant additional leave on third pay.

136. The period allowable with pay in respect of any continuous absence through illness shall not exceed 52 weeks.

137. Where a member has exhausted all leave of absence on the ground of illness allowable with pay, the Air Board may grant him leave without pay.
138. The period allowable with and without pay in respect of any continuous absence through illness shall not exceed 75 weeks.

139. Leave of absence on the grounds of illness shall not be reckoned as, nor included in, leave of absence for recreation.

140. A member shall not except with his consent be retired or discharged on the grounds of medical unfitness until all leave on full pay, for which under regulation 134 he is entitled, has been exhausted.

141. A member who has been retired or discharged on account of his medical unfitness and whose health has become so restored as to enable him to perform his duties shall, if re-appointed or re-enlisted in the Air Force, be credited with the leave at his credit under regulation 134 immediately prior to his retirement or discharge.

142. The rate of pay payable to a member in respect of a public holiday which occurs during the period for which leave of absence on the ground of illness is granted, shall be the same as that payable to him for the period of the leave during which the holiday occurs.

143. A member who is absent from duty suffering from venereal disease may receive payment at a rate not exceeding two-thirds of that which would have been payable under regulation 134, had his absence been due to ordinary illness, and any such absence shall count as portion of the leave of absence which may be granted under these Regulations.

144. (1) Where illness is caused by the misconduct of a member or in any case of absence without sufficient cause, the Air Board may determine whether leave shall be granted with full pay, half pay or third pay, or without pay.

(2) If leave of absence under this regulation is granted with pay, such absence shall count as portion of the leave of absence which may be granted under regulation 134.

145. Leave of absence on account of wounds, injury, illness, disease or disability attributable to air service and contracted on duty shall not be counted as portion of the leave which may, under these Regulations be granted to a member on account of illness, but continuous absence in such cases shall not exceed 52 weeks on full pay and 26 weeks without pay.

146. For the purposes of the last preceding regulation—

(a) A wound or injury shall be regarded as attributable to air service when—

(i) it is incurred during the actual performance of air service; and

(ii) it arises directly out of such performance;

(b) An injury sustained while taking part in properly organized air force games which form part of the approved training at an authorized parade, shall be regarded as attributable to air service;

(c) A disability, other than a wound or injury—

(i) shall be regarded as attributable to air service only when it arises directly out of circumstances necessarily incidental to air service; and

Maximum sick leave with and without pay.
Sick leave not to count as recreation leave.
Retirement for medical unfitness.
Credit on re-appointment.
Rates for holidays.
Two-thirds rate in certain cases.
Illness due to misconduct.
Injury or illness due to service.
Meaning of "Attributable to Air Service."
(ii) shall not be regarded as attributable to air service
if, although contracted during the period of such
service, it is due to the ordinary risks of indoor
or outdoor life to which air service carries no
special liability; and

(d) Any disease including typhoid, dysentery, and malaria,
which in the opinion of the Air Board, a member serving
abroad or at a tropical station in Australia is specially
liable to contract, shall, if contracted by him while so
serving, be regarded as attributable to air service.

147. A member serving abroad who has exhausted all leave of
absence on full pay for which he is eligible under regulation 134 on
the ground of illness may, on the approval of the Air Board, be
granted extended leave of absence on full pay for such period as the
Air Board may from time to time determine.

148. If any member is absent from duty on account of illness, and
such absence has extended for a continuous period exceeding thirteen
weeks, he shall not be permitted to return to duty unless and until a
medical board or a duly qualified medical practitioner approved by
the Air Board has certified that he is fit to resume duty.

149. (1) When a member has continued in the Permanent Air
Force for at least twenty years, the Air Board may grant him long
service leave for a period not exceeding one month and a half on full
pay or three months on half pay in respect of each completed five years
of continuous service:

Provided that a member shall not be granted long service leave to
exceed a continuous period of twelve months at any one time.

(2) When a member who has continued in the Permanent Air
Force for at least twenty years is retiring from the Permanent Air
Force the Air Board may authorize payment to him upon retirement
of a sum equivalent to the amount of pay that would have been
received by him during such long service leave as would immediately
prior to retirement have been granted to him under the last preceding
sub-regulation.

(3) Upon the death of any member who at the date of his death
was eligible under this Regulation for the grant of long service leave,
the Air Board may authorize payments to the dependants of the
member of a sum equivalent to the amount of pay which would under
this Regulation have been granted to the member had he retired imme-
diately prior to the date of his death or in cases where all or any of
the dependants are under the age of 21 years, may authorize payment
of the whole or part of such sum on behalf of the dependants or such
of them as are under the age of 21 years to a person or persons approved
by the Minister.

(4) Notwithstanding anything contained in this Regulation—

(a) There shall not be granted under this Regulation in respect
of the service of any member, long service leave or pay
on retirement or death exceeding in the whole twelve
months on full pay or its equivalent;
(b) Except upon the retirement of a member who has reached the age for retirement or if the age for his retirement is over 60 years, leave of absence for recreation shall not be granted in respect of the year in which long service leave granted under this Regulation commences, and if leave of absence for recreation has been granted in the year in which long service leave granted under this Regulation commences, it shall be regarded as part of the period of long service leave granted under this Regulation. Provided that the total period of leave of absence for which recreation may, under this paragraph, be withheld or regarded as part of the period of long service leave granted under this Regulation, during any member's period of service, shall not exceed the period of leave of absence for recreation which may be granted in respect of one year of service.

(c) The official conduct record of a member shall be taken into consideration in determining whether the whole or any portion of the long service leave or pay provided in this Regulation may be granted.

150. (1) The Air Board may grant any member whose period of continuous service is less than twenty years, but is not eligible for long service leave under the last preceding Regulation, immediately prior to his retirement from the Permanent Air Force on or subsequent to his attaining the age for retirement, or if the age for his retirement is over 60 years, on or subsequent to his reaching the age of 60 years, long service leave on full pay for a period not exceeding that appropriate to his service in accordance with the following scale:

<table>
<thead>
<tr>
<th>Service</th>
<th>Long Service Leave</th>
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<tbody>
<tr>
<td>16 years and less than 20 years</td>
<td>5 months</td>
</tr>
<tr>
<td>12 years and less than 16 years</td>
<td>4 months</td>
</tr>
<tr>
<td>8 years and less than 12 years</td>
<td>3 months</td>
</tr>
<tr>
<td>4 years and less than 8 years</td>
<td>2 months</td>
</tr>
</tbody>
</table>

(2) In lieu of long service leave in accordance with the last preceding sub-regulation, the Air Board may authorize payment to a member eligible for long service leave in pursuance of the last preceding sub-regulation upon his retirement from the Permanent Air Force of a sum equivalent to the pay for a period of long service leave not exceeding that which the member could have been granted under the last preceding sub-regulation.

(3) Where a member who has not reached the age for retirement, or if the age for his retirement is over 60 years, has not reached the age of 60 years, retires from the Permanent Air Force after less than twenty years' service and produces to the Air Board satisfactory evidence that his retirement is due to ill health and that such ill health is permanent and is not due to misconduct or to causes within his own control, the Air Board may authorize payment to the member of a sum equivalent to the pay for a period of long service leave not exceeding that for which he attained the age for retirement or the age of 60 years he would have been eligible under sub-regulation (1) of this Regulation.
(4) In the event of the death of a member before he has completed in the Permanent Air Force 20 years service, the Air Board may, irrespective of the age of the member at the time of his death, authorize payment to the dependants of the member of a sum equivalent to the pay for the period of long service leave which the member would have received had he been eligible and granted long service leave under sub-regulation (1) of this Regulation:
Provided that upon the death of a member leaving dependants, all or any of whom are under the age of 21 years, any sum of money payable to the dependants under this Regulation may be paid in whole or in part on their behalf or on behalf of such of them as are under the age of 21 years to a person or persons approved by the Minister.

(5) The official conduct record of a member shall be taken into consideration in determining whether the whole or any portion of the long service leave or pay provided in this Regulation may be granted.

(6) In this Regulation the words "attaining the age for retirement" shall be deemed to include "completion of a short service commission."

151. For the purposes of Regulations 149 and 150, pay includes the remuneration paid to a member in respect of the appointment or rank held by him and shall include staff pay and all allowances except separation allowances and special trade allowance.

152. For the purposes of Regulations 134, 135, 149 and 150, service means continuous service in a position of a permanent nature under the Commonwealth or a State if continuous with his service in the Air Force.

PART VI.—DISCIPLINE.

Division 1.—General.

153. (1) If an officer of the Air Force thinks that he is wronged and on due application does not receive the redress to which he considers he is entitled, he may complain through the proper channels to the Air Board.

(2) The Air Board shall without delay investigate the complaint.

(3) If the officer complaining so requires, the Air Board shall forward the complaint to the Minister for submission to the Governor-General, together with the report on the subject matter of the complaint.

(4) Any directions given by the Governor-General in relation to the complaint shall be carried into effect without delay.

154. (1) If an airman thinks that he has been wronged in any matter—

(a) by any officer other than his flight lieutenant or by any airman, he may complain to his flight lieutenant;

(b) by his flight lieutenant either in respect of his complaint not being redressed or in respect of any other matter, he may complain to his commanding officer;
(c) By his commanding officer either in respect of his complaint not being redressed or in respect of any other matter, he may complain to the air or other officer commanding the command or station where for the time being the airman is serving; and

(d) By the air or other officer commanding specified in the last preceding paragraph, either in respect of his complaint not being redressed or in respect of any other matter, he may, except in time of war, complain to the Air Board.

(2) Any complaint made in pursuance of the last preceding sub-regulation, shall be made through the proper channels.

(3) Where in pursuance of sub-regulation (1) of this Regulation a complaint is made to the Air Board or to an officer, the Air Board or the officer, as the case may be, shall cause the complaint to be investigated, and if satisfied with the justice of the complaint shall take such steps as are necessary for giving to the airman complaining every redress in respect of the subject matter of the complaint.

(4) In this Regulation, "flight lieutenant" means an officer of whatever rank commanding a flight or equivalent unit.

155. (1) A member of the Permanent Air Force, except with the express permission of the Air Board, shall not—

(a) accept or continue to hold an office in or under the Government of any State, or in or under any public or municipal corporation;

(b) accept or continue to hold or discharge the duties of or be employed in a paid office in connexion with any banking, insurance, mining, mercantile, or other commercial business, whether the same be carried on by any corporation, company, firm or individual;

(c) engage in or undertake any such business whether as principal or agent;

(d) engage or continue in the private practice of any profession;

(e) accept or engage in any paid employment other than in connexion with the duties of his office or offices under the Commonwealth; or

(f) accept from any person, whom it is his duty to instruct, any payment, gratuity, reward, present or gift.

(2) This Regulation shall not prevent officers or airmen from becoming members or shareholders only of any incorporated company or of any company or society of persons registered under any Act in any State or elsewhere.

156. Members of the Permanent Air Force shall be exempt from serving as jurors.

157. A member who has conscientious objections shall not be compelled to answer any questions as to his religion, nor shall any Regulation or other order compel attendance at any religious service.

158. (1) The following persons shall be subject to Air Force law within the meaning of these Regulations—

(a) any member of the Permanent Air Force;

(b) any member of the Citizen Air Force when on duty or in uniform;

321.—2
(c) any person, not being a member of the Air Force during arrest or attempted arrest or custody or temporary detention, under a warrant issued under Regulations 197 and 199; and

(d) any person during any term of detention, imprisonment, or penal servitude imposed for an offence against these Regulations, and who, at the time of the imposition of the sentence or at the time of the commission of the offence, was a member of the Air Force.

(2) For the purpose of this Regulation, a member of the Citizen Air Force shall be “on duty”—

(a) during the whole period of continuous training which he attends;

(b) when on parade;

(c) in respect of any act done or omitted to be done by him in his Air Force capacity, or with intended reference to his Air Force capacity;

(d) during any term of detention, imprisonment, or penal servitude, for an offence against these Regulations imposed while he was a member, or in respect of an offence committed while he was a member;

(e) during arrest or attempted arrest or custody or temporary detention under a warrant issued under Regulations 197 and 199; and

(f) while detained in a prescribed institution or place, or in the custody of a prescribed authority under Regulations 465 and 466.

(3) For the purpose of this Regulation, a person who has ceased to be a member shall be subject to Air Force law as if he still held the rank or grade which he held when he ceased to be a member.

159. Any member charged with any offence against these Regulations (whether committed before or after he became a member), may be tried and punished either by court-martial or by civil court.

160. Any person who contravenes any provision of these Regulations, shall, when no other penalty is provided, be liable to a penalty not exceeding Ten pounds for each offence.

161. The amount of any pecuniary penalty incurred, or of any sum of money ordered by any court or officer having power to impose it to be paid by a member in respect of any air-force offence, may, to the extent to which it for the time being remains unpaid, be deducted from any pay due or which subsequently becomes due to the offender, and shall not be recovered in any other manner while the offender remains a member, and may, if it or any part of it remains unpaid when the offender ceases to be a member, be recovered with costs, in the name of His Majesty, in any court of competent jurisdiction.

162. Except as prescribed, a member shall not receive any pay or allowances while under any charge of which he is afterwards convicted by any court or by his commanding officer, or while under sentence of penal servitude, imprisonment, detention or field punishment imposed by any court or by his commanding officer, or during absence from duty without leave.
163. (1) A member shall not be disentitled to receive pay or allowances—

(a) by reason of being under a charge—

(i) until the first day on which the charge is investigated by a proper air-force authority, or before a court-martial, whichever first occurs; or

(ii) in respect of any day between the signature by the president of a court-martial of the original sentence and promulgation, unless after confirmation the sentence is, or includes, penal servitude, imprisonment, or detention;

(b) in respect of any day on which he is under a charge, but is not under suspension or in close arrest;

(c) in respect of any day on which he is under a charge, but on which, in the ordinary course, or by the direction, or with the consent, of a proper air-force authority, he performs any air-force duty other than such as is performed in consequence of the charge;

(d) in respect of any time under arrest from which he is released under regulation 217 or any time under a suspension which is removed under sub-regulation (8) of regulation 209;

(e) in respect of any period while under a charge, if only a minor punishment is imposed for the offence charged;

(f) in respect of any period of less than six consecutive hours during which he is under a charge or under a sentence of imprisonment or detention or field punishment or absent from duty without leave or absent from duty on account of sickness or injury caused by an offence against these Regulations, provided that this paragraph shall not apply—

(i) to an airman on the day on which he is released from imprisonment;

(ii) to a warrant officer or non-commissioned officer on the day on which he is reduced, if then in arrest or under suspension; or

(iii) to any period during which a member is under a charge or absent from duty without leave, if by reason of the charge or absence, he was prevented from fulfilling any air-force duty which was thereby imposed on any other person;

(g) in respect of any day during which or part of which an airman undergoing field punishment is not in custody, unless he has been ordered to forfeit pay for that day under Regulation 363;

(h) in respect of absence as a prisoner of war unless a court of inquiry and the authority who assembled it or his successor have recorded their opinion that the member concerned was taken prisoner through neglect or misconduct on his part, and he is not subsequently tried by a court-martial on a charge arising out of the facts investigated by the court of inquiry, and acquitted, or unless he is convicted by a court-martial of an offence against paragraph (v) or paragraph (xiii) of Regulation 192; or
(i) in respect of any other involuntary absence certified by his commanding officer not to have been occasioned by his neglect or improper conduct.

(2) When any act or circumstance, which by these Regulations disentitles a member to receive pay or allowances—
   (a) does not continue longer than a period of twenty-four consecutive hours, whether wholly in one day or not, the period shall not be counted as more than one day; or
   (b) commences before and ends after midnight, and exceeds six consecutive hours, but does not exceed 24 hours, the period shall be counted as one day.

(3) A member shall not be required to refund any of his pay or allowance issued while he was a prisoner of war.

164. Any pay or allowances which by these Regulations a member is disentitled to receive may be paid by the authority of—
   (a) the Minister or any officer authorized by the Minister; or
   (b) out of the Commonwealth, an air or other officer commanding.

165. All offences against these Regulations, other than indictable offences, shall be punishable on summary conviction.

166. (1) A civil prosecution for any offence than an indictable offence may be commenced at any time within one year after the commission of the offence.
   (2) Nothing in this regulation shall limit the right to take proceedings by way of civil action in relation to any property of the Commonwealth or of any unit.

167. (1) A civil prosecution for an offence against these Regulations may be brought in any court of competent jurisdiction.
   (2) A civil prosecution against an officer shall be brought by or by the authority of the Air Board.
   (3) The averment of the prosecutor that he was authorized by the Air Board to bring the prosecution shall be sufficient, and shall not be contradicted or questioned by the court or by the defendant.
   (4) A civil prosecution against an airman may be brought by the commanding officer of the unit to which the airman belongs.

168. (1) For the purposes of legal proceedings, all moneys subscribed by or for, or otherwise appropriated to the use of any unit or part thereof, and all aircraft, aircraft material, arms, ammunition, accoutrements, clothing, musical instruments or other things belonging to or used by any unit or part thereof, and not being the private property of a member of the unit, shall be deemed to be the property of the commanding officer of the unit.
   (2) No gift, sale, alienation or pawning, or attempted gift, sale, alienation or pawning of any such moneys, aircraft, aircraft material, arms, ammunition, accoutrements, musical instruments, or other things, by any person, shall be effectual to pass the property therein without the consent of the commanding officer.
(3) If any property belonging to or used by or for the Air Force is not appropriated to any particular unit or part thereof, or if it is uncertain to which unit or part thereof it belongs, it shall be deemed to be the property of the Air Board.

(4) An action or suit shall not abate or be determined by the death, resignation, or removal of any commanding officer, but may proceed in the name of his successor.

169. The production of an appointment, warrant, or order in writing purporting to be granted or made according to the provisions of these regulations shall be prima facie evidence of the appointment, warrant or order without proving the signature or seal thereto, or the authority of the person granting or making the appointment, warrant, or order.

170. In proceedings against a member in respect of an air-force offence, whether before a civil court or a court-martial, the following provisions shall apply:

(a) the attestation paper purporting to be signed by a person on his being enlisted in the Air Force or the agreement purporting to be signed by any member of such force on his re-engagement to serve therein for a further period or a copy of such attestation paper or agreement purporting to be certified to be a true copy by the officer having the custody of the original (and without proof of the handwriting of such officer or of his having such custody) shall be primary evidence of such person or member having given the answers to questions which he is therein represented as having given;

(b) the enlistment of a person in the Air Force may be proved by the production of the attestation paper purporting to be signed by him or a copy thereof purporting to be certified to be a true copy by the officer having the custody of the original without proof of the handwriting of such officer or of his having such custody;

(c) a letter, return or other document respecting the service of any person in or the discharge of any person from any portion of the Defence Force or any other portion of His Majesty's Forces or respecting a person not having served in or belonged to any portion of the Defence Force or any other portion of His Majesty's Forces if purporting to be signed by or on behalf of one of His Majesty's principal Secretaries for State, or of the Commissioners of the Admiralty, or by or on behalf of the Minister of State for Defence or by or on behalf of the Minister of State of any British Colony or of the Air Board or of the Military Board or of the Naval Board or by the commanding officer of any portion of the Defence Force or any other portion of His Majesty's Forces or any of His Majesty's ships whether Imperial or Dominion or Colonial to which such person appears to have belonged shall be evidence of the facts stated in such letter return or other document;
(d) a list of officers purporting to be printed by the Government Printer or the Gazette shall be primary evidence of the status and rank of the officers therein mentioned and of any appointment held by such officers and of the unit or arm or branch of the service to which such officers belong;

(e) a copy of any Air Force or other order of air-force authority purporting to be printed by the Government Printer or to be certified to be a true copy by the officer having the custody of the original shall be admissible as primary evidence without proof of the handwriting of such officer or of his having such custody;

(f) when a record is made in any book or other document in pursuance of these Regulations or otherwise in pursuance of air-force duty and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated;

(g) a copy of any such record purporting to be certified to be a true copy by the officer having the custody of such book or other document shall be primary evidence of such record without proof of the handwriting of such officer or of his having such custody;

(h) when the proceedings are proceedings against a member on a charge of being deserter or an absentee without leave and the member has surrendered himself into the custody of or has been arrested by a provost marshal, assistant provost marshal, or other officer of any portion of the Defence Force or any other portion of His Majesty's Forces a certificate purporting to have been signed by the provost marshal, assistant provost marshal, or other officer or the commanding officer of the portion of the Defence Forces or of any other portion of His Majesty's Forces to whom the surrender or by whom the arrest was made and stating the fact, date and place of the surrender or arrest shall be primary evidence of the matters so stated;

(i) when the proceedings are proceedings against a member on a charge of being a deserter or absentee without leave and the member within or without the limits of the Commonwealth has been delivered into air-force custody by a police officer, a certificate purporting to be signed by that police officer and stating the fact date and place of the surrender or arrest of the member shall be primary evidence of the matters so stated;

(j) where the proceedings are under Regulation 176 a certificate purporting to be a certificate of the birth of a person of the same name as the accused person shall be admissible in evidence without proof of the identity of the person named in such certificate and the accused person and such identity shall be presumed until the contrary be shown.
Division 2.—Offences.

171. Any member who—

(a) except as prescribed, knowingly claims pay on account of any parade with his unit for any member of any unit;
(b) knowingly claims pay for any member of the Air Force not present at any parade;
(c) knowingly includes in any parade state, or other return, the name of any person who is not a member;
(d) except as prescribed, knowingly claims or receives pay on account of any parade with any unit other than his own proper unit;
(e) knowingly claims or receives pay on account of any parade not attended or any duty not performed;
(f) knowingly obtains by means of any false pretence any pay or money belonging or payable to any other member; or
(g) knowingly retains or keeps in his possession with intent to apply it to his own use any pay or money belonging or payable to any member;

shall be guilty of an offence.

172. (1) Any member who communicates to any person otherwise than in the course of his official duty any plan, document or information relating to any fort, battery, field work, fortification or defence work, or to any defences of the Commonwealth, or to any factory, or air-force aerodrome or establishment, or any other naval, military or air-force information, shall be guilty of an offence.

(2) Any person who unlawfully obtains any plan, document or information relating to any fort, battery, field work, fortification or defence work, or air-force aerodrome or establishment or to any defences of the Commonwealth, or any other naval, military or air-force information, shall be guilty of an offence.

173. Any person who—

(a) knowingly signs a false parade state, roll, pay, list or return;
(b) forges or utters, knowing it to be forged, any warrant or order under these Regulations; or
(c) falsely personates any other person at any parade or on any occasion when the latter is required by these Regulations to do any act or to attend at any place;

shall be guilty of an offence.

174. (1) Any contractor, purveyor or other person, and any employee of a contractor, purveyor or other person, who fraudulently supplies to the Commonwealth or any officer of the Commonwealth for use by the Air Force—

(a) any article of food which is inferior in quality to or less in quantity than that specified in the contract, agreement or order under which it is to be supplied; or
(b) any aircraft, aircraft material, stores, machinery, vehicles, equipment, or beast of draught or burden which is inferior to that specified in the contract, agreement or order under which it is to be supplied;

shall be guilty of an offence.
(2) Any officer of the Commonwealth who fraudulently receives for use by the Air Force any article of food, or any aircraft, aircraft material, stores, machinery, vehicle, equipment or beast of draught or burden supplied in contravention of this Regulation, shall be guilty of an offence.

175. The punishment for an offence against the last four preceding Regulations shall be as follows, that is to say:

(a) if the offence is prosecuted summarily—a fine not exceeding twenty pounds, or imprisonment for a term not exceeding six months;

(b) if the offence is prosecuted upon indictment—imprisonment with or without hard labour for any term not exceeding three years;

(c) if the offence is prosecuted before a court martial—any prescribed punishment.

176. (1) Any person, of whom information is required by any officer or person in order to enable him to comply with the provisions of these Regulations relating to enlistment or enrolment, who refuses or neglects without just cause (proof whereof shall lie upon him) to give such information or who gives any false information, shall be liable to imprisonment for twelve months, or to a penalty of twenty pounds for each item of information demanded and refused or neglected to be given or falsely given, or both.

(2) Any person appointed in that behalf who without just cause (proof whereof shall lie upon him) refuses or neglects to make any enrolment, or to make or transmit, in the prescribed manner, any prescribed roll or return, or copy thereof, shall be liable to a penalty not exceeding fifty pounds.

(3) Where an offence against this Regulation is tried by court-martial the court may, in lieu of sentencing the offender to imprisonment, sentence him to detention for the same period as that for which he might have been sentenced to imprisonment or for any lesser period.

177. Any person who—

(a) when called upon in pursuance of these Regulations to enlist, fails to attend at the time and place appointed for medical examination or enlistment;

(b) counsels or aids any person, who is liable to enlist in the Air Force, to fail to enlist or to evade enlistment;

(c) counsels or aids any person who has enlisted or who is liable to enlist in any part of the Air Force not to perform any duty he is required by these Regulations to perform; or

(d) counsels or assists in concealing any person who is liable to enlist in the Air Force,

shall be guilty of an offence and shall be liable to a penalty of fifty pounds, or to imprisonment for six months, or both.

178. Any person who has enlisted, or who is liable to enlist for service in the Air Force and who refuses or neglects to take the oath in accordance with Form I, when tendered to him by a Justice of the Peace, or by an officer, shall be guilty of an offence and liable to imprisonment for six months.
179. Any person who—
   (a) procures or persuades any member to desert;
   (b) aids or assists any member in deserting; or
   (c) knowing any person to be a deserter from the Air Force, conveys him or aids him or assists him in concealing himself,
shall be guilty of an offence and shall be liable to a penalty of fifty pounds, or imprisonment for six months, or both.

180. (1) Any person who—
   (a) unlawfully disposes of or removes;
   (b) fails to deliver up when lawfully required so to do; or
   (c) has in his possession, except for lawful cause (the proof of which shall lie upon him), any arms, accoutrements or other air-force articles belonging to the Commonwealth or to any unit, shall be liable to a penalty not exceeding twenty pounds, and may be ordered by the court by which he is tried to be imprisoned for a period not exceeding three months, unless in the meantime he delivers up the article or pays its value.

(2) When an order has been made under this regulation the Court may by warrant in writing authorize any member of the Police Force of the Commonwealth, or of a State or part of the Commonwealth, or of a Territory, to take possession of the article and to deliver it to an officer, or as the Court thinks fit to direct.

(3) Any member of the Police Force of the Commonwealth or of a State or part of the Commonwealth, or of a Territory having any warrant under this Regulation, may in the day time enter any building, premises or place where the article is or is supposed to be, and may break open any part of the building, premises or place, or any chest, receptacle or thing therein, and may seize or take possession of the article and deliver it in accordance with the warrant.

181. Any person who fraudulently persuades or represents himself to be a member with the intent to obtain free conveyance by any railway, tramway, or airway, or to evade payment of any toll or duty, shall be liable to a penalty not exceeding ten pounds.

182. (1) Any person who—
   (a) Except as provided by these Regulations, sells, exchanges, pledges, or otherwise disposes of in any manner whatsoever (whether for valuable consideration or not) any air-force decoration conferred upon him;
   (b) Being a person other than a member of the family or the banker of the person on whom any air-force decoration was conferred, has in his possession, during the lifetime of the person on whom the decoration was conferred, an air-force decoration conferred on that person;
   (c) During the lifetime of the person on whom it was conferred, buys, or receives in exchange, or receives by way of pledge or otherwise, any air-force decoration conferred on that person;
   (d) Unless lawfully entitled thereto (proof whereof shall lie upon him), wears or makes use of any air-force decoration; or
(e) Defaces or destroys, by melting or otherwise, any air-force decoration, shall be guilty of an offence and shall be liable to a penalty of twenty pounds.

(2) Nothing in this Regulation shall prevent the disposal of decorations to the Commonwealth Government.

(3) Nothing in this Regulation shall prevent a female relative of the person upon whom an air-force decoration has been conferred from wearing the decoration after the decease of that person.

(4) Any air-force decoration, which is proved on the trial of any person in possession thereof for an offence against this Regulation to have been sold, exchanged, pledged, or otherwise disposed of in contravention of this Regulation, shall be forfeited to the King, and may without warrant, be seized by any member of the police force of the Commonwealth, or of a State or Territory, for delivery to the Air Board.

(5) The Minister may grant permits, in writing, subject to such conditions and restrictions as he thinks fit to public institutions or bona fide collectors to acquire and retain air-force decorations.

(6) Subject to the conditions and restrictions contained in the permit being complied with, the provisions of this Regulation shall not apply to the disposition or acquisition of any decorations under this sub-regulation and sub-regulation (5).

(7) Nothing in this Regulation shall prevent the disposition by will, or the acquisition by devolution of law in the case of intestacy of any air-force decoration.

183. Any person who unlawfully obstructs or interferes with any portion of the Air Force, or any member thereof, in the performance of any air service or duty, shall be liable to a penalty not exceeding twenty pounds.

184. (1) Any person who, without lawful authority, makes or attempts to make any sketch, drawing, photograph, picture, or painting of any fort, battery, fieldwork, fortification or any air-force work in the Commonwealth, or of any portion thereof, shall be liable to a penalty not exceeding one hundred pounds or, at the discretion of the Court, to be imprisoned, with or without hard labour, for any period not exceeding six months; and all sketches, drawings, photographs, pictures, and paintings, and all tools and all materials or apparatus for sketching, drawing, photographing or painting found in his possession shall be forfeited and may be destroyed, sold, or otherwise disposed of as the Governor-General directs.

(2) Any person who, without lawful authority, enters or approaches any fort, battery, fieldwork, fortification, or any air-force work with sketching, drawing, photographing or painting materials or apparatus in his possession, with the intention of committing any breach of the provisions of this Regulation, shall be liable to a penalty not exceeding fifty pounds, and all tools and materials or apparatus for sketching, drawing, photographing or painting found in his possession shall be forfeited and may be destroyed, sold, or otherwise disposed of, as the Governor-General directs.
(3) Any person who trespasses on any fort, battery, field work, fortification, or any air-force work, or on any land reserved for or forming part thereof, and whether any erection, fort, fortification or work of any kind is thereon or not, or any building or land reserved or set apart for or used in connexion with the administration, accommodation, or training of any part of the Air Force, shall be liable to a penalty not exceeding twenty pounds.

(4) Any member of the Defence Force, or of the Police Force of the Commonwealth or of a State, or of a Territory may, without warrant, arrest any person who he has reasonable ground to believe has committed an offence against this Regulation, and take him before a court of competent jurisdiction to be dealt with according to law.

188. (1) Any person who without the consent in writing of a commanding officer—

(a) sells or attempts to sell any goods or wares within the limits of any unit whether such person is or is not licensed as a hawker under the laws of a State; or

(b) enters any unit for the purpose of selling goods or wares or for any unlawful or immoral purpose—shall be guilty of an offence, and shall on conviction by a court of competent jurisdiction be liable to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour not exceeding three months.

(2) Any prosecution for an offence against this Regulation may be brought in a court of competent jurisdiction by, or by the authority of, a commanding officer or by any member of the Police Force of the Commonwealth or of a State or of a Territory.

189. (1) Any person who, not being a member, wears any uniform of the Air Force, or any colorable imitation thereof, shall be liable to a penalty not exceeding ten pounds.

(2) This Regulation shall not prevent any person from wearing any such uniform in the course of a stage play, a music hall or circus performance, a ball, or a bona fide air-force representation.

187. Any person who wears any uniform of the Air Force, or any dress having the appearance or bearing any of the distinctive marks of any such uniform in such a manner and under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress shall be liable to a penalty not exceeding twenty pounds.

188. Any person who induces or attempts to induce any other person to enlist or engage to serve in any air force, the raising of which has not been authorized by the Governor-General shall, upon conviction be liable to imprisonment with or without hard labour for a period not exceeding six months.

189. (1) Any employer who prevents any employee and any parent or guardian who prevents any son or ward from rendering the personal service required of him under Regulations 471 to 473 (both inclusive) and 492 shall be guilty of an offence.

Penalty: One hundred pounds.
(2) Any employer who in any way penalizes or prejudices in his employment any employee for rendering the personal service required of him under the Regulations referred to in the last preceding sub-regulation or for voluntarily enlisting or attempting to enlist in any force raised for active service either within or without the limits of the Commonwealth, either by reducing his wages or dismissing him from his employment or in any other way shall be guilty of an offence.

Penalty: One hundred pounds.

(3) The rendering of the personal service or the enlistment referred to in this Regulation shall not terminate a contract of employment, but the contract shall be suspended during the absence of the employee for the purposes referred to in this Regulation; but nothing in this Regulation shall render the employer liable to pay an employee for any time when he is absent from employment for the purposes referred to in this Regulation.

(4) In any proceedings for an offence against this Regulation it shall lie upon the employer to show that any employee proved to have been dismissed or to have been prejudiced or penalized in his employment or to have suffered a reduction of wages, was so dismissed penalized or prejudiced in his employment or reduced for some reason other than that of having rendered the personal service required of him under the Regulations referred to in sub-regulation (1) of this Regulation, or of having voluntarily enlisted or attempted to enlist in a force raised for active service, either within or without the limits of the Commonwealth.

(5) The Court may direct that the whole or any part of the penalty recovered from an employer for an offence against this Regulation shall be paid to the employee.

190. Any person subject to air-force law, and whether on war service or not, who—

(i) Without orders from his superior officer, leaves his guard, picket, patrol or post;
(ii) Forces a safeguard;
(iii) Forces or strikes an airman when acting as sentinel;
(iv) Being an airman acting as sentinel, sleeps or is drunk on his post, or leaves his post before he is regularly relieved;
(v) Causes or conspires with any other person to cause any mutiny or sedition in His Majesty's forces;
(vi) Endeavours to seduce any person in His Majesty's forces from allegiance to His Majesty, or to persuade any person in such forces to join in any mutiny or sedition;
(vii) Joins in, or being present does not use his utmost endeavour to suppress any mutiny or sedition in His Majesty's forces;
(viii) Coming to the knowledge of any actual or intended mutiny or sedition in His Majesty's forces does not without delay, inform his commanding officer of the same;
(ix) Strikes, or uses, or offers any violence to his superior officer, being in the execution of his office;
(x) Strikes, or uses, or offers any violence to his superior officer;

(xa) Uses threatening or insubordinate language to his superior officer;

(xi) Disobeys, in such a manner as to show willful defiance of authority, any lawful command given personally by his superior officer in the execution of his office, whether the same is given orally, or in writing, or by signal, or otherwise;

(xii) Disobeys any lawful command given by his superior officer;

(xiii) Being concerned in any quarrel, fray, or disorder, refuses to obey any officer (though of inferior rank) who orders him into arrest, or strikes, or uses, or offers any violence to any such officer;

(xiv) Strikes, or uses, or offers violence to any person, whether subject to air-force law or not, in whose custody he is placed, and whether he is, or is not, his superior officer;

(xv) Resists an escort whose duty it is to apprehend him or have him in charge;

(xvi) Being an airman breaks out of barracks, camp, or quarters;

(xvii) Neglects to obey any regulation or other order;

(xviii) Deserts, or attempts to desert, His Majesty's forces.

(xix) Absents himself without leave;

(xx) Fails to appear at the place of parade or rendezvous appointed by his commanding officer, or goes thence without leave before he is relieved, or without urgent necessity quits his duty or duties;

(xxii) Being an airman, when in camp or garrison or elsewhere, is found beyond any limits fixed, or in any place prohibited by any order, without a pass or written leave from his commanding officer;

(xxiii) Being an officer, behaves in a scandalous manner unbecoming the character of an officer and a gentleman;

(xxiv) Being charged with or concerned in the care or distribution of any public or service money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in or connives at the stealing, fraudulent misapplication, or embezzlement thereof or willfully damages any such goods;

(xxv) Malingers, or feigns, or produces disease or infirmity;

(xxv) Wilfully maims or injures himself or any other person subject to air force law, whether at the instance of such other person or not, with intent thereby to render himself or such other person unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service;
(xxvi) Is wilfully guilty of, any misconduct, or wilfully disobeys, whether in hospital or otherwise, any order, by means of which misconduct or disobedience he produces or aggravates disease or infirmity, or delays its cure;

(xxvii) Steals, or embezzles, or receives, knowing them to be stolen or embezzled, any money or goods the property of a person subject to air-force law or any money or goods belonging to any service mess, or to any service institution, or any public money or goods;

(xxviii) Is guilty of an offence of a fraudulent nature not particularly specified in these Regulations, or of any other disgraceful conduct of a cruel, indecent, or unnatural kind;

(xxix) Is drunk, whether on duty or not on duty;

(XXX) When in command of a guard, piquet, patrol or post, releases without proper authority, whether wilfully or otherwise, any person committed to his charge;

(XXXI) Wilfully, or without reasonable excuse, allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard;

(XXXII) Unnecessarily detains a person in arrest or confinement, without bringing him to trial, or fails to bring his case before the proper authority for investigation;

(XXXIII) Having committed a person to the custody of any officer, warrant-officer, non-commissioned officer, provost marshal, or assistant provost marshal, fails without reasonable cause to deliver at the time of such committal or as soon as practicable, and in any case within twenty-four hours thereafter, to the officer, warrant-officer, non-commissioned officer, provost marshal or assistant provost marshall, into whose custody the person is committed, an account in writing, signed by himself, of the offence with which the person so committed is charged;

(XXXIV) Being in command of a guard, does not, as soon as he is relieved from his guard or duty, or if he is not sooner relieved, within twenty-four hours after the person is committed to his charge, give in writing to the officer to whom he may be ordered to report the person's name and offence, so far as known to him, and the name and rank of the officer or other person by whom he was charged, accompanied, if he has received the account mentioned in the last preceding paragraph by that account;

(XXXV) Being in arrest or confinement, or in prison, or in a place of detention, or otherwise in lawful custody, escapes or attempts to escape;
(xxxvi) Loses by neglect, or wilfully injures his arms, ammunition, equipment, instruments clothing or any property belonging to a person subject to air-force law, or to any service mess, or to any service institution, or any public property;

(xxxvii) Makes a false accusation against any officer or airman, knowing such accusation to be false;

(xxxviii) In making a complaint where he thinks himself wronged, knowingly makes any false statement affecting the character of an officer or airman, or knowingly or wilfully suppresses any material facts;

(xxxix) Uses traitorous or disloyal words regarding the Sovereign;

(xl) Being an officer or non-commissioned officer, strikes or otherwise ill-treats an airman;

(xli) Being an officer or non-commissioned officer, having received the pay of an officer or airman, unlawfully detains or unlawfully refuses to pay the same when due;

(xlii) On application being made to him, neglects or refuses to deliver over to the civil magistrate, or to assist in the lawful apprehension of, any officer or airman accused of an offence punishable by a civil court;

(xliii) Is guilty of any act, conduct, disorder, or neglect to the prejudice of good order and air-force discipline;

(xliv) Being cognizant of any desertion or intended desertion of a person subject to air force law, does not forthwith give notice to his commanding officer, to take any steps in his power to cause the deserter or intending deserter, to be apprehended;

(xlv) In any report, return, muster roll, pay list, certificate, book, route or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy—

(a) knowingly makes or is privy to the making of any false or fraudulent statement; or

(b) knowingly makes or is privy to the making of any omission with intent to defraud;

(xlvi) Knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce;

(xlvii) When signing any document relating to pay, arms, ammunition, equipment, clothing, service necessities, provisions, furniture, bedding, blankets, sheets, utensils, forage or stores, leaves in blank any material part for which his signature is a voucher;

(xlviii) Refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send;
(xl ix) Being an airman, falsely states to his commanding officer that he has been guilty of desertion or of fraudulent enlistment, or has served in and been discharged from any portion of His Majesty's Forces;

(i) Being duly summoned, or ordered to attend as a witness before a court-martial, makes default in attending;

(ii) Refuses to take an oath legally required by a court-martial to be taken;

(iii) Refuses to produce any document in his power or control legally required by a court-martial to be produced by him;

(iii i) Refuses, when a witness, to answer any question to which a court-martial may legally require an answer;

(iv) Is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court;

(iv i) When examined on oath or solemn declaration before a court-martial, or any court or officer authorized to administer an oath, wilfully gives false evidence;

(iv ii) Having been discharged or dismissed with disgrace from any part of His Majesty's Forces, has afterwards enlisted or obtained an appointment in any part of the Air Force without declaring the circumstances of his discharge or dismissal;

(iv iii) Having made a wilfully false answer to any question set forth in the attestation paper which has been put to him by, or by direction of, the justice or officer before whom he appears for the purpose of being attested;

(iv i i i) Is concerned in the enlistment for service in the Air Force of any person, when he knows or has reasonable cause to believe such person to be in circumstance that by enlisting he commits an offence against these Regulations;

(lx) Wilfully contravenes any of these Regulations or any orders of the service in any matter relating to the enlistment or attestation of airmen;

(lx) Whether serving with any of His Majesty's Forces or not, without due authority, either verbally or in writing, or by signal or otherwise, discloses the number or position, of any force, or any magazines or stores thereof, or any preparations for, or orders relating to, operations or movements of any force, at such time and in such manner as, in the opinion of the Court, to have produced effects injurious to His Majesty's Service;
(lxii) Commits the offence of fraudulent enlistment, that is to say:—When belonging to any part of His Majesty's Forces without having obtained a regular discharge therefrom or otherwise fulfilled the conditions enabling him to enlist or enrol, enlists or enrolls himself in any part of the Air Force, or when belonging to the Air Force, without having fulfilled the conditions enabling him to enlist, enrol, or enter the Naval or Military Forces of the Commonwealth, enrols himself or enlists in or enters the Naval or Military Forces of the Commonwealth;

(lxiii) Wilfully or by wilful neglect or negligently damages, destroys or loses any of His Majesty's aircraft or aircraft material;

(lxiv) Is guilty of any neglect likely to cause damage to, destruction or loss of any of His Majesty's aircraft or aircraft material;

(lxv) Without lawful authority disposes of any of His Majesty's aircraft or aircraft material;

(lxvi) Wilfully or by wilful neglect or negligently causes any danger in flying to the life of any officer or airman; or

shall be guilty of an offence and, on conviction by court martial, or by a civil court, be liable to suffer one or more of the penalties prescribed by Division 10 of this Part of these Regulations.

191. When not on war service, any person subject to air-force law who—

(i) Uses blasphemous or obscene language or speaks or acts indecently or engages in immoral conversation when on duty;

(ii) Neglects or refuses to pay any penalty or fine for an offence against these Regulations by order of a civil court, by sentence of court martial, or by award of a commanding officer;

(iii) Is guilty of neglect of duty; or

(iv) Is or has been negligent or careless in the discharge of his duties, or by his neglect, default, carelessness, non-observance of or non-compliance with these Regulations, or any instructions lawfully given, improper discharge of his duties, or otherwise, causes or has caused loss to a comrade, an officer, any service mess, any service institution, or the Government, of any money or goods,

shall be guilty of an offence and, on conviction by court martial, or by a civil court, be liable to suffer one or more of the penalties prescribed by Division 10 of this Part of these Regulations.
192. When on war service any person subject to air force law who—

(i) Shamefully abandons or delivers up any garrison, place, post, or guard, or uses any means to compel or induce any Governor, Commanding Officer, or other person shamefully to abandon or deliver up any garrison, place, post or guard, which it was the duty of such Governor, Officer or person to defend;

(ii) Shamefully casts away his arms, ammunition, or tools in the presence of the enemy;

(iii) Treacherously holds correspondence with or gives intelligence to the enemy, or treacherously or through cowardice sends a flag of truce to the enemy;

(iv) Assists the enemy with arms, ammunition, or supplies, or knowingly harbours or protects an enemy not being a prisoner;

(v) Having been made a prisoner of war, voluntarily serves with or voluntarily aids the enemy;

(vi) Knowingly does when on war service any act calculated to imperil the success of His Majesty's Forces or any part thereof;

(vii) Misbehaves or induces others to misbehave before the enemy in such a way as to show cowardice;

(viii) Treacherously or shamefully or negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft;

(ix) Treacherously gives any false air signal or alters or interferes with any air signal;

(x) When ordered by his superior officer or otherwise under orders to carry out any warlike operation treacherously or shamefully or negligently fails to use his utmost exertions to carry such orders into effect;

(xi) Without orders from his superior officer leaves the ranks, in order to secure aircraft, prisoners or horses, or on pretence of taking wounded men to the rear;

(xii) Without orders from his superior officer willfully destroys or damage any property;

(xiii) Is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner fails to rejoin His Majesty's Forces when able to rejoin the same;

(xiv) Without due authority, either holds correspondence with, or gives intelligence to, or sends a flag of truce to the enemy;

(xv) By word of mouth, or in writing, or by signals, or otherwise spreads reports calculated to create unnecessary alarm or despondency;

(xvi) In action, or previously to going into action, uses words calculated to cause alarm or despondency;

(xvii) Negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft;
(xviii) When ordered by his superior officer or otherwise under orders to carry out any warlike operation negligently or through other default fails to use his utmost exertion to carry the orders into effect;

(xix) Breaks into any house or other place in search of plunder;

(xx) By discharging firearms, making signals, using words, or by any means whatever, intentionally or negligently occasion false alarms;

(xxi) Treacherously or otherwise makes known the parole, watchword, or countersign to any person not entitled to receive it, or treacherously gives a parole, watchword, or countersign different from what he received;

(xxii) Impedes the provost-marshal, or any assistant provost-marshal, or any officer, warrant officer or non-commissioned officer, or other person legally exercising authority under or on behalf of the provost-marshal, or when called on, refuses to assist in the execution of his duty the provost-marshal, assistant provost-marshal or any such officer, warrant officer, non-commissioned officer or other person;

(xxiii) Does violence to any person bringing provisions or supplies to the forces; or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving;

(xxiv) Irregularly detains or appropriates to his own formation, unit, or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect;

(xxv) Persuades, endeavours to persuade, procures or attempts to procure any person to desert from His Majesty's Forces;

(xxvi) Assists any person to desert His Majesty's Forces;

(xxvii) Being an airman, without leave from his commanding officer, or without due cause, absents himself from any school when duly ordered to attend there;

(xxviii) Connives at the exaction of any exorbitant price for a house or stall let to a sutler;

(xxix) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barracks, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores for the use of His Majesty's Forces;

( xxx) Makes away with, or is concerned in making away with (whether by pawning, selling, destruction, or otherwise howsoever) his arms, ammunition, equipment, instruments, clothing, service necessaries, or any aircraft of which he has charge;

(xxxi) Makes away with (whether by pawning, selling, destruction, or otherwise howsoever), or willfully injures, any naval, military, or air-force decoration granted to him;

(xxxxii) Ill-treats any horse or other animal used in the public service;
(xxxiii) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration;

(xxxiv) Is guilty of any ill-treatment, by violence, extortion, or making disturbances in billets, of the occupier of a house in which any person is billeted;

(xxxv) Being an officer, refuses or neglects, on complaint and proof of such ill-treatment by any officer or airman under his command, to cause compensation to be made for the same;

(xxxvi) Fails to comply with the regulations and orders with respect to the payment of the just demands of the person on whom he or any member under his command has been billeted, or to the making up and transmitting of an account of the money due to such person;

(xxxvii) Willfully demands billets which are not actually required for some person entitled to be billeted;

(xxxviii) Takes, or knowingly suffers to be taken, from any person any money or reward for excusing or relieving any person from his liability in respect of the billeting or quartering of members or any part of such liability;

(xxxix) Uses or offers any menace to or compulsion on a constable or other civil officer to make him give billets contrary to the regulations and orders with respect thereto, or tending to deter or discourage him from performing any part of his duty under the provisions of the regulations and orders relating to billeting, or tending to induce him to do anything contrary to his said duty;

(xl) Uses or offers any menace to or compulsion on any person tending to oblige him to receive, without his consent, any person not duly billeted upon him in pursuance of the provisions of the regulations and orders in respect of billeting, or to furnish accommodation which he is not thereby required to furnish;

(xli) Willfully demands any carriages, animals, vessels, aircraft material, food, forage, or stores which are not actually required for the purposes authorized by these Regulations;

(xlii) Fails to comply with the provisions of these Regulations relating to the impressment of aircraft and carriages as regards the payment of sums for aircraft and carriages or as regards the weighing of the load;

(xliii) Constrains any carriage, animal, vessel or aircraft furnished in pursuance of the provisions of these Regulations to travel against the will of the person in charge thereof beyond the proper distance, or to carry against the will of such person any greater weight than it is required by the said provisions to carry;
(xlv) Does not discharge as speedily as practicable any carriage, animal, vessel or aircraft, or permits the person in charge thereof to be compelled, to take thereon any baggage or stores not entitled to be carried, or, except where the carriage or animal or aircraft is furnished upon a requisition of emergency, to take thereon any person (except in case of sickness) or any person;

(xlv) Ill-treats or permits such person in charge to be ill-treated;

(xlvi) Uses or offers any menace to, or compulsion on, a constable to make him provide any carriage, animal, vessel, aircraft, aircraft material, food, forage, or stores, which he is not bound in pursuance of these Regulations relating to the requisition of aircraft and carriages to provide, or tending to deter or discourage him from performing any part of his duty in relation to the providing of carriages, animals, vessels, aircraft, aircraft material, food, forage or stores, or tending to induce him to do anything contrary to his duty;

(xlvii) Forces any carriage, animal, vessel, aircraft, aircraft material, food, forage or stores, from the owner thereof; or

(xlviii) During a state of war wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of His Majesty's aircraft;

shall be guilty of an offence and on conviction by court martial, be liable to suffer one or more of the penalties prescribed by Division 10 of this Part of these Regulations.

193. Any person who, whilst on war service, commits any offence not in these Regulations mentioned but which is punishable by civil law, shall on conviction by court martial be liable to suffer one or more of the penalties prescribed by Division 10 of this Part of these Regulations.

Division 3.—Arrest, Custody and Suspension.

194. Any member charged with any air-force offence committed when on duty or wearing his uniform may be arrested, pursuant to the order of any person authorized by the next succeeding regulation to issue such order, by any member of the Defence Force, and detained in custody until he can be tried for the offence, but in the case of members of the Citizen Air Force, such arrest or custody shall not continue longer than while the unit to which such member belongs remains under arms or on duty, or if not then on duty until such member shall have resumed civilian attire, which he shall without unnecessary delay be permitted to do.
195. (1) An officer liable to arrest for an air-force offence may be ordered into air-force custody by—

(a) an air member of the Air Board; or
(b) the air or other officer commanding under whose command the offender is serving.

(2) An officer may order into air-force custody an officer of inferior rank or any airman liable to arrest for an air-force offence.

(3) A warrant officer or non-commissioned officer may order into air-force custody an airman of inferior rank liable to arrest for an air-force offence.

(4) An officer may order into air-force custody an airman or an officer liable to arrest (though he is of higher rank) engaged in a quarrel, fray, or disorder; and any such order shall be obeyed, notwithstanding the person giving the order and the person in respect of whom the order is given do not belong to the same unit of the Air Force.

196. An officer, warrant officer, or non-commissioned officer commanding a guard, or a provost marshal or assistant provost marshal shall not refuse to receive or keep any person liable to arrest who is committed to his custody by an officer, warrant officer, or non-commissioned officer; but the officer, warrant officer or non-commissioned officer who commits any person into custody shall deliver at the time of such committal, or as soon as practicable, but not less than twenty-four hours thereafter to the person into whose custody the person is committed an account, in writing, signed by himself, of the offence with which the person so committed is charged.

197. Any member who absconds or deserts and any person liable to be tried by court martial for any offence committed by him may be arrested within or beyond the Commonwealth by a member of the Defence Force, or by a member of the Police Force of the Commonwealth or of a State or of a Territory, or of the country in which the member is found, pursuant to any warrant under the hand of—

(a) an air member of the Air Board;
(b) an air or other officer commanding; or,
(c) the commanding officer of the member to be arrested,
and shall be dealt with in the manner prescribed or as directed by the warrant.

198. Any written order or warrant for the arrest of any deserter or absconder from the Air Force issued by any prescribed person may be executed within or beyond the Commonwealth by any member of the Defence Force or by any police officer of the Commonwealth, or State or of a Territory or of the country in which the member is found.

199. (1) Warrants for the temporary detention in any prison or other authorized place of any person charged with an offence triable by court-martial shall be in accordance with Form 32 or 34, as the case requires, and may be issued by—

(a) an air member of the Air Board;
(b) an air or other officer commanding; or,
(c) an officer having or being responsible for the custody or control of the person to be detained.
(2) The Governor of a prison to whom any warrant issued in pursuance of this Regulation, is directed, shall take cognizance of it without proof of the signature of the person by whom it purports to be signed.

(3) This Regulation shall not affect any power under any law to detain any person in air-force custody.

200. (1) Arrest shall be either close arrest or open arrest and when arrest is not described as open arrest, it shall mean close arrest.

(2) An officer in close arrest shall not leave his quarters or tent except to take such exercise under supervision as the medical officer considers necessary.

(3) When in open arrest an officer may take exercise at stated periods within defined limits, which shall be the precincts of the barracks or camp of his unit; these limits may be enlarged at the discretion of the commanding officer of the unit. An officer in open arrest may under strict orders as to his conduct be directed to proceed from one unit to another or be permitted to leave his unit, for a particular purpose. An officer in open arrest shall not use his own or any other mess premises whatsoever; he shall not appear in any place of amusement or entertainment or at public assemblies and he shall not appear outside his tent or quarters dressed otherwise than in uniform.

(4) The last preceding sub-regulation shall apply also to a warrant officer or a non-commissioned officer. A non-commissioned officer in open arrest shall not enter a canteen but if he is a member of the sergeants’ mess he may have his meals in the mess.

(5) An aircraftman in open arrest shall not quit barracks or camp until his case has been disposed of but he shall attend parades. He shall not enter a canteen. An aircraftman on being placed in close arrest shall be placed in confinement under charge of a guard, picket, patrol, sentry, or member of the service police and shall be searched and deprived of knives and other weapons. The accommodation available in barracks for the temporary confinement of aircraftmen in close arrest shall be the guard detention room attached to the guard room and similar rooms for the confinement of those who are to be kept apart.

(6) An airman in close arrest not under sentence may be committed by a warrant, in accordance with Form 32, signed by a prescribed authority for temporary safe custody for any period not exceeding seven days and to any place of detention or where no such place is available to a police station or lock-up.

(7) An airman who has been remanded for trial by court martial may be committed for safe custody to a place of detention as provided by sub-regulation (6) if no safe custody is otherwise available.

(8) An airman in arrest shall be deprived of his cap and of any articles he can use as missiles during the investigation of offences and during his trial.

(9) An offender while in close arrest shall not be required to perform any duty other than such duties as are necessary to relieve him from the charge of any moneys, equipment, stores, accounts or office of which he may have charge or for which he is responsible.
An offender while in open arrest may be ordered by his commanding officer to carry out such flying and other duties as are necessary in the course of his training or such part of his ordinary duties as his commanding officer considers advisable he should perform.

(11) Notwithstanding anything contained in this Regulation an offender on war service may be ordered to bear arms, attend parades and perform all his ordinary duties provided that he shall not be required to perform any duties in addition to those performed by airmen who are not in arrest or undergoing punishment.

(12) An offender when in close arrest is not to bear arms except by order of his commanding officer in an emergency or as provided by this Regulation or when proceeding to a detention barracks.

(13) If by error or in emergency an offender has been ordered to perform any duty which by this Regulation he is not required to perform he shall not thereby be absolved from liability to be proceeded against for the offence for which he is under arrest.

(14) An airman in close arrest shall be allowed his bedding and shall take sufficient exercise under supervision for the preservation of his health.

201. As supplied to an officer or airman not under sentence, "air-force custody" means putting the offender in arrest or in confinement and includes naval and military custody; but an officer or airman may, if circumstances require it, be placed for custody under the charge of a guard, piquet, patrol, sentry, provost-marshal or assistant provost-marshal.

202. An officer may be placed in arrest by a competent authority without previous investigation when circumstances so require; but a commanding officer on receiving a complaint or learning of circumstances tending to inculpate an officer shall not ordinarily place him in arrest until he has satisfied himself by inquiry that it will be necessary to proceed with the case and to report it to superior authority. He shall place in arrest an officer against whom he prefers a charge. When an officer is placed in arrest whether afterwards released or not the commanding officer shall report the case without delay to the Air Board.

203. (1) An officer shall not be released from arrest, except when it appears that the arrest has been made through error by the officer who ordered his arrest, without the sanction of the highest authority to whom the case may have been referred.

(2) An officer has no right to demand a court-martial upon himself or after he has been released by proper authority to persist in considering himself under the restraint of arrest or to refuse to return to his duty.

(3) Where an officer is released from arrest when being dealt with summarily or tried by court martial a report of the circumstances shall be sent to the Air Board by the officer who orders the release.

204. Warrant officers or non-commissioned officers if charged with a serious offence shall be placed under arrest forthwith but if the offence alleged does not appear to be serious it may be disposed of
without previous arrest. In cases where doubt exists whether the
offence alleged has been committed arrest may be delayed without
prejudice to any subsequent proceedings.

205. (1) An aircraftman charged with a serious offence shall be
placed in arrest on the commission or discovery of the offence. He shall
not be placed in close arrest for offences unaccompanied by drunken-
ness, violence or insubordination unless confinement is necessary to
ensure his safe custody or for the maintenance of discipline.

(2) An aircraftman who disobeys an order distinctly given or
resists the authority of a warrant officer or a non-commissioned officer
shall be placed in close arrest without altercation and the fact im-
mediately reported to his subordinate commander or to the adjutant.
When a warrant officer or non-commissioned officer has to place an
aircraftman in close arrest he shall obtain the assistance of one or more
aircraftmen to conduct the offender to the guard room and shall
himself avoid coming in contact with him.

(3) An aircraftman who is drunk shall be placed in close arrest
alone if possible in a guard detention room. He may be deprived of his
boots except when the weather is cold and he is likely to suffer in
consequence. He shall be visited and his condition ascertained at
least every two hours by a non-commissioned officer of the guard and
an escort. Should any symptoms of serious illness be observed a
medical officer shall forthwith be sent for.

206. Where an airman makes a confession of desertion or of having
committed an offence in relation to enlistment and the investigation
cannot be completed immediately he need not be placed in arrest
pending inquiry. But if at the time of confession or subsequently he
is charged with any other offence he may be placed in arrest and the
investigation and trial may proceed for that offence independently of
the confession.

207. (1) An airman suspected of being drunk shall not be put
through any drill or tested for the purpose of ascertaining his con-
dition.

(2) An airman charged with drunkenness shall not be brought
before an officer for investigation of the charge until he is perfectly
sober.

208. The commander of the guard, shall if so requested by a person
received into custody, declare to him the rank and name of the officer,
warrant officer or non-commissioned officer who has preferred a charge
against the person or has ordered his arrest, and on receipt of the
charge, to deliver to him a copy thereof.

209. (1) A member of the Permanent Air Force or the Citizen
Air Force, whether liable to arrest or not, by whom an air-force offence
is alleged or suspected to have been committed, may be suspended until
inquiry into the matter is made, and until, in consequence of the inquiry
or of other information relating to the matter, he is charged with
the offence and (if liable to arrest) placed under arrest or the sus-
pension is removed.

(2) If a member, while suspended under this Regulation, is placed
under arrest in consequence of a charge not connected with the matter
in respect of which he was suspended, his suspension shall nevertheless be deemed to continue until disposed of as provided in the last preceding sub-regulation.

(3) Whether liable to arrest or not, a member against whom, for an air-force offence or any other offence, a prosecution is commenced in a civil court, or who is charged with any such offence as is mentioned in sub-regulation (1) of this Regulation, but is not placed under arrest, may be suspended or may be left under suspension until the prosecution or charge is finally disposed of.

(4) Suspension shall commence on the day on which it is communicated to the person suspended.

(5) A member under suspension shall be deemed to have been suspended in respect of any air-force offence which, before the suspension is removed, he is alleged or suspected to have committed before or after the suspension began, and in respect of any prosecution against him which is commenced in a civil court before his suspension is removed.

(6) A member while under suspension—
   (a) shall not be entitled to receive any pay or allowance in respect of the period of suspension and,
   (b) when liable to arrest, shall be under the same disabilities as if he were under open arrest, except that, being an officer, he may wear plain clothes.

(7) A member of the Citizen Air Force shall not by suspension be relieved from any liability imposed on him by these Regulations, but he shall—
   (a) attend drills, but if an officer, warrant officer, or non-commissioned officer, he shall do so in plain clothes, and
   (b) attend for continuous training, or if called out for war service, as if he were not under suspension, and having assembled shall remain in attendance under suspension; and
   (c) when not liable to arrest, not wear the uniform except in accordance with this Regulation, or unless ordered by his superior officer, and he shall not take part in any air-force meeting of any nature.

(8) If a charge is not made and a civil prosecution is not commenced against a member in relation to a matter in respect of which he has been suspended, or if all charges made and prosecutions commenced are abandoned, dismissed, or result in acquittal, the suspension shall be removed and the member shall become entitled to receive pay and allowances as if there had been no suspension; but if the member is convicted on any such charge or prosecution he shall forfeit all pay and allowances for the period during which he was under suspension.

(9) Suspension under this Regulation may be ordered or removed by the Air Member for Personnel, an air or other officer commanding, or the commanding officer of the person suspended.
Division IV.—Investigation and Disposal of Charges.

210. (1) Any charge against a person taken into air-force custody shall be investigated without delay in his presence by the proper air-force authority. As soon as possible thereafter, proceedings shall be taken for punishing the person for the offence, or the person shall be discharged from custody.

(2) An officer, who does not dismiss or summarily dispose of a charge which he investigates, shall avoid expressing any opinion as to the guilt or innocence of the person charged.

(3) The charge against an officer or airman in arrest shall be disposed of on any day (Sunday, Good Friday, and Christmas Day excepted), and when practicable in the morning.

(4) Any charge against an airman shall be investigated in the first instance by the subordinate commander at such hour as allows an airman reserved for disposal by the commanding officer being ready to go before him at the appointed time.

211. (1) A commanding officer shall take care that a person under his command, when charged with an offence, is not detained in custody for more than forty-eight hours after the committal of that person into custody is reported to him, without the charge being investigated, unless investigation within that period does not seem to him practicable.

(2) Any case where a person is detained in custody beyond a period of forty-eight hours, and the reason therefor, shall be reported by the commanding officer to the air or other officer to whom application would be made to convene a court-martial for the trial of the person charged.

212. (1) Any charge against an airman shall be heard in the presence of the accused.

(2) The accused shall have full liberty to cross-examine any witness against him, and to call any witnesses and make any statement in his defence.

(3) On the application of the accused, he and his wife may be called as witnesses, but neither he nor his wife shall be called as a witness except on his own application.

(4) If the accused demands that the evidence against him be taken on oath, the oath shall be administered to each witness by the investigating officer in accordance with Form 11 (6).

213. (1) The commanding officer shall dismiss a charge brought before him if in his opinion the evidence does not show that some offence against these Regulations has been committed, or if, in his discretion, he thinks the charge ought not to be proceeded with.

(2) At the conclusion of the hearing of a charge, if the commanding officer is of opinion that the charge ought to be proceeded with, he shall, without unnecessary delay, either—

(a) dispose of the case summarily;
(b) refer the case to the proper superior air-force authority; or
(c) adjourn the case for the purpose of having the evidence reduced to writing.
(3) Where the case is adjourned, at the adjourned hearing the evidence of the witnesses who were present and gave evidence before the commanding officer, whether against or for the accused, and of any other person whose evidence appears to be relevant, shall be taken down in writing in the presence of the accused before the commanding officer or such officer as he directs.

(4) The accused may put questions in cross-examination to any witness and the questions with the answers shall be added in writing to the evidence taken down.

(5) The evidence of each witness when taken down, shall be read over to him, and shall be signed by him, or, if he cannot write his name, shall be attested by his mark and witnessed.

(6) After all the evidence against the accused has been given, the accused shall be asked, "Do you wish to make any statement, or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so; but whatever you say, or any evidence you give, will be taken down in writing and may be given in evidence."

(7) Any statement or evidence of the accused shall be taken down, but he shall not be cross-examined upon it.

(8) If the accused is remanded for trial by court-martial, evidence shall not be admitted at his trial of any statement which he may have made or evidence which he may have given at the taking of the summary of evidence before such caution was addressed to him.

(9) If the commanding officer so directs or if the accused so demands, the evidence of any such witness, whether for or against the accused, shall be taken on oath; and the oath shall be administered by the commanding officer, or by the officer before whom he directs the summary to be taken, in accordance with Form 11 (6).

(10) If a person cannot be compelled to attend as a witness, or if owing to exigencies of the service or on other grounds (including the expense and loss of time involved) the attendance of any witness cannot in the opinion of the officer taking the summary (to be certified by him in writing) be readily procured, a written statement of his evidence purporting to be signed by him may be read to the accused and included in the summary of evidence:

Provided that, if such person can be compelled to attend, the accused may demand that he shall attend for cross-examination.

214. (1) The evidence and statement (if any) taken down in writing in pursuance of the last preceding regulation (in these Regulations referred to as "the summary of evidence") shall be considered by the commanding officer, who thereupon shall either—

(a) remand the accused for trial by court-martial;
(b) refer the case to the proper superior air-force authority; or
(c) if he thinks it desirable, and the accused is an airman and has not elected to be tried by district court-martial, rehear the case and dispose of it summarily.

(2) If the accused is remanded for trial by court-martial, the commanding officer shall without unnecessary delay apply to the proper air-force authority to convene a court-martial.
(3) The summary of evidence, or a true copy thereof, shall be laid before the court-martial before whom the accused is tried on the assembly of the court, and a true copy thereof shall be given to the accused.

215. (1) Where an officer is charged with an offence against these Regulations, the investigations shall, if he so requires, be held, and the evidence taken in his presence in writing, in the same manner, as nearly as circumstances admit, as provided by Regulations 212 and 213.

(2) Where an officer is ordered for trial by court-martial without any such taking of evidence in his presence, an abstract of the evidence to be adduced shall be delivered to him gratis as soon as practicable after its preparation, and in any case not less than twenty-four hours before his trial, and shall be laid before the court-martial on the assembly of the court.

216. When an officer empowered to do so by these Regulations proceeds to deal with the case summarily and the accused demands that the evidence against him shall be taken on oath, the same oath shall be administered to each witness by the officer in accordance with Form 11 (6).

217. (1) If on the investigation of a charge sufficient evidence is not forthcoming as to whether the accused has or has not committed the offence, and there is no opportunity of carrying the investigation further at the time, the accused, if the alleged offence is serious, may be released from arrest and ordered to do duty without prejudice to his rearrest when further evidence is forthcoming, and the matter may be further inquired into, and if the alleged offence is not serious and there is no probability of sufficient evidence being obtainable within a reasonable time the charge shall be dismissed.

(2) When an accused person is released under the provisions of the last preceding sub-regulation, such release shall be conclusive evidence of the existence of the opinion of the commanding officer justifying the release.

(3) When an airman elects to be tried by court-martial, the commanding officer may, if he thinks the circumstances of the case justify it, release the airman from arrest pending trial.

(4) If when an airman is charged with one offence and another offence is discovered, the investigation of which cannot be immediately completed or proceeded with, the investigation and trial in respect of the original offence may proceed independently, the charge for the other offence being dealt with as provided in sub-regulation (1) of this Regulation.

218. (1) A warrant officer charged with drunkenness shall be remanded for trial by court-martial or summary disposal by an officer authorized in that behalf by these Regulations unless the commanding officer considers that the evidence is insufficient to justify such a course when the charge shall be dismissed.

(2) A non-commissioned officer charged with simple drunkenness for the first time during his service as a non-commissioned officer shall be dealt with by the commanding officer.
(3) Charges of simple drunkenness after the first since promotion to non-commissioned officer's rank or charges of drunkenness other than simple drunkenness shall be remanded for trial by court-martial.

(4) An aircraftman shall not be tried by court-martial for an act of simple drunkenness.

(5) For the purposes of this Part, an act of drunkenness committed when not on war service when the airman was not on duty or had not been warned for duty or had by reason of drunkenness rendered himself unfit for duty unless three findings of drunkenness have been recorded against him within the twelve months preceding the date of the offence under disposal or unless he has elected to be tried rather than be disposed of summarily by his commanding officer.

(6) Drunkenness on duty includes drunkenness on parade and on the line of march, and drunkenness when travelling by air, sea, road or rail includes drunkenness during any portion of the period between the date of departure and the date of arrival at destination.

(7) When an airman commits an offence of simple drunkenness in connexion with a more serious offence for which he is to be tried by court-martial, he shall not be charged with drunkenness before the court-martial unless he is liable to trial on that charge and the commanding officer considers that it should be so tried, but the offence of drunkenness shall nevertheless be recorded on the airman's conduct sheet.

219. (1) When a member of the Citizen Air Force is not on war service, and not attending continuous training, he may, by writing, signed by any proper air-force authority, and delivered to the member, or sent by post prepaid, addressed to him at, or left at his last known place of abode, be informed of a charge against him, and of the time and place appointed for the investigation of the charge; and, if the member does not attend at the time and place appointed, the investigation may take place, and all powers in relation to the charge may be exercised in his absence, and the evidence may be reduced to writing without any preceding hearing.

(2) When such a case is adjourned, the adjourned hearing and any remand, reference, or re-hearing may take place in the absence of the accused, and the procedure prescribed by Regulations 213 and 214 shall be modified accordingly.

(3) When under this Regulation a charge is investigated in the absence of the accused, and is dealt with summarily, the evidence shall be taken down in writing, and, with the award, shall be submitted to the Air Member for Personnel, who may disallow the award, or confirm it with or without mitigation or remission of punishment, or commutation for any less punishment which might have been awarded, and the award shall not take effect until so confirmed.

(4) An airman dealt with summarily in his absence under this Regulation shall be deemed to have elected to be dealt with summarily, and sub-regulation (1) of Regulation 235 shall not apply.

(5) Notwithstanding anything contained in this Regulation, a charge against a member of the Citizen Air Force may at any time be investigated, and all powers in relation thereto exercised at any time in
his presence without previous notice; but a member of the Citizen Air
Force shall not be discharged or reduced without having been notified,
in writing, of the charge against him.

(6) When the investigation of a charge is commenced in the
presence of a member of the Citizen Air Force, and is adjourned, and
the member not being on war service, is informed, by writing, in the
manner prescribed in sub-regulation (1) of this regulation, or orally,
of the time and place to which the adjournment is made, and he does
not attend at the time and place appointed, the investigation may be
completed, and all powers in relation to the charge may be exercised in
his absence; and the evidence may be reduced to writing without any
preceding hearing, and sub-regulations (2) and (4) of this regulation
shall apply.

220. Where not on war service, members of the Citizen Air Force
shall not be remanded by commanding officers for trial by court-martial
if the offence is one for which, if proved, a summary punishment would
be adequate.

Division 5.—Summary and Minor Punishments.

221. (1) A commanding officer not on war service may, without
reference to superior authority, dispose summarily of a charge against
an airman below the rank of warrant officer under the following
Regulations:—

(a) Regulations 176, 179, 180, 183, and 187;
(b) Paragraphs (i) to (iv), (both inclusive); (xii) to (xii),
(both inclusive); (xxix) to (xxxvi), (both inclusive);
(xlii) to (lvi), (both inclusive); (lxx) to (lxxii) and (lxvi) of
Regulation 190;
(c) Regulation 191 and sub-regulation (2) of Regulation 465.

(2) In a summary award for offences against the Regulations
mentioned in paragraph (a) of sub-regulation (1) of this Regulation,
the penalty shall not exceed five pounds.

(3) When on war service, a commanding officer may, without
reference to superior authority, dispose summarily of a charge against
an airman below the rank of warrant officer under the following
Regulations:—

(a) Paragraphs (i) to (iv), (both inclusive); (xii) and (lxvi) of Regulation 190 and paragraphs (xix) to (xxiv)
of Regulation 192; and
(b) Paragraphs (xvi) to (xxvii), (both inclusive); (xix) to
(xxiii), (both inclusive); (xxiv) to (xxvii), (both
inclusive); (xxv) to (xxxvi), (both inclusive); (xlii)
and (xliv) of Regulation 190; Paragraphs (xxvii) and
(xxx) to (xxxii), (both inclusive) of Regulation 192.

(4) When on active service a commanding officer shall not deal
summarily with a charge against an airman under the Regulations
mentioned in paragraph (a) of the last preceding sub-regulation.
(5) A breach of sub-regulations (1), (2), (3) and (4) of this Regulation, shall not invalidate a summary award of a commanding officer, but the disciplinary responsibility of any officer for such a breach shall not be removed by the validity of the award.

(6) A charge for any offence not specified in sub-regulations (1) or (3) of this Regulation, which the commanding officer desires to dispose of summarily shall be referred to superior authority in a letter stating the circumstances, and accompanied by the airman’s conduct sheet.

(7) The commanding officer may refer a charge for any offence to superior authority with an application for a court-martial, even if the offence is within his summary jurisdiction.

222. A superior officer to whom a charge is referred under the last preceding Regulation, may deal with it as follows:—

(a) He may refer the charge to the Air Board;
(b) He may direct the disposal of the charge summarily;
(c) If he has power to convene a district court-martial, he may convene such a court; or
(d) If he has power to convene a general court-martial, he may convene such a court or a district court-martial.

223. (1) When an officer, to whom a charge is submitted which he would in ordinary circumstances have referred to superior authority, is of opinion that delay is inexpedient he may dispose of the charge without reference to higher authority.

(2) Any exercise of a power under this Regulation shall be immediately reported to the officer to whom he would otherwise have referred the charge.

(3) The omission of a report under the last preceding sub-regulation shall not invalidate the exercise of the power, but the disciplinary responsibility of a commanding officer for his omission shall not be removed by the validity of the award.

224. For the purposes of Regulations 221, 222, and 223, the superior officer shall be the Air Member for Personnel, or in the case of a force on war service, the senior air or other officer commanding.

225. (1) In dealing summarily with a charge of absence without leave against an airman, a commanding officer shall have regard to his place of surrender or apprehension, the circumstances of his absence and the period passed in custody.

(2) Absence without leave shall be reckoned as terminating when the airman is taken into custody and in awarding punishment a commanding officer shall make allowance for any unusual delay in the disposal of the charge.

(3) If an airman below the rank of warrant officer is absent without leave, a commanding officer shall not make an award of forfeiture of pay in respect of the period of absence, but shall inform the airman of the number of days ordinary pay which he automatically forfeits under Regulation 162.

(4) In all cases involving such forfeiture an airman shall, unless he admits the absence, have the right under Regulation 225 to elect trial by district court-martial.
226. (1) An airman who has committed an offence against these Regulations shall, subject to Regulation 163 forfeit the whole of his pay while in hospital on account of any illness certified by the medical officer to have been caused by such offence.

(2) An officer who has disposed of any offence on account of which the airman is admitted into hospital shall at once communicate with the medical officer who shall furnish the certificate.

(3) If an airman is believed to have been admitted into hospital on account of an offence against these Regulations, the commanding officer shall at once hold a preliminary inquiry to enable the medical officer to furnish or refuse the certificate, and shall then remand the case for disposal on the airman's discharge from hospital.

227. (1) Any of the punishments prescribed by Regulations 228, 229, 230, 231, 238, 239 and 240 may be awarded severally or conjointly.

(2) Any award of detention, up to four days inclusive, shall be in hours.

(3) When a commanding officer has once awarded punishment for an offence he shall not afterwards increase the punishment for that offence.

(4) A commanding officer may at any time before the punishment has been completed mitigate or remit a summary or minor punishment awarded by him.

(5) The award of a commanding officer shall be considered final when the airman has been removed from the presence of the commanding officer.

228. When not on war service a commanding officer may, subject to the provisions of Regulations 221 and 225, award to an airman one or more of the following summary punishments:—

(a) To an airman—

(i) Any fine not exceeding five pounds;
(ii) Detention not exceeding seven days;
(iii) Forfeiture of all ordinary pay for a period not exceeding fourteen days; or
(iv) For drunkenness any fine not exceeding two pounds according to the scale prescribed in Regulation 232.

(b) To a non-commissioned officer or airman—

Such a deduction from ordinary pay as is required to make good compensation for any expenses caused by him, or for any loss, damage or destruction done by him to any aircraft or part thereof or any arms, ammunition, aircraft material, or any other equipment, clothing, instruments or service necessaries, or naval, military or air force decoration, or to any buildings or property as is awarded by his commanding officer, and in these cases the deduction from pay shall be limited to the equivalent of fourteen days' full pay, irrespective of any other punishment that may be awarded from the

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offence, and such deduction which shall not exceed the actual amount of the loss or damage shall be stated as a specific sum and not as a stoppage of so many days' pay.

229. When on war service a commanding officer may, subject to the provisions of Regulations 221 and 235, award to an airman one or more of the following summary punishments:

(a) To an aircraftman:—

(i) Detention for any period not exceeding twenty-one days:

Provided that:

(1) For a first offence of absence without leave not exceeding seven days, the award shall not exceed seven days detention; or

(2) Where a commanding officer is of, or below the rank of flight lieutenant, he shall not award detention for a period exceeding seven days except for the offence of absence without leave, for which he may award a period of detention not exceeding the number of days of absence; and

(ii) For drunkenness any fine not exceeding two pounds in accordance with the scale prescribed in Regulation 232.

(b) To a non-commissioned officer or an aircraftman:—

Such a deduction from ordinary pay as is required to make good compensation for any expenses caused by him or for any loss or damage or destruction done by him to any aircraft or part thereof, or any arms, ammunition, aircraft material or any other equipment, clothing, instruments, or service necessaries, or naval, military or air force decoration, or to any buildings or property, as is awarded by his commanding officer and in these cases the deductions from pay shall be limited to the equivalent of fourteen days' full pay, irrespective of any other punishment that may be awarded for the offence, and such deduction, which shall not exceed the actual amount of the loss or damage, shall be stated as a specific sum and not as a stoppage of so many days' pay.

230. When on active service a commanding officer may, subject to the provisions of Regulations 221 and 235 award to an aircraftman one or more of the following summary punishments:

(a) Field punishment for any period not exceeding twenty-one days; or

(b) Forfeiture of all ordinary pay for a period not exceeding fourteen days.
231. A commanding officer may, subject to the provisions of Regulations 231 and 232, award to an airmansman one or more of the following minor punishments:

(a) Confine to barracks or camp for any period not exceeding twenty-one days;

(b) Extra guards or pickets not exceeding three in number which shall only be awarded in respect of minor offences or irregularities when on or parading for these duties;

(c) Extra fatigue or punishment drill; or

(d) Admonition.

232. (1) For the offence of drunkenness fines shall be awarded according to the scale following:

(a) For the first offence during an airmans service, five shillings;

(b) For the second offence during an airmans service, ten shillings;

(c) For the third offence during an airmans service, fifteen shillings;

(d) For the fourth offence during an airmans service, twenty shillings.

(2) Any offence subsequent to the fourth offence shall be reported to the Air Board.

(3) When the offence is committed on parade or on duty or in camp or elsewhere in uniform, the fine shall be twenty shillings.

(4) In dealing with simple drunkenness unconnected with another offence confinement to barracks or camp shall only be added to a fine when the circumstances are such as to increase its gravity.

233. (1) Subordinate commanders may award airmansmen punishment not exceeding seven days confinement to barracks or camp for minor offences, and the prescribed fines for drunkenness.

(2) In the case of officers of less than three years' service this power may be limited by the commanding officer to an award of three days' confinement to barracks or camp.

(3) Any award under this Regulation shall be subject to any remission the commanding officer may order, but shall not be increased by him.

234. (1) When awarded in days the detention shall commence on the day of the award and, when awarded in hours, the detention shall commence when the airmansman under sentence is received at the place of detention to which he is committed, or if he has not been sooner received into the place of detention shall begin on the day after the day of the award at the hour fixed for the commitment and release of airmans under sentence.

(2) When an award includes detention and a minor punishment, the latter shall take effect at the termination of the detention.

(3) An airmansman undergoing detention or confinement to barracks or camp may, for a fresh offence, be awarded further detention or a minor punishment or both, and in the case of detention, it shall commence from the date of award, and in the case of a minor punishment it shall commence from the termination of the previous sentence.
(4) An airman shall not be detained by summary award for more than fourteen consecutive days, and the whole extent of consecutive punishment, including detention and confinement to barracks or camp shall not exceed twenty-eight days in the aggregate.

(5) A defaulter shall not be required to perform any part of a punishment which he has been unable to perform by reason of his being in hospital or under some concurrent sentence, or being employed on duty.

(6) Field punishment shall be carried out as provided by Regulation 422 and when awarded by a commanding officer shall begin on the day of the award.

(7) When awarded confinement to barracks or camp, defaulters shall be required to answer to their names at uncertain hours throughout the day, and shall be employed on working parties to the fullest practicable extent, with a view to relieving well conducted airmen therefrom, and they shall attend parades, and shall take all duties in regular turn, and when the working parties required are not sufficient to keep the defaulters fully employed, the commanding officer may order them to attend punishment drill after the expiration of ten days from the date of the award of confinement to barracks or camp.

(8) Extra guards or piequets shall be carried out with intervals of not less than seventy-two hours between such extra duties.

(9) Punishment drill—

(a) shall be carried out in marching order and shall consist of marching in quick time only and in very cold weather the double time may be used for short periods;

(b) shall not exceed one hour at a time and shall never exceed four hours altogether in one day;

(c) shall be carried out daily (Sundays excepted) within the confines of the station or camp, and when airmen are in billets defaulters shall be marched out under a non-commissioned officer on a road, but shall not be drilled in the streets of a town; and

(d) shall not be carried out after retreat unless an authority superior to the commanding officer considers that, owing to climate or other reasons, it is expedient, in which event the superior authority may sanction the exception.

235. (1) Except when on war service if an airman is dealt with summarily by his commanding officer and the award or finding involves a forfeiture of pay, or (though such forfeiture is not involved) the award is not an award of a minor punishment and his commanding officer has omitted to ask him whether he desires to be dealt with summarily or to be tried by district court-martial, the airman may, at any time on the same day before the hour fixed for the commitment and release of airmen under sentence, claim his right to be tried by a district court-martial.

(2) If the airman elects to be tried by court-martial he shall on any day previous to that on which the trial is ordered to be held, be given an opportunity of reconsidering his decision unless there are reasons against the adoption of such a course.
236. (1) Non-commissioned officers shall not be subject to summary or minor punishments or punished by being placed in any lower position on the list of their rank by their commanding officer, but they may be admonished, reprimanded or severely reprimanded.

(2) Non-commissioned officers below the rank of sergeant may be admonished or reprimanded by the officer commanding a flight.

(3) Acting non-commissioned officers may be ordered by a commanding officer to revert to their permanent grade but shall not be liable to summary or minor punishment in addition.

(4) The Air Member for Personnel, an officer of or above the rank of group captain, an officer authorized to convene a general court-martial, or a group commander, and when on war service the senior air or other officer commanding may, with or without hearing the evidence, dismiss any charge against a non-commissioned officer, if he in his discretion thinks that it ought not to be proceeded with, or where he thinks the charge ought to be proceeded with, take steps for bringing the offender to a court-martial, or may, after hearing the evidence, deal summarily with a non-commissioned officer charged with an offence under Regulation 221 by awarding him one or more of the following punishments:—

(a) Reduction to any lower grade or to the ranks;
(b) Severe reprimand or reprimand; or
(c) Any deduction authorized by these Regulations to be made from his ordinary pay.

237. (1) The Air Member for Personnel, an officer of or above the rank of group captain, an officer authorized to convene a general court-martial, or a group commander, and also when on war service the senior air or other officer commanding may, subject to the provisions of this Regulation, deal summarily with a charge against an officer below the rank of squadron leader.

(2) A charge shall not be dealt with under this Regulation except for an offence against the following regulations:—

(a) Paragraphs (i) to (iv) (both inclusive), (xa) and (xlvi) of Regulation 190, and paragraphs (xia) to (xxiv), both inclusive, of Regulation 192;

(b) Regulations 176, 180, 181, 299, sub-regulation (1) of Regulation 447 and sub-regulation (1) of Regulation 465; and

(c) Paragraphs (xiii) to (xvii), both inclusive; (xix) to (xxi), both inclusive; (xxvi), (xxvii), (xxix), (xli), (xliii), (xliv), (xlvii), (xlviii), (l), (lvii) and (lix) of Regulation 190, and Paragraph (i) of Regulation 191 and paragraphs (xxii), (xxiii), (xxiv), (xxvi), (xxxii), (xxxiv) and (xliv) of Regulation 192.

(3) When an offence against the Regulations mentioned in paragraph (a) of sub-regulation (2) of this Regulation is committed on active service, the charge shall not be dealt with summarily.
(4) The authority having power to deal summarily with the case may, with or without hearing the evidence, dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with, or where he thinks the charge ought to be proceeded with, take steps for bringing the offender to a court-martial, or may, after hearing the evidence, deal with the case summarily by awarding one or more of the following punishments:

(a) In the case of an officer—

(i) Forfeiture of seniority of rank in the manner prescribed in Regulation 363;

(ii) Severe reprimand or reprimand; or,

(iii) Any fine or payment of a sum of money to the extent to and in the manner in which such fine or payment might be imposed for the offence by a general court-martial; and

(b) In the case of a warrant officer—

(i) Forfeiture of seniority of rank in the manner prescribed in Regulation 363;

(ii) Severe reprimand or reprimand; or,

(iii) Any fine or payment of a sum of money to the extent to and in the manner in which such fine and payment might be imposed for the offence by a general court-martial; and

(iv) Any deduction authorized by these Regulations to be made from his ordinary pay.

238. (1) When not on war service a commanding officer may, subject to the provisions of Regulations 221 and 235 award one or more of the following summary punishments on an airman of the Citizen Air Force:

(a) Reduction in rank or to the ranks in the case of a non-commissioned officer;

(b) Dismissal (except in the case of persons liable to training under Regulation 492);

(c) Any fine for an offence against these Regulations exceeding ten shillings, but not exceeding two pounds; or

(d) Any fine not exceeding two pounds, sufficient to make good any expenses caused by him or for any loss of, or damage or destruction done by him to, any arms, ammunition, equipment, clothing, instruments, or necessaries, or any naval, military or air-force decoration, or to any buildings or property, but the total fine in any award shall not exceed five pounds.

(2) Before being reduced or dismissed under this Regulation, an airman shall be given full particulars in writing and an opportunity of showing cause against the charge.

(3) When a non-commissioned officer is summarily reduced by a commanding officer the case shall be referred together with the evidence to the Air Board for confirmation.

239. When not on war service a commanding officer may, subject to the provisions of Regulations 221 and 235, award an airman of the Citizen Air Force as a minor punishment, any fine not exceeding ten shillings.
240. A commanding officer in awarding a fine under the last two preceding regulations, shall be guided by the scale of fines set forth in this Regulation, but may, if the circumstances are aggravated, increase them.

<table>
<thead>
<tr>
<th>Action</th>
<th>Fine</th>
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<tbody>
<tr>
<td>(a) Appearing on parade incorrectly dressed, or with clothing, arms or equipment dirty, incomplete, or improperly put on</td>
<td>2 6</td>
</tr>
<tr>
<td>(b) Talking on parade</td>
<td>2 6</td>
</tr>
<tr>
<td>(c) Inattention and other minor irregularities</td>
<td>2 6</td>
</tr>
<tr>
<td>(d) Neglect of duty</td>
<td>5 0</td>
</tr>
<tr>
<td>(e) Neglecting to notify change of address within 14 days of such change.</td>
<td>7 6</td>
</tr>
<tr>
<td>(f) Leaving the ranks without permission</td>
<td>7 6</td>
</tr>
<tr>
<td>(g) Minor cases of insubordination and disobedience of orders</td>
<td>10 0</td>
</tr>
<tr>
<td>(h) Drunkenness on parade or duty or in camp, or elsewhere in uniform</td>
<td>20 0</td>
</tr>
</tbody>
</table>

241. If a summary or minor punishment appears to the Air Board to be illegal, the Air Board shall direct that the award shall be cancelled and the whole entry in the record of the accused be expunged.

242. (1) If a summary or minor punishment appears to the Air Board to be in excess of the prescribed punishment for the offence the Air Board may vary the punishment awarded so that it may not be in excess of the prescribed punishment and the entries in the records of the accused shall be varied accordingly.

(2) If a summary or minor punishment appears to the Air Board to be too severe having regard to all the circumstances the Air Board may remit the whole or a part of the punishment awarded and such remission shall be entered in the records of the accused.

243. An offender shall not be liable to be tried by court-martial where a charge has been dismissed or an offence has been dealt with summarily and shall not be liable to be punished summarily for any offence of which he has been acquitted or convicted by a competent civil court or a court-martial.

Division 6.—Absence, Desertion and Offences against Enlistment.

244. (1) When an airman of the Permanent Air Force at any time, or of the Citizen Air Force when on war service, has been absent without leave from his duty for a period of twenty-one days, a court of inquiry may as soon as practicable be assembled and inquire in the prescribed manner on oath respecting the fact of such absence and the deficiency, if any, in arms, ammunition, equipment, instruments, service necessaries or clothing of the airman, and if satisfied of the fact of such airman having absented himself without leave or other sufficient cause, the court shall declare such absence and the period thereof and the said deficiency (if any) and the commanding officer of the absent airman shall enter in the service books a record of the declaration of such court.

(2) If the absent airman does not afterwards surrender or is not apprehended, such record shall have the legal effect of a conviction by court-martial for desertion.
245. (1) When a person within the Commonwealth or a Territory is arrested by or surrenders himself to a member of the police force of the Commonwealth or of a State or of a Territory as an absconder or defector from the Air Force, or as a person liable to be tried by court-martial for an offence, the officer of police in charge of the police station to which the person is brought or at which he surrenders himself, shall forthwith inquire into the case; and if satisfied by the admission of the person of his identity with a person for whose arrest a warrant under Regulation 197 has been issued, the officer of police shall detain the person, and with all convenient speed cause him to be delivered into air-force custody.

(2) When any such person does not admit his identity with a person named in a warrant issued under Regulation 197 he shall be brought before a court of summary jurisdiction charged with being a person for whose arrest a warrant under Regulation 197 has been issued; and the court if satisfied either by evidence on oath, or by the admission of the person that he is the person for whose arrest a warrant under Regulation 197 has been issued, shall cause him to be delivered into air-force custody, and until he can be so delivered, shall cause him to be detained in some prison, police station, or other place in which persons in custody may lawfully be confined.

(3) The court may from time to time remand the person for a period not exceeding eight days, and not exceeding in the whole such period as appears to the court to be reasonable, for the purpose of obtaining evidence whether the person is a person for whose arrest a warrant under Regulation 197 has been issued.

(4) If within such period as appears to the court to be reasonable the court is not satisfied that the person is a person for whose arrest a warrant under Regulation 197 has been issued, the court shall discharge the person.

(5) A discharge under sub-regulation (4) of this Regulation shall not operate as a bar to a subsequent arrest or entitle the person to be discharged if again brought before a court under this regulation.

(6) The officer of police by whom a person is detained under this regulation for delivery into air-force custody or to be brought before a court, shall with all convenient speed inform the proper air-force authority of the detention for delivery into air-force custody, or, if the person is to be brought before a court, of the time and place at which he is to be brought before the court.

(7) An officer of police, who, under this regulation, delivers a person into air-force custody, shall sign and give to the officer, warrant officer, or non-commissioned officer, into whose custody the person is delivered, a certificate in accordance with Form 8.

246. When pursuant to a warrant under Regulation 197, a member whether after surrendering himself or otherwise, is arrested by a member of the Defence Force, the person arrested shall be delivered into air-force custody with all convenient speed.

247. If a deserter surrenders himself to any portion of his own unit and evidence as to his identity is immediately available he may be at once taken into air-force custody and the commanding officer shall forthwith proceed against him.
248. When a committed deserter is not claimed for service as an airman a protecting certificate in accordance with Form 4 may be issued by the commanding officer.

249. If an airman committed as a deserter cannot conveniently be taken over into air-force custody by reason of the distance of the place of committal, or an air-force station, or when the committal has been ordered on the airman's confession, by reason of the delay that may necessarily take place in procuring evidence of the truth of the confession, the commanding officer may take steps to cause him to be discharged from custody without a protecting certificate and without prejudice to his subsequent apprehension.

250. When an offender has fraudulently enlisted on several occasions he may for the purposes of paragraph (lii) of Regulation 190 be deemed to belong to any one or more of the corps or units to which he has been appointed or transferred as well as to the corps or unit to which he properly belongs and any such offender may be charged with any number of offences against the above-mentioned regulation at the same time and to give evidence of such offences against him and if he be convicted thereof to punish him accordingly.

251. (1) When an airman has been committed as a deserter under Regulation 245 or when an airman signs a confession that he has been guilty of desertion or of fraudulent enlistment in accordance with Form 5 or Form 6 as the case may be, a competent air-force authority may make an order in accordance with Form 7, dispensing with his trial by a court-martial and by that order, or by any subsequent order, award the same forfeitures and the same deductions from pay, if any, as the court-martial could award for the said offence, or as are consequential upon conviction by a court-martial for the said offence excepting such of them as may be mentioned in the order.

(2) If upon any such confession evidence of the truth or falsehood of such confession cannot then be conveniently obtained the record of such confession countersigned by the commanding officer of the airman shall be entered in the service books and such airman shall continue to do duty in the unit in which he may then be serving or in any other unit to which he may be transferred until he is discharged or transferred to the Reserve or until proof can be obtained of the truth or falsehood of such confession.

(3) For the purposes of this Regulation the "competent air-force authority" means an Air Member of the Air Board, and, when on war service, the senior air or other officer commanding.

252. (1) When an airman has served continuously in an exemplary manner for not less than three years in the Permanent Air Force, or in the Citizen Air Force on war service, he shall not be tried for any offence of desertion not committed on war service, or for fraudulent enlistment committed before the commencement of the said three years.

(2) An airman shall be considered as having served in an exemplary manner, if he has not had an entry in his conduct sheet during a continuous period of three years.
253. (1) Where an airman has been guilty of desertion or fraudulent enlistment then either upon his conviction by court-martial of the offence or, (if having confessed the offence he is liable to be tried), upon his trial being dispensed with by order of the competent air-force authority, the whole of his prior service shall be forfeited for the purpose of long service leave.

(2) The Air Board may restore all or any of the service forfeited under this regulation to any airman who may perform good and faithful service, or may otherwise be deemed by the Air Board to merit such restoration of service, or may be recommended for such restoration of service by a court-martial.

(3) An application for restoration of service forfeited by desertion shall not be considered unless such application is accompanied by a certificate, and payment has been made for all articles of kit and clothing found to be deficient on the first day of absence without leave resulting in desertion.

Division 7.—Courts-Martial.—General.

254. The Governor-General may—

(a) convene courts-martial;
(b) appoint officers to constitute courts-martial;
(c) confirm the finding, or finding and sentence of any court-martial or send back the finding and sentence or either of them for revision;
(d) mitigate or remit the punishment or any part of the punishment awarded by any sentence or commute the punishment for any less punishment to which the offender might have been sentenced by the court-martial; and
(e) suspend the execution or currency of any sentence on such terms and conditions (if any) as he thinks fit.

255. (1) The Governor-General may delegate any of his powers under the last preceding regulation either generally or in relation to any particular case or class of cases or to any area or group.

(2) The delegation shall be revocable by the Governor-General at will and shall not prevent the exercise of any power by the Governor-General.

(3) A revocation of a delegation shall not affect anything contained in the delegation prior to the revocation.

256. The proceedings of any court-martial constituted or appointed under these Regulations shall not be set aside or deemed void for want of form or be removed by certiorari or otherwise into any civil court.

257. Any offence under these Regulations committed by a person subject to air-force law and triable by court-martial may be tried and punishment awarded by either a general or district court-martial but a district court-martial shall not try a person subject to air-force law as an officer nor award punishment of death or penal servitude.

258. (1) An officer before convening a court-martial shall first satisfy himself that:

(a) the charges to be tried by the court are for offences within the meaning of these Regulations and that the evidence
justifies the trial on these charges, and if not so satisfied shall order the release of the accused, or refer the case to superior authority; and

(b) the case is a proper one to be tried by the description of court-martial which he proposes to convene.

(2) If more than eight days elapse between the time when the officer having power to convene a general or district court-martial or to deal summarily with the case receives an application for a court-martial or to deal summarily with a case and the date at which the case is disposed of either by an assembly of a general or district court-martial or otherwise, the officer shall report the case and the reasons for the delay to the Air Board.

(3) A further report shall be forwarded every eight days until a court-martial is assembled or the officer or airman is released from custody.

(4) The report required by this Regulation shall be furnished whether the officer or airman is a patient in hospital or for whatever cause the case is not proceeded with.

(5) The officer convening the court-martial shall appoint or detail the officers to form the court and may also appoint or detail such waiting officers as he considers necessary.

(6) The officer convening a court-martial shall send to the officer appointed president the original charge sheet on which the accused is to be tried and the summary or abstract of evidence.

(7) Any order convening a court-martial shall be signed by the convening officer personally.

(8) The officer convening the court shall avoid any expression of opinion as to the guilt or innocence of the accused.

259. (1) A person shall not be tried by court-martial for an offence against these Regulations, except mutiny, desertion or fraudulent enlistment, or an indictable offence, unless the trial begins within three years after the commission of the offence.

(2) A person charged with any air-force offence, except mutiny, desertion or fraudulent enlistment, committed while a member of the Air Force, may, subject to this Regulation, if committed when not on war service, be tried and punished by court-martial if the trial begins while he remains a member or within six months after he ceases to be a member, or, if committed when on war service, if the trial begins while he remains on war service or within six months after he ceases to be on war service.

260. Any person who is or has been a member of the Air Force may be tried at any time by court-martial for the offence of desertion.

261. (1) A general court-martial shall consist of not less than five officers each of whom shall have held a commission during not less than three whole years and of whom not less than four shall be of a rank not below that of flight lieutenant.

(2) A district court-martial shall consist of not less than three officers each of whom shall have held a commission during not less than two whole years.
(3) The minimum number of members specified in this Regulation for a general or district court-martial shall be the legal minimum for that court-martial.

262. (1) The members of a court-martial for the trial of an officer shall be of an equal if not superior rank to that officer unless, in the opinion of the convening authority to be stated in the order convening the court and to be conclusive, officers of that rank are not available.

(2) Notwithstanding anything contained in this Regulation, an officer below the rank of flight lieutenant shall not be a member of a court-martial for the trial of an officer of the rank of squadron leader and above.

263. (1) If a court-martial after the commencement of the trial is, by death or otherwise, reduced below the legal minimum, it shall be dissolved.

(2) If after the commencement of the trial the president dies or is otherwise unable to attend and the court is not reduced below the legal minimum, the convening authority may appoint the senior member of the court, if of sufficient rank, to be president, and the trial shall proceed accordingly, but if he is not of sufficient rank the court shall be dissolved.

(3) If, on account of the illness of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(4) Where a court-martial is dissolved under the provisions of this Regulation the accused may be tried again.

264. (1) A general or district court-martial shall not be composed exclusively of officers of the same unit unless the convening officer states in the order convening the court that in his opinion other officers are not available and also if he belongs to the same unit as the accused that an order to convene a court composed partly of other officers cannot be obtained from superior authority within a reasonable time.

(2) In the case of a court-martial for the trial of an accused person belonging to the Citizen Air Force, unless the convening officer states in the order convening the court that in his opinion it is not practicable, one-half at least of the number of members composing the court shall belong to the Citizen Air Force.

265. (1) An officer shall not be eligible for serving on a court-martial if he is not subject to air-forces law.

(2) An officer shall be disqualified for serving on a court-martial if he—

(a) is the officer who convened the court;
(b) is the prosecutor or a witness for the prosecution;
(c) investigated the charges before trial or took down the summary of evidence or was a member of the court of inquiry respecting the matters on which the charges against the accused are founded or was the officer who made preliminary inquiry into the case;
(d) is the commanding officer of the accused or of the unit to which the accused belongs; or
(e) has a personal interest in the case.
266. Where an officer is transferred from the Naval or Military Forces of the Commonwealth to the Air Force, his period of service as an officer in the Naval or Military Forces shall be counted as part of his period of service in the Air Force for the purpose of qualifying him for membership of a court-martial.

267. (1) The president of a court-martial whether general or President of a district shall—
(a) be appointed by order of an authority convening the court;
(b) not be under the rank of squadron leader, unless the officer convening the court is under that rank, or unless in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court and to be conclusive, an officer of or above the rank of squadron leader is not available, in either of which case an officer not below the rank of flight lieutenant may be president of such court-martial; and
(c) not be under the rank of flight lieutenant except in the case of a district court-martial, where in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court and to be conclusive, a flight lieutenant is not available.

(2) Notwithstanding anything contained in this Regulation, the president of a court-martial for the trial of a warrant officer shall not be under the rank of flight lieutenant.

268. (1) The president shall be responsible for the trial being conducted in proper order and in accordance with these Regulations and the proceedings being conducted in a manner befitting a court of justice.
(2) The president shall see that justice is administered, and that the accused has a fair trial, and that he does not suffer any disadvantage in consequence of his position as a person under trial, or of his ignorance, or of his incapacity to examine or cross-examine witnesses or to make his own evidence clear or intelligible, or otherwise.

269. The members of a court-martial shall take their seats according to their rank.

270. (1) A member of a court who has been absent while any part of the evidence on the trial of an accused person is taken shall take no further part in the trial by that court of that person, but the court shall not except as provided by Regulation 263 be affected.
(2) An officer shall not be added to the number of members of a court-martial after the accused has been arraigned.

271. (1) A member of a court-martial shall give his opinion, by word of mouth, on any matter which the Court has to decide, including the sentence, notwithstanding that he may have given his opinion in favour of acquittal.
(2) Any question shall be determined by an absolute majority of the opinions of the members of the court.
(3) In the case of an equality of votes on the finding the accused shall be deemed to be acquitted, and in the case of an equality of votes
on the sentence, or any question arising after the commencement of
the trial except the finding, the president shall have a second or
casting vote.

272. (1) Where the convening officer is authorized to appoint a
judge-advocate he shall in the case of a general and may in the case
of a district court-martial by order appoint a fit person to act as judge-
advocate at the court-martial.

(2) An officer who is disqualified from sitting at a court-martial
shall be disqualified from acting as judge-advocate at the court-martial.

(3) A court-martial shall not be invalidated by reason of any in-
validity in the appointment of a judge-advocate officiating thereat in
whatever manner appointed if a fit person has been appointed, but
this Regulation shall not relieve from responsibility the person who
made the invalid appointment.

273. If the judge-advocate dies or from illness or from any cause
whatever is unable to attend, the court shall adjourn and the president
shall report the circumstances to the convening authority; and in the
case of death, or, if in any other case the convening officer is of opinion
that it is inexpedient to delay the continuance of the trial the court shall
be dissolved, and the accused may be tried again before another court.

274. The powers and duties of a judge-advocate shall be as follows:—

(a) The prosecutor and the accused respectively shall be at all
times, after the judge-advocate is named to act on the
court, entitled to his opinion on any question of law
relative to the charge or trial, whether he is in or out
of court, subject, when he is in court, to the permission
of the court;

(b) He shall be responsible for informing the court of any in-
formality or irregularity in the proceedings, and whether
consulted or not, he shall inform the convening officer
and the court of any informality or defect in the charge,
or in the constitution of the court, and shall give his
advice on any matter before the court;

(c) Any information or advice given to the court on any
matter before the court shall, if he or the court desires
it, be entered in the proceedings;

(d) At the conclusion of the case he shall, unless both he and the
court consider it unnecessary, sum up the evidence and give
his opinion upon the legal bearing of the case before the
court proceed to deliberate upon their finding;

(e) Upon any point of law or procedure which arises upon the
trial which he attends the court shall be guided by his
opinion, and not overrule it, except for very weighty
reasons. The court is responsible for the legality of its
decision, but it shall consider the grave consequences which
may result from its disregard of the advice of the judge-
advocate on any legal point. In following the opinion
of the judge-advocate on a legal point the court may record
that it has decided in consequence of that opinion;

(f) The judge-advocate shall, equally with the president, take
care that the accused does not suffer any disadvantage in
consequence of his position as such, or of his ignorance or incapacity to examine or cross-examine witnesses or to make his own evidence clear or intelligible, or otherwise, and may, for that purpose, with the permission of the court, call witnesses and put questions to witnesses, which appear to him necessary or desirable to elicit the truth; and

(q) In fulfilling his duties the judge-advocate shall maintain an entirely impartial position.

275. (1) The commanding officer of the accused shall state in the application for trial the name of the officer who is appointed to act as prosecutor but the selection of the prosecutor shall be subject to the approval of the convening officer.

(2) In a difficult case or when an accused is represented by civilian counsel, the convening officer shall select a specially qualified officer.

276. (1) The prosecutor shall assist the court in the administration of justice and behave impartially.

(2) The prosecutor shall bring all facts fully before the court in evidence, and shall take care, especially when the accused is not assisted in his defence, that no material fact in connexion with the charge is omitted which would, if given in evidence, tell in favour of the accused.

277. Officers may be required to attend for instruction such courts-martial as the Air Board directs.

278. (1) If, in the opinion of a convening officer, a court-martial may more conveniently be held in a place other than that at which the accused is, he may cause the court to be convened at any place within his command.

(2) If it is desired to hold the trial in any place beyond his command, application shall be made to the air or other officer commanding with an explanation of the reasons for this course; but no change of place shall be made when it appears that the accused is likely to be prejudiced in his defence by such change.

(3) When the charge is to be tried in another command the court shall be convened under the orders and on the responsibility of the air or other officer commanding to whose command the accused is removed.

279. The hours, during which courts-martial shall sit, shall be as approved by the Air Board.

280. Any person who is tried by court-martial may be assisted in his defence by counsel, and if the offence charged be punishable by death he shall be entitled to be defended by counsel assigned by and at the expense of the Crown, unless on war service the authority convening the court or the president thereof by writing under his hand (which shall be conclusive) declares that service exigencies or the necessities of discipline (the nature of which exigencies or necessities shall be specified in the declaration) render it impossible or inexpedient to procure the attendance of counsel.

281. (1) An accused person may have the assistance of a legal advisor or any friend during the trial.
(2) The friend may advise him on all points, and suggest the questions to be put to witnesses; and, if the friend is an officer, subject to these Regulations, he shall have the same rights and duties as counsel have under these Regulations and the right of the accused shall be limited in like manner.

282. (1) The convening officer shall ascertain whether an accused person not otherwise represented desires to have an officer assigned to assist him during his trial, and, if he so desires, the convening officer shall, if practicable, ensure that the accused shall be so assisted by a suitable officer. If, owing to service exigencies, or for any other reason, there is, in the opinion of the convening officer, no such officer available for the purpose, the convening officer shall give a written notice to the president of the court-martial and such notice shall be attached to the proceedings.

(2) Nothing in this Regulation shall derogate from the rights of an accused person under these Regulations to be assisted at his trial by a legal adviser or any other person whose services he may be able to procure without having recourse to the convening officer.

283. (1) Where an accused person gives notice of his intention to have counsel to assist him during the trial, either on the day on which he is informed of the charge or at any time not being less than seven days before the trial, or such shorter time before the trial, as in the opinion of the court would have enabled the prosecutor to obtain, if he had thought fit, counsel to assist him during a trial, and would have enabled the authority appointing a judge-advocate to appoint counsel to act as judge-advocate at the trial, or where the notice mentioned in the next preceding sub-regulation is given to the accused on the part of the prosecution, counsel may appear at the court-martial to assist the accused.

(2) If the convening officer so directs, counsel may appear on behalf of the prosecutor, but in that case, unless a notice in accordance with the last preceding sub-regulation has been given by the accused, notice of the direction for counsel to appear shall be given to the accused at such time (not in any case less than seven days) before the trial, as would, in the opinion of the court, have enabled the accused to obtain counsel to assist him at the trial.

(3) The counsel who appears before a court-martial on behalf of the prosecutor or accused, shall have the same right as the prosecutor or accused for whom he appears, to call, and orally examine, cross-examine, and re-examine witnesses, to make an objection or statement, to address the court, to put in any plea, and to inspect the proceedings, and shall have the right otherwise to act in the course of the trial in the place of the person on whose behalf he appears, and he shall comply with these Regulations as if he were that person; and in such a case that person shall not have the right himself to do any of the above matters except as regards the statement allowed by Regulation 331, or except so far as the court permits him so to do.

(4) When counsel appears on behalf of the prosecutor, the prosecutor, if called as a witness, may be examined and re-examined as any other witness, and paragraphs (c) and (d) of Regulation 328 shall not apply.
284. (1) The counsel for the prosecution shall make an opening address, and shall state therein the substance of the charge against the accused and the nature and general effect of the evidence which he proposes to adduce in support of it without entering into unnecessary detail.

(2) The counsel appearing on behalf of the prosecutor shall have the same duty as the prosecutor, and may be stopped and restrained by the court in the manner provided by sub-regulation (1) of Regulation 332.

285. (1) The counsel appearing on behalf of the accused has the like rights and is under the like obligations as are specified in sub-regulation (2) of Regulation 332 in the case of the accused.

(2) If the court asks the counsel for the accused a question as to any witness or matter, he may decline to answer, but he shall not give to the court any answer or information which is misleading.

286. (1) Counsel, whether for the prosecution or for the accused, shall conform strictly to these Regulations and to the laws and rules of civil courts in the Commonwealth relating to the examination, cross-examination, and re-examination of witnesses, and relating to the duties of counsel.

(2) If counsel puts to a witness a question as to a matter which is not relevant except so far as it affects the credit of the witness by injuring his character, and the witness objects to answering the question, the court shall consider whether the witness shall be compelled to answer it; and

(a) if it is of opinion that the imputation conveyed by the question would, if true, seriously affect its opinion as to the creditability of the witness, the court shall require the witness to answer the question; but

(b) if it is of opinion that the imputation, if true, would not affect, or would not seriously affect the opinion of the court as to the creditability of the witness, the court shall disallow the question; and if the question is disallowed, counsel on both sides shall refrain from further examining or commenting on the matter.

(3) Counsel shall not state as a fact any matter which is not proved, or which he does not intend to prove in evidence.

(4) Counsel shall not state what is his own opinion as to any matter of fact before the court.

(5) Counsel shall not, in a question to any witness, assume that facts have been given in evidence which have not been given in evidence, or that particular answers have been given contrary to the fact.

(6) Counsel shall treat the court, and judge-advocate with due respect, and shall, while regarding the exigencies of his case, bear in mind the requirements of air-force discipline in the respectful treatment of any superior officer of the accused who may attend as a witness.

287. (1) Neither the prosecutor nor the accused has any right to object to counsel, if properly qualified.

(2) Counsel shall be deemed properly qualified if he is a barrister-at-law or solicitor.
288. The accused person for trial shall be examined in respect of fitness for trial by a medical officer on the morning of each day on which the court is ordered to sit and the commanding officer shall be responsible that no accused person is brought before a court martial if in the opinion of the medical officer he is unfit to undergo his trial.

289. (1) An accused person brought before a court-martial shall, if he is an officer, warrant officer or non-commissioned officer be attended by an officer or non-commissioned officer having him in custody or, if of lower rank by an escort.

(2) The officer or non-commissioned officer in charge shall be responsible for the safe conduct of the accused, but shall obey the directions of the court while the accused is in court.

(3) An accused person shall not be handcuffed unless this is absolutely necessary for the purpose of preventing his escape or rescue or of restraining his violent conduct.

290. Where an original document is furnished to the prosecutor to be produced in evidence before a court-martial a certified copy shall be produced to the court together with the original, the former being attached to the proceedings and the latter returned to its proper custodian.

291. Any person who wilfully interrupts or disturbs the proceedings of a court-martial, or uses insulting language towards a court-martial or the members thereof, or who by writing or speech uses words calculated to improperly influence the court or the members thereof or the witnesses before the court, shall be guilty of contempt of court, whether the act committed was committed in the court or outside the court.

292. (1) A person, other than a member of the Defence Force, or a person liable to trial by court-martial, shall not be proceeded against before a court-martial for contempt of court.

(2) If a person, not being a member of the Defence Force, commits any act amounting to contempt of court within the view or hearing of a court-martial he may forthwith be arrested pursuant to the order of the President of the court-martial, and taken before a civil court having jurisdiction to try him, for the offence to be dealt with according to law, or he may be delivered for that purpose into the custody of a member of the police force of the Commonwealth, or of a State, or of a Territory, who shall receive into his custody the person so delivered.

293. Contempt of court shall be punishable as follows:

(a) On conviction before a court-martial or court of summary jurisdiction, by fine not exceeding twenty pounds or by imprisonment or detention not exceeding two months;

(b) On conviction before a High Court or a Justice thereof, or a Supreme Court or a Judge thereof, by fine or imprisonment or detention in the discretion of the court.

294. Proceedings before a High Court or a Justice thereof, or a Supreme Court or a Judge thereof, in pursuance of the last preceding regulation shall be taken in the same manner as proceedings for committal for contempt of the High Court other than proceedings for contempt committed in face of or in the hearing of the High Court, and upon such proceedings the High Court or a Justice thereof or the
Supreme Court or a Judge thereof, as the case may be, shall have the same power as the High Court or a Justice thereof has in relation to contempt of the High Court.

295. A court-martial may, by writing under the hand of the President, order any member of the Defence Force or a person liable to trial by court-martial, guilty of a contempt of court within the hearing or view of the court, to be imprisoned with or without hard labour or to undergo detention for a period not exceeding twenty-one days.

296. Members of the Permanent Air Force may be ordered to attend any court-martial to give evidence and produce documents.

297. A court-martial or the President may summon witnesses to give evidence and produce documents or may require any person other than the accused to give evidence and produce documents.

298. (1) When an officer or airmen is required as a witness before a court-martial and is not serving at the station at which the court is to be held, application for his attendance shall be made to the commanding officer under whom the witness is serving and the probable date and time of the assembly of the court shall be stated in such application.

(2) If a witness is required from the Naval or Military Forces, application shall be made to the Naval or Military Board as the case may be.

(3) The summons to any civilian required to attend a court-martial shall be in accordance with Form 10.

299. Any person who has been lawfully ordered or summoned to attend a court-martial to give evidence or produce documents and who, not being a member of the Defence Force has been paid or tendered reasonable expenses of his attendance or who is before the court and who without just cause (proof whereof shall like upon him) —

(a) Disobeys the order or summons to so appear;

(b) Refuses to be sworn as a witness;

(c) Refuses or fails to answer any question which he is required by the court to answer; or

(d) Refuses or fails to produce any documents which he is required by the court to produce,

shall be guilty of an offence and liable to a penalty of One hundred pounds.

300. (1) At a court-martial the judge-advocate, or, if there is none, the President, shall record or cause to be recorded all transactions of that court, and shall be responsible for the accuracy of the record (in this Part referred to as "the proceedings"); and if the judge-advocate is called as a witness by the accused, the president shall be responsible for the accuracy of the record in the proceedings of the evidence of the judge-advocate.

(2) The evidence shall be taken down in a narrative form in as nearly as possible the words used; but in any case where the prosecutor, the accused person, the judge-advocate, or the court considers it material, the question and answer shall be taken down verbatim.
(3) Any question which has been objected to, and the tender of any evidence which has been objected to, shall, if the prosecutor or accused so requests, or the court think fit, be entered with the grounds of the objection, and the decision of the court thereon.

(4) Where any address by or on behalf of the prosecutor or person under accusation, or the summing-up of the judge-advocate, is not in writing, it shall not be necessary to record the address or summing-up in the proceedings further or otherwise than the court thinks proper, or in the case of the summing-up than the judge-advocate requires, except that—

(a) The court shall in every case make such record of the defence made by the accused as may enable the confirming officer to judge of the reply made by or on behalf of the accused to each charge against him; and

(b) The court shall also record any particular matters in the address by or on behalf of the prosecutor or accused person, which the prosecutor or accused person, as the case may be, requires.

(5) The court shall not enter in the proceedings any comment, or anything not before the court, or any report of any fact not forming part of the trial; but if any such comment or report seems to the court necessary, the court may forward it to the proper air-force authority in a separate document, signed by the president.

301. The proceedings shall be deemed to be in the custody of the judge-advocate (if any), or if there is none, of the president, but may, with proper precautions for their safety, be inspected by the members of the court, the prosecutor, and accused respectively, at all reasonable time before the court is closed to consider the finding.

Division 8.—Courts-Martial—Framing of Charges and Preparation of Accused's Defence.

302. (1) A charge sheet contains the whole issue to be tried by a court-martial at one time.

(2) A charge means an accusation contained in a charge sheet that a person amenable to air-force law has been guilty of an offence.

(3) A charge sheet may contain one charge or several charges.

303. (1) Any charge sheet shall begin with the name and description of the person charged and shall state, in the case of an officer, his rank and name and unit and, in the case of an airman, his number, rank and name and unit.

(2) Where the person charged does not at the time of the trial belong to the Permanent Air Force the charge sheet shall show by description of him or directly by express averment that he is subject to air-force law in respect of the offence charged.

304. (1) A charge shall state one offence only and in no case shall an offence be described in the alternative in the same charge.

(2) A charge shall be divided into parts as follows—

(a) A statement of the offence; and

(b) A statement of the particulars of the act, neglect, or omission constituting the offence.
(3) The offence shall, if not a civil offence, be stated in the words of these Regulations, and if a civil offence in such words as sufficiently describe that offence but not necessarily in technical words.

(4) The particulars shall state such circumstances respecting the alleged offence as shall enable the accused to know what act, neglect or omission is intended to be proved against him as constituting the offence.

(5) The particulars in one charge may be framed wholly or partly by a reference to the particulars in another charge and in such case so much of the latter particulars as is so referred to shall be deemed to form part of the first mentioned charge as well as of the other charge.

(6) Where it is intended to prove any facts in respect of which any deduction from ordinary pay may be awarded as a consequence of the offence charged, the particulars shall state those facts.

306. (1) A charge sheet shall not be invalid by reason only of any mistake in the name or description of the person charged if he does not object to the charge sheet during the trial and it is not shown that an injustice has been done to the person charged.

(2) In the construction of a charge sheet or charge there shall be presumed in its favour any proposition which may reasonably be presumed to be implicitly included, though not expressed therein.

307. An accused person for whose trial a court-martial has been ordered to assemble shall be afforded proper opportunity of preparing his defence and shall be allowed communication with his witnesses and with any friend or legal advisor with whom he may wish to consult.

(1) The accused, before he is arraigned before a court-martial, shall be informed by an officer of any charge on which he is to be tried.

(2) If the accused gives the names of any witnesses whom he desires to call in his defence, reasonable steps shall be taken for procuring their attendance and those steps shall be taken accordingly.

(3) The interval between the accused's being so informed in terms of sub-regulation (1) of this Regulation and his arraignment shall not be less than twenty-four hours.

(4) The officer at the time of so informing the accused shall give the accused a copy of the charge sheet and where the accused is an airman, shall, if necessary, explain the charge sheet and charges to him and shall also, if he is illiterate, read the charges to him.

(5) A list of the names, rank, and unit of the president and officers who are to form the court, and where officers in waiting are named, also of those officers, shall, as soon as the president and officers are named, be delivered to the accused if he requires it.

(6) If it appears to the court that the accused is liable to be prejudiced by any non-compliance with this Regulation, the court shall take steps and, if necessary, adjourn to avoid the accused being so prejudiced.

308. (1) Any number of accused persons may be tried together for an offence charged to have been committed by them collectively, but in such a case notice of the intention to try the accused persons together shall be given to each accused person at the time of his being informed of the charge.
(2) Any accused person may claim, either by notice to the authority convening the court or when arraigned before the court by notice to the court, to be tried separately on the ground that the evidence of one or more of the accused persons proposed to be tried together with him will be material to his defence.

(3) The convening authority or court, if satisfied that the evidence is material and if the nature of the trial admits of it, shall allow the claim and the person making the claim shall be tried separately.

309. As soon as practicable after an accused has been remanded for trial by court-martial an officer shall give to him gratis a copy of the summary of evidence and explain to him his rights under these Regulations as to preparing his defence and being assisted or represented at the trial, and shall ask him to state in writing whether or not he wishes to have an officer assigned by the convening officer to assist him at his trial, if a suitable officer should be available. The convening officer shall be informed whether or not the accused so elects. If any other or additional summary of evidence be taken subsequently, a copy thereof shall be given gratis to the accused as soon as practicable.

Division 9.—Courts-Martial—Procedure at Trial.

310. (1) If before the accused is arraigned the full number of officers detailed are not available to serve, by reason of non-eligibility, disqualification, challenge, or otherwise, and if there are not sufficient officers in waiting to take the place of those unable to serve the court shall ordinarily adjourn for the purpose of fresh members being appointed; but if the court is of opinion that in the interests of justice, and for the good of the service, it is inexpedient so to adjourn, it may, if not reduced in number below the legal minimum, proceed, recording its reasons for so doing.

(2) If the court adjourns for the purpose of the appointment of a new president, or of fresh members, the convening officer may, if he thinks fit, convene another court.

311. (1) On the court assembling, the order convening the court shall be laid before it together with the charge sheet and the summary or abstract of evidence; or a true copy thereof, and also the names, rank, and unit of the officers appointed to serve on the court.

The court shall satisfy itself that—

(a) it is legally constituted;
(b) so far as the court can ascertain it has been convened as prescribed;
(c) it consists of a number of officers not less than the legal minimum, and, except as provided by Regulation 310, not less than the number detailed;
(d) each of the officers so assembled is eligible and not disqualified for serving on that court-martial;
(e) the president is of the prescribed rank and duly appointed; and
(f) in the case of a general court-martial that the officers are of the prescribed rank.
(2) The court shall further, if it is a general or district court-martial to which a judge-advocate has been appointed, consider whether the judge-advocate has been duly appointed, and is not disqualified from acting at that court-martial.

(3) The court, if not satisfied as to the requirements of this Regulation, shall report its opinion to the convening authority, and may adjourn for that purpose.

312. (1) The court, when satisfied as to the requirements of the last preceding regulation, shall satisfy itself in respect of each charge about to be brought before it—

(a) that the charge appears to be laid against a person subject to those Regulations and to the jurisdiction of the court; and

(b) that each charge discloses an offence under, and is framed in accordance with, these Regulations, and is so explicit as to enable the accused readily to understand what he has to answer.

(2) The court, if not satisfied as to the requirements of this regulation, shall report its opinion to the convening authority, and may adjourn for that purpose.

313. When the court has satisfied itself as to the requirements of Regulations 311 and 312 the prosecutor, who shall be a person subject to air-force law, shall take his place, and the court shall cause the accused to be brought before the court.

314. (1) The order convening the court shall be read in the hearing of the accused, and the court, upon the accused being brought before them, shall ascertain that the court is constituted of officers to whom the accused makes no reasonable objection.

(2) The accused shall not object to the prosecutor or judge-advocate.

(3) The accused shall state the names of all the officers to whom he objects before any objection is disposed of.

(4) The accused may call any person to give evidence in support of his objection.

(5) If more than one officer is objected to, the objection to each officer shall be disposed of separately, and the objection to the lowest in rank shall be disposed of first; provided that, if the president is objected to, the objection to him shall be disposed of before the objection to any other officer. On an objection to an officer all the other officers present shall declare their opinions on the disposal of the objection, notwithstanding that objections have been made to any of those officers.

(6) When an objection to an officer is allowed, that officer shall forthwith retire, and take no further part in the proceedings.

(7) When an officer objected to (other than the president) retires, and there are any officers in waiting, the vacancy shall be forthwith filled by one of the officers in waiting being directed to serve in lieu of the retiring officer; and if there is no officer in waiting available, the court shall proceed as provided by Regulation 310.

(8) The eligibility, absence of disqualification and freedom from objection of an officer filling a vacancy, including that of president, shall be ascertained by the court, as in the case of other officers appointed to serve on the court.
315. (1) As soon as the court is constituted with the proper number of officers who are not objected to, or the objections to whom have been overruled, an oath shall be administered to and taken in the presence of the accused by each member of the court in accordance with the appropriate form contained in Form 11.

(2) If there is a judge-advocate, the oath shall be administered by him to the president first, and afterwards to the other members of the court.

(3) If there is no judge-advocate, the oath shall be administered by the president to the other members of the court, and shall be administered to the president by any member of the court already sworn.

316. (1) A court may be sworn at the time to try any number of accused persons then present before it, whether those persons are to be tried together or separately, and each accused person shall have power to object to the members of the court, and shall be asked separately whether he objects to any member.

(2) In the case of several accused persons to be tried separately, the court, upon one of those persons objecting to a member, may, according as it thinks fit, proceed to determine that objection or postpone the case of that person, and swear the members of the court for the trial of the others alone.

(3) In the case of several accused persons to be tried separately, the court, when sworn, shall proceed with one case, postponing the other cases, and taking them afterwards in succession.

(4) Where several accused persons are tried separately by the same court upon charges arising out of the same transaction, the court may, if it considers it desirable in the interests of justice, postpone consideration of any sentence to be awarded to any one or more of such accused persons until the trials of all such accused persons have been completed.

317. After the members of the court are sworn, an oath shall be administered to the judge-advocate, officers attending for instruction, shorthand writers or interpreters or to such of them as are present at the court-martial, by the president, or by some member of the court, or, except in the case of a judge-advocate, by the judge-advocate, if present, in accordance with the appropriate form contained in Form 11.

318. (1) At any time during the trial an impartial person may, if the court thinks fit, and shall, if either the prosecutor or the accused requests it on any reasonable ground, be sworn to act as interpreter.

(2) An impartial person may at any time of the trial, if the court think fit, be sworn to act as a shorthand writer.

(3) Before a person is sworn as interpreter or shorthand writer, the accused shall be informed of the person who is proposed to be sworn, and may object to the person as not being impartial; and the court, if it thinks that the objection is reasonable, shall not swear that person as interpreter or shorthand writer.

319. (1) After the members of the court and other persons are sworn as provided by these Regulations, the accused shall be arraigned on the charges against him.

(2) The charges upon which the accused is arraigned shall be read to him, and he shall be required to plead separately to each charge.
320. (1) The accused, when required to plead to any charge, may object to the charge on the ground that it does not disclose an offence under these Regulations, or is not in accordance with these Regulations.

(2) The court, after hearing any submission which may be made by the prosecutor or by or on behalf of the accused, shall consider the objection in closed court, and shall either disallow it, and proceed with the trial, or allow it, and adjourn to report to the convening authority, or if in doubt, it may adjourn to consult the convening authority.

321. (1) At any time during the trial, if it appears to the court that there is any mistake in the name or description of the accused in the charge-sheet, the court may amend the charge-sheet so as to correct that mistake.

(2) If on the trial of any charge it appears to the court, at any time before it has begun to examine the witnesses, that in the interests of justice any addition to, omission from, or alteration in, the charge is required, it may report its opinion to the convening authority, and may adjourn, and the convening authority may either direct a new trial to be commenced, or amend the charge, and order the trial to proceed with the amended charge after due notice to the accused.

322. (1) The accused before pleading to a charge, may offer a special plea to the general jurisdiction of the court; and, if he does so, and the court considers that anything stated in the plea shows that the court has not jurisdiction, it shall receive any evidence offered in support, together with any evidence offered by the prosecutor in disproof or qualification thereof, and any address by the accused and reply by the prosecutor in reference thereto.

(2) If the court overrules the special plea it shall proceed with the trial.

(3) If the court allows the special plea, it shall record its decision and the reasons therefor, and report it to the convening authority and adjourn; such a decision shall not require any confirmation, and the convening authority shall either forthwith convene another court for the trial of the accused, or order the accused to be released.

(4) If the court is in doubt as to the validity of the plea, it may refer the matter to the convening authority, and may adjourn for that purpose, or may record a special decision with respect to the plea, and proceed with the trial.

323. (1) If a special plea to the general jurisdiction of the court is offered, or if such plea, being offered, is not overruled, the accused person's plea—"Guilty" or "Not Guilty" (or if he refuses to plead, or does not plead intelligibly either one way or the other, a plea of "Not Guilty") shall be recorded on each charge.

(2) If an accused person pleads "Guilty", that plea shall be recorded as the finding of the court; but, before it is recorded, the president, on behalf of the court, shall ascertain that the accused understands the nature of the charge to which he has pleaded guilty, and shall inform him of the general effect of that plea, and in particular of the meaning of the charge to which he has pleaded guilty, and of the difference in procedure which is made by the plea of guilty, and shall advise him to withdraw that plea if it appears from the summary of evidence that the accused ought to plead not guilty.
(3) Where an accused person pleads guilty to the first of two or more charges laid in the alternative, the prosecutor may, after the provisions of the last preceding sub-regulation have been complied with by the court, and before the accused is arraigned on the alternative charge or charges, withdraw such alternative charge or charges without requiring the accused to plead thereto, and a record to that effect shall be made upon the proceedings of the court.

(4) A plea of "Guilty" shall not be accepted in cases where the accused is liable, if convicted, to be sentenced to death, and where such plea is offered a plea of "Not Guilty" shall be recorded, and the trial shall proceed accordingly.

Flea in bar.

324. (1) The accused at the time of his general plea of "Guilty" or "Not Guilty" to a charge for an offence, may offer a plea in bar of trial on the ground that—

(a) he has been previously convicted or acquitted of the offence by a competent civil court or by a court-martial, or has been dealt with summarily for the offence by his commanding officer or by an officer having power to deal summarily with the case, or a charge in respect of the offence has been dismissed;

(b) the offence has been pardoned or condoned by competent air-force authority; or

(c) the time which elapsed between the commission of the offence and the beginning of the trial was more than three years, or in the case of a civil offence proceedings in respect of which shall be commenced within a shorter period than three years, more than that shorter period.

(2) If he offers a plea in bar the court shall record it as well as his general plea, and if it considers that any fact or facts stated by him are sufficient to support the plea in bar it shall receive any evidence offered and hear any address made by the accused and the prosecutor in reference to the plea.

(3) If the court finds that the plea in bar is proved it shall record its finding, and notify it to the confirming authority, and shall either adjourn, or if there is any other charge against the accused, whether in the same or in a different charge-sheet, which is not affected by the plea in bar, may proceed to the trial of the accused on that charge.

(4) If the finding that a plea in bar is proved is not confirmed, the court may be re-assembled by the confirming authority, and proceed as if the plea had been found not proved.

(5) If the court finds that a plea in bar is not proved, it shall proceed with the trial, but such a finding shall be subject to confirmation like any other finding of the court.

325. (1) If the accused upon arraignment pleads not guilty, the court shall ask him whether he wishes to apply for an adjournment on the ground that any of these Regulations relating to procedure before trial has not been complied with and that he has been prejudiced thereby, or on the ground that he has not had sufficient opportunity for preparing his defence, and shall record his answer.

(2) If the accused shall make any such application, the court shall hear any statement or evidence which he may desire to adduce in support thereof, and any statement of the prosecutor or evidence in answer
thereof; and if it shall appear to the court that the accused has been prejudiced by any non-compliance with any such Regulations, or that he has not had sufficient opportunity of preparing his defence, it may grant such adjournment as appears to it in the circumstances to be proper.

326. (1) Upon the record of the plea of "Guilty", if there are other charges in the same charge-sheet to which the plea is "Not Guilty", the trial shall first proceed with respect to those other charges, and after the finding on those charges, shall proceed with the charges on which a plea of "Guilty" has been entered; but if they are alternative charges, the court may either proceed with respect to all the charges as if the accused had not pleaded "Guilty" to any charge or may instead of trying him, record a finding of "Not Guilty" on each alternative charge to which the accused has not pleaded "Guilty".

(2) After the record of the plea of "Guilty" on a charge (if the trial does not proceed on any other charges) the court shall receive any statement which the accused desires to make in reference to the charge, and shall read the summary or abstract of evidence, and annex it to the proceedings, or if there is no such summary or abstract, shall take and record sufficient evidence to enable it to determine the sentence, and the confirming officer to know all the circumstances connected with the offence. This evidence shall be taken in like manner as is provided by these Regulations in the case of a plea of "Not Guilty".

(3) After evidence has been so taken, or the summary or abstract of evidence has been read, as the case may be, the accused may make a statement in mitigation of punishment, and may call witnesses as to his character.

(4) If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the court that the accused did not understand the effect of his plea of "Guilty", the court shall alter the record and enter a plea of "Not Guilty", and proceed with the trial accordingly.

(5) If a plea of "Guilty" is recorded, and the trial proceeds with respect to other charges in the same charge-sheet, the proceedings under sub-regulations (2) and (3) of this Regulation shall take place when the findings on the other charges in the same charge-sheet are recorded.

(6) When the accused at any court-martial states anything in mitigation of punishment which in the opinion of the court requires to be proved, and would, if proved, affect the amount of punishment, the court may permit the accused to call witnesses to prove the same.

327. The accused may, if he thinks fit, at any time during the trial, withdraw his plea of "Not Guilty", and plead "Guilty", and in such cases the court shall, subject to a compliance with sub-regulation (2) of Regulation 328, record a plea and finding of "Guilty", and shall, so far as is necessary, proceed as provided by the last preceding regulation.

328. After the plea of "Not Guilty" to any charge is recorded, the trial shall proceed as follows:

(a) The prosecutor may, if he desires, make an opening address; but the prosecution shall make an opening address if the court so requires it;
(b) The evidence for the prosecution shall then be taken;
(c) If it is necessary for the prosecutor to give evidence for
the prosecution, he shall give it after the delivery of his
address, and he shall be sworn, and give his evidence in
detail; and
(d) The prosecutor may be cross-examined by the accused, and
afterwards may make any statement which might be
made by a witness on re-examination.

329. (1) At the close of the evidence for the prosecution the
accused shall be told by the court that he may, if he wishes, give
evidence as a witness, but that if he gives evidence he thereby subjects
himself to cross-examination.

(2) The accused shall then be asked whether he wishes to give
evidence as a witness himself, and whether he intends to call any
witnesses to the facts of the case other than himself.

(3) If the accused states that he wishes to give evidence as a
witness himself but does not intend to call any other witness to the
facts of the case, the procedure, whether or not he is represented by
counsel or by an officer subject to air-force law shall be as follows:—

(a) The accused shall give evidence immediately after the close
of the evidence for the prosecution;
(b) The accused may, if he wishes, call witnesses as to his
character;
(c) The prosecutor may then make a final address for the
purpose of summing up the evidence for the prosecution,
and commenting on the evidence of the accused; and
(d) The accused or counsel or the defending officer (as the case
may be) may then make a closing address in his defence.

(4) If the accused states that he does not wish to give evidence as
a witness himself, and does not intend to call any witnesses to the facts
of the case, the procedure shall be as follows:—

(a) If he is not represented by counsel or by an officer subject
to air-force law:—

(i) The accused may, if he wishes call witnesses as to
his character;
(ii) The prosecutor may make a final address for the
purpose of summing up the evidence for the
prosecution; and
(iii) The accused may then make an address in his
defence, giving his account of the subject of the
charge against him, and the address may be
made orally or in writing; and

(b) If he is represented by counsel or by an officer subject to
air-force law:—

(i) The accused may make a statement giving his
account of the subject of the charge against him,
and this statement may be made orally or in
writing, but the accused shall not be sworn, and
no question may be put to him by the court or
by any other person;
(ii) The accused may, if he wishes, call witnesses as to his character;
(iii) Counsel or the defending officer (as the case may be) may then make a closing address; and
(iv) If the accused has made the statement referred to in sub-paragraph (i) if this paragraph, the prosecutor may reply; but if the accused has made no such statement, the address of the prosecutor shall precede the closing address of counsel or the defending officer.

330. (1) If the accused states that he wishes to give evidence himself, and to call witnesses to the facts of the case, the procedure, whether or not he is represented by counsel, or by an officer subject to air-force law, shall be as follows:—

(a) The accused or, if he is represented by counsel or by a defending officer, then such counsel or defending officer may make an opening address for the defence;
(b) The accused shall give evidence as a witness, and call his other witnesses, including, if he so desires, witnesses as to his character;
(c) After the evidence of all the witnesses has been taken, the accused or counsel or the defending officer (as the case may be) may make a closing address; and
(d) The prosecutor may reply.

(2) If the accused states that he does not intend to give evidence himself, but intends to call witnesses to the facts of the case, the procedure will be as follows:—

(a) If he is not represented by counsel or by an officer subject to air-force law—

(i) The accused may make an opening address, giving his account of the subject of the charge against him, and the address may be made orally or in writing;
(ii) The accused shall then call his witnesses, including, if he so desires, any witnesses as to character; and
(iii) After the evidence of all the witnesses has been taken the accused may make a closing address; and

(b) If he is represented by counsel or by an officer subject to air-force law:—

(i) The accused may make a statement giving his account of the subject of the charge against him, and this statement may be made orally or in writing, but the accused shall not be sworn, and no question may be put to him by the court or by any other person, and if the accused makes no such statement, counsel or the defending officer (as the case may be) may make an opening address:
(ii) The accused shall then call his witnesses including, if he so desires, any witnesses as to character;

(iii) After the evidence of all the witnesses has been taken, counsel or the defending officer (as the case may be) may make a closing address; and

(iv) The prosecutor may reply.

331. (1) If an accused person, assisted by counsel, or by an officer subject to air-force law, does not wish to give evidence on his own behalf, he may, if he thinks fit, at the close of the case for the prosecution and before the address by such counsel or officer, make a statement giving his account of the subject of the charges against him, and the statement may be made either orally or in writing, but the accused making the statement shall not be sworn, and no question shall be put to him by the court or by any other person.

(2) If the accused makes such a statement, the procedure shall, so far as possible, be the same as if the accused had called witnesses to the facts of the case other than himself.

332. (1) The court may stop the prosecutor in referring to any matter not relevant to the charge then before the court, or any matter which the court is not investigating, and the court shall restrain any undue violence of language or want of fairness or moderation on the part of the prosecutor, and prevent the prosecutor from commenting at any time on the failure of the accused or his wife to give evidence.

(2) The court shall allow great latitude to the accused in making his defence; but he shall abstain from any remarks contemptuous or disrespectful towards the court, and from coarse and insulting language towards others, but he may for the purpose of his defence impeach the evidence and the motives of the witnesses and prosecutor, and charge other persons with blame and even criminality, subject, if he does so, to any liability to further proceedings to which he would otherwise be subject, and the court may caution the accused as to the irrelevancy of his defence, but should not, unless in special cases, stop his defence solely on the ground of irrelevance.

333. A court-martial may, where necessary, view any place.

334. Where two or more accused persons are tried together and any evidence is tendered by any one or more of them the evidence and addresses on the part of all the accused persons shall be taken before the prosecutor replies, and the prosecutor shall make one address only in reply as regards all the accused persons.

335. (1) Where the convening officer directs any charges against an accused person to be inserted in different charge-sheets, the accused shall be arraigned, and until after the finding tried upon each charge-sheet separately and accordingly the provisions of Regulations 314 to 326, both inclusive, and Regulations 351 to 353, both inclusive, shall, until after the finding, apply in respect of each charge-sheet, as if it contained the whole of the charges against the accused.

(2) The trials upon the several charge-sheets shall be in such order as the convening officer directs.

(3) When the court has tried the accused upon all the charge-sheets it shall, in the case of the finding being "Not Guilty" on all the charges,
proceed as provided by Regulation 353 and, in case of the finding on 
any or more of the charges being "Guilty" proceed as provided by 
Regulations 321, 355, 356, 362, 369, 372, and 373, in like manner 
in each case as if all the charges in the different charge-sheets had been 
contained in one charge-sheet, and the sentence passed shall be of the 
same effect as if all the charges had been contained in one charge-sheet.

(4) If the convening officer directs that, in the event of a conviction 
of an accused person upon a charge in any charge-sheet, he need not 
be tried upon the subsequent charge-sheets, the court in such event may, 
without trying the accused upon any of the subsequent charge-sheets 
proceeds as provided in sub-regulation (3) of this Regulation.

(5) Where a charge-sheet contains more than one charge, the accused 
may, before pleading, claim to be tried separately in respect of any 
charge or charges in that charge-sheet, on the ground that he may be 
embarrassed in his defence if he is not so tried separately; and in such 
a case the court, unless it thinks his claim unreasonable, shall arraign 
and try the accused in like manner as if the convening officer had 
inserted the said charge or charges in different charge-sheets.

(6) If a plea of "Guilty" to any charge in a charge-sheet has been 
recorded as the finding of the court, the provisions of sub-regulations 
(2) and (3) of Regulation 326 shall not be complied with until after 
the court has arrived at its findings on all the charge-sheets.

336. (1) When a court martial sits in closed courts on any delibera-
tion amongst the members or otherwise, no person shall be present except 
the members of the court, the judge-advocate, and any officers under 
instruction, and the court may either retire or may cause the place 
where it sits to be cleared of all other persons not entitled to be present.

(2) Except as provided by the last preceding sub-regulation all the 
proceedings, including the view of any place, shall be in open court 
and in the presence of the accused.

337. (1) When a court is once assembled and the accused has been 
arraigned, the court shall (but subject to the provisions of these Regula-
tions as to adjournment) continue the trial from day to day and sit 
for a reasonable period on every day, unless it appears to the court 
that an adjournment is necessary for the ends of justice, or that such 
continuance is impracticable.

(2) A court-martial in the absence either of a president, or of a 
judge-advocate (if a judge-advocate has been appointed for that court-
martial), shall not proceed, and if necessary shall adjourn.

(3) The senior officer present may also, on account of the exigencies 
of service, adjourn or prolong the adjournment of the court.

(4) Any adjournment may be made from place to place as well as 
from time to time; and if the time to which the adjournment is made 
is not specified, the adjournment shall be until further orders from the 
proper air-force authority; and if the place to which the adjournment 
is made is not specified, the adjournment shall be to the same place or 
to such place as specified in further orders from the proper air-force 
authority.

338. (1) Where, in consequence of anything arising while the court 
is sitting, the court is unable by reason of dissolution or of the absence 
of the president, to continue the trial, the president, or in his absence, the 
senior member present, shall immediately report the facts to the 
convening authority.
(2) Where a court-martial is dissolved before the finding, or, in case of a finding of guilty, before the sentence, the proceedings shall be null, and the accused may be tried before another court-martial.

339. In case of the death of the accused or of such illness of the accused as renders it impossible to continue the trial, the court shall ascertain the fact of the death or illness by evidence, and record the same, and adjourn, and transmit the proceedings to the convening authority.

340. If any question should arise incidentally during the trial, the person, whether prosecutor or accused, requesting the opinion of the court shall speak first; the other person shall then answer, and the first person shall be allowed to reply.

341. (1) A court-martial shall not receive evidence for the prosecution which is not relevant to the facts stated in the statement of particulars in the charge, or any evidence which is not admissible either according to the rules of civil courts or under these Regulations.

(2) The rules of evidence adopted in civil courts in the Commonwealth shall be followed by courts-martial and objections to any question to a witness or to the admission of any evidence may be made accordingly, and a person shall not be required to answer any question or produce any document which he may not be required to answer or produce in a like proceeding before a civil court in the Commonwealth.

342. The court may take judicial notice of all matters of notoriety, including all matters within its general air-force, naval, or military knowledge.

343. The prosecutor is not bound to call all the witnesses whose evidence is in the summary of evidence, or in the abstract of evidence given to the accused, but he shall call such of them as the accused desires to be called, in order that the accused may, if he thinks fit, cross-examine them, and the prosecutor should for this reason, so far as seems to the court practicable, secure the attendance of all such witnesses.

344. If the prosecutor intends to call a witness whose evidence is not contained in any summary or abstract given to the accused, notice of the intention shall be given to the accused a reasonable time before the witness is called, together with an abstract of his proposed evidence, and if the accused so desires it, either adjourn after taking the evidence of the witness, or allow the cross-examination of the witness to be postponed, and the court shall inform the accused of his right to demand such an adjournment or postponement.

345. The accused shall not be required to give to the prosecutor a list of the witnesses whom he intends to call, but it shall rest with the accused alone to secure the attendance of any witness whose evidence is not contained in the summary or abstract, and for whose attendance the accused has not requested steps to be taken as provided for by sub-regulation (1) of Regulation 307.

346. The convening officer, or, after the assembly of the court, the president, shall take the proper steps to procure the attendance of the witnesses whom the prosecutor or accused desires to call, and whose
attendance can reasonably be procured, but the person requiring the 
attendance of a witness may be required to undertake to defray the cost 
(if any) of his attendance.

347. If the provisions of the last preceding regulation have not been 
complied with, or if any witness whose attendance could not be reason-
ably procured before the assembly of the court is essential to the prosecu-
tion or defence, the court shall adjourn and report the circumstances 
to the convening officer.

348. (1) Subject to the provisions of Regulation 329 an accused 
person may at any stage of any proceedings at which under those Regu-
lations evidence for the defence may be given, apply to give evidence as 
a witness for the defence himself, or to have his wife called as a witness 
for the defence, but neither the accused nor his wife shall be called as a 
witness except on the application of the accused.

(2) The accused giving evidence shall, unless otherwise ordered by 
the court, give his evidence from the witness box or other place from 
which the other witnesses give their evidence.

(3) An accused person giving evidence may be asked any question 
in cross-examination, notwithstanding that it would tend to criminate 
him as to the offence charged, but shall not be asked, and if asked, 
shall not be required to answer any question tending to show that he 
has committed, or been convicted of, or been charged with, any offence 
other than that with which he is then charged, or is of bad character 
unless:

(a) the proof that he has committed or been convicted of such 
other offence is admissible evidence to show that he is 
guilty of the offence with which he is then charged;

(b) he has personally or by his counsel or officer acting as friend 
asked questions of the witness for the prosecution with 
a view to establish his own good character or has given 
evidence of his good character, or the nature or conduct 
of the defence is such as to involve imputations on the 
character of the prosecutor, or the witnesses for the 
prosecutions; or

(c) he has given evidence against any other person charged with 
the same offence.

(4) The wife of an accused person shall not be compelled to disclose 
any communications made to her by her husband during the marriage.

349. During the trial a witness other than the prosecutor or accused 
shall not, except by special leave of the court, be in court while not 
under examination, and if while he is under examination a discussion 
arises as to the allowance of a question, or the sufficiency of his 
answers, or otherwise as to his evidence, he may be directed to with-
draw.

350. (1) Any witness, before he gives his evidence, shall be sworn 
by the judge-advocate or by the president, or by a member of the court.

(2) The form of oath for a witness shall be in accordance with Form Form 11 (6).

321.—4
351. (1) Any question may be put to a witness orally by the prosecutor, accused or judge-advocate, without the intervention of the court, and the witness shall forthwith reply, unless an objection is made by the court, judge-advocate, prosecutor or accused, in which case he shall not reply until the objection is disposed of.

(2) The evidence of a witness as taken down shall be read to him after he has given all his evidence and before he leaves the court, and such evidence may be explained or corrected by the witness at his instance. If he makes an explanation or correction, the prosecutor and accused may respectively examine him respecting the same.

(3) In the case of a court-martial, at which a shorthand-writer is employed, it shall not be necessary to comply with the last preceding sub-regulation if in the opinion of the court and the judge-advocate (if any) (such opinion to be recorded in the proceedings) it is inexpedient to do so, but nevertheless, if any witness so desires, the provisions of the last preceding sub-regulation shall be complied with.

352. (1) A witness may be examined by the person calling him, and may be cross-examined by the opposite party to the proceeding, and on the conclusion of the cross-examination may be re-examined by the person calling him on matters raised by the cross-examination.

(2) The court may, if it thinks fit, allow the cross-examination of a witness to be postponed.

353. (1) The president, the judge-advocate (if any) and, with permission of the court, any member of the court may address a question to a witness while the witness is giving his original evidence and before he withdraws.

(2) Upon any such question being answered, the president or judge-advocate (if any) shall also put to the witness any question relative to that answer which the prosecutor or the accused or counsel or the defending officer may request him to put, and which the court deems reasonable.

354. (1) At the request of the prosecutor or of the accused a witness may, by leave of the court, be recalled at any time before the closing address of or on behalf of the accused for the purpose of having any question put to him through the president or judge-advocate (if any).

(2) The court may, if it thinks fit, in the interests of justice, so to do, allow a witness to be called or recalled by the prosecutor before the closing of or on behalf of the accused for the purpose of rebutting any material statement made by a witness for the defence or for the purpose of giving evidence on any new matter which the prosecutor could not reasonably have foreseen.

(3) Where the accused has called witnesses as to character, the prosecutor before the closing address of or on behalf of the accused may call or recall witnesses for the purpose of proving a previous conviction or entries in the conduct book against the accused.

(4) The court may call or recall any witness at any time before the finding, if it considers that it is necessary in the interests of justice.

355. (1) The judge-advocate, if any, shall, unless he and the court think a summing up unnecessary, sum up in open court the whole case to the court.
(3) After the judge-advocate has spoken, no other address shall be allowed.

356. (1) The court shall deliberate on their finding in closed court.
(2) The opinion of each member of the court as to the finding shall be given by word of mouth on each charge separately.

357. (1) The finding on each charge upon which the accused is arraigned shall be recorded, and, except as provided by these Regulations, shall be recorded simply as a finding of "Guilty" or of "Not guilty", and honorably acquit him of the same.
(2) Where the court is of opinion as regards any charge that the facts proved do not disclose the offence charged or any offence of which he might under these Regulations legally be found guilty on the charge as laid, the court shall acquit the accused of that charge.
(3) If the court doubts as regards any charge whether the facts proved show the accused to be guilty or not of the offence charged or any offence of which he might, under these Regulations, legally be found guilty on the charge as laid, it may, before recording a finding on that charge, refer to the confirming authority for an opinion, and, if necessary, adjourn for that purpose.
(4) Where the court is of opinion as regards any charge that the facts which it finds to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, it may, instead of a finding of "Not guilty" record a special finding.
(5) The special finding may find the accused guilty on a charge subject to the statement of exception or variations specified therein.
(6) Where there are alternative charges, and the facts proved appear to the court not to constitute the offence mentioned in any of these alternative charges, the court shall record a finding of "Not guilty" on that charge.
(7) If the court thinks that the facts proved constitute one of the offences stated in two or more of the alternative charges, but doubts which of these offences the facts do at law constitute, it may, before recording a finding on those charges refer to the confirming authority for an opinion, setting out the facts which they find to be proved, and stating that it doubts whether those facts constitute in law the offence stated in such one or another of the charges, and may, if necessary, adjourn for that purpose. Upon receiving the opinion of the confirming officer the court shall re-assemble in closed court to record their finding, and shall not receive any further evidence.

358. (1) If the finding on each of the charges in a charge-sheet is "Not guilty" the president shall date and sign the proceedings, the findings shall be announced in open court, and the accused shall be released in respect of these charges.
(2) The proceedings shall then, upon being signed by the judge-advocate (if any), be transmitted at once to the confirming officer.

359. If the finding of one or more, but not all, of the charges in a charge sheet is "Not Guilty" such finding or findings "Not Guilty" shall be announced in open court before the court proceeds to consider its sentence.
360. (1) Where the court finds either that the accused is unfit, by reason of insanity, to take his trial, or that he was guilty of the act or omission charged, but was insane at the time when he did not act or made the omission, the president shall date and sign the finding, and the proceedings, upon being signed by the judge-advocate, if any, shall be at once transmitted for confirmation.

(2) If the finding is not confirmed, the accused may be tried by the same or another court-martial for the offence with which he was originally charged.

(3) Where the finding is confirmed, then, until the directions of the Governor-General as to the disposal of the accused are known, or in the case of an accused person unfit to take his trial, until any earlier time at which the accused is fit to take his trial, the accused shall be confined in such manner as is, in the opinion of the proper air-force authority, best calculated to keep him securely without unnecessary harshness.

361. (1) If the finding on any charge is "Guilty," then, for the guidance of the court in determining its sentence, and of the confirming authority in considering the sentence, the court, before deliberating on its sentence, may take evidence of and record the character, age, service, and any recognized acts of gallantry or distinguished conduct, of the accused, and the length of time he has been in arrest or in confinement on any previous sentence, and any deferred pay, air-force decoration, or air-force reward, of which he may be in possession, or to which he is entitled, and which the court may sentence him to forfeit.

(2) Evidence on the matters referred to in this regulation may be given by a witness verifying a statement which contains a summary of the entries in the service books respecting the accused person, and identifying the accused as the person referred to in that summary.

(3) Evidence on the part of the prosecutor upon the matters referred to in this regulation shall not be given by a member of the court.

(4) The accused may cross-examine any such witness, and may call witnesses to rebut any such evidence; and if the accused so requests, the service books, or a duly certified copy of the material entries therein, shall be produced; and if the accused alleges that the summary is in any respect not in accordance with the service books, or such certified copy, as the case may be, the court shall compare the summary with those books or copy, and if it finds it is not in accordance therewith, shall cause the summary to be corrected accordingly.

(5) When all the evidence on the matters referred to in this regulation has been given, the accused may address the court thereon.

(6) If by reason of the nature of the service of the accused in a unit or otherwise, the finding of the court renders him liable to any exceptional punishment in addition to that to be awarded by the sentence of the court, the prosecutor shall call the attention of the court to the fact, and the court shall inquire into the nature and amount of such additional punishment.

Division 10.—Courts-Martial.—Sentences.

362. A court-martial may sentence any member found guilty of any air-force offence to the punishment provided for the offence and may, in addition to or in substitution for that punishment, award such member any one or more of the prescribed punishments.
363. A member shall not be sentenced to death by any court-martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post, guard, aircraft, aircraft material, or ship, vessel or boat, or traitorous correspondence with the enemy; and no sentence of death passed by any court-martial shall be carried into effect until confirmed by the Governor-General.

364. (1) Except as otherwise provided by these Regulations, punishments may be inflicted in respect of an offence against these Regulations committed by persons convicted by courts-martial or civil courts as follows:—

(a) In the case of officers—
(i) imprisonment with or without hard labour for a term not exceeding three months;
(ii) dismissal from the Air Force;
(iii) reduction of rank in the Air Force;
(iv) forfeiture in the prescribed manner of seniority of rank in the Air Force;
(v) payment of a pecuniary penalty not exceeding Twenty pounds;
(vi) payment of such amount as is sufficient to make good any loss or damage to any article vested in the Commonwealth or in the commanding officer of the offender's unit occasioned by his wilful default or neglect or any expenses occasioned by the offence;

(b) In the case of airmen—
(i) (1) imprisonment with or without hard labor for a term not exceeding three months; or
(2) detention for a term not exceeding three months;
(ii) discharge or discharge with ignominy from the Air Force;
(iii) in the case of a warrant or non-commissioned officer—
(1) forfeiture in the prescribed manner of seniority of rank or reduction to a lower grade or to the ranks; or
(2) reprimand or severe reprimand;
(iv) forfeitures fines and stoppages not exceeding Twenty pounds; or
(v) payment of such amount as is sufficient to make good any loss or damage to any article vested in the Commonwealth or in the commanding officer of the offender's unit occasioned by his wilful neglect or default and any expense occasioned by the offence.

(2) Notwithstanding anything contained in this Regulation—
(a) for the offence mentioned in paragraph (xxii) of Regulation 189 punishment shall be dismissal;
(b) an officer shall be sentenced to be dismissed before he is sentenced to imprisonment;
(c) an officer when sentenced to forfeiture or seniority of rank may also be sentenced to reprimand or severe reprimand;
(d) an airman when sentenced to imprisonment may in addition thereto be sentenced to be discharged with ignominy from the Air Force;
(e) in addition to, or without, any other punishment in respect of any offence an offender convicted by court-martial or civil court may be subjected to forfeiture of any deferred pay, air-force decoration or air-force reward (subject to the conditions under which such was issued) or to any deduction in his pay authorized by these Regulations.

(f) a non-commissioned officer sentenced by court-martial or civil court to imprisonment or detention or a fine of Five pounds or more shall be deemed to be reduced to the ranks;

(g) in addition to or without any other punishment in respect of any offence a non-commissioned officer convicted by court-martial or civil court may be reduced to any lower grade or to the ranks;

(h) in addition to or without any other punishment in respect of any offence an offender convicted by court-martial may be sentenced to pay such amount as is sufficient to make good any loss or damage to any article vested in the Commonwealth or in the commanding officer of the offender's unit occasioned by his wilful default or neglect or any expenses occasioned by the offence; and

(i) when on war service, a person convicted by court-martial of any offence may, in addition to or without any other punishment, be sentenced to—

(i) penal servitude for a term not less than three years; or

(ii) imprisonment, with or without hard labor, for a term not exceeding two years.

365. A court-martial may award field punishment for any offence committed on active service, and may sentence an offender to such punishment for a term not exceeding three months.

366. The provisions of this Division of this Part shall apply to a warrant officer not holding an honorary commission in like manner as if he were a non-commissioned officer, subject, nevertheless, to the following modifications:

(a) He shall not be sentenced by a district court-martial to any punishment not mentioned in this regulation; and

(b) He may be sentenced—

(i) by a district court-martial to be reprimanded or severely reprimanded or to such forfeitures, fines and stoppages as are prescribed, and either in addition to or in substitution for any such punishment, to be dismissed from the service or to be reduced to the bottom or any other place in the list of the rank which he holds, or to be reduced to an inferior class of warrant officer (if any) or to be reduced to a lower grade, or if he was originally enlisted as an aircrafman, but not otherwise, to the ranks; or

(ii) by any court-martial having power to try him, other than a district court-martial, to any punishment which under this regulation a district court-martial has power to award, either in addition to or in substitution for any other punishment.
367. (1) When passing sentence a court-martial shall have regard not only to the nature and degree of the offence and the previous character of the accused, as proved by evidence, but also to the nature and amount of any consequences which, under these Regulations, are involved in finding or entailing by sentence in addition to the punishment it awards; and the court shall also consider if any circumstances have been disclosed by the evidence in extenuation or aggravation of the offence.

(2) Where it is proved after conviction that attention has been called to the unusual prevalence of the offence of which the accused has been found guilty, the court shall have regard to the fact that such warning has been issued.

(3) If an accused airman has elected to be tried by court-martial instead of submitting to the jurisdiction of his commanding officer, his punishment shall not on that ground be increased.

(4) In ordinary circumstances the court shall not award a heavier sentence than that which the commanding officer has power to award.

(5) Discharge with ignominy shall not be imposed for an offence committed when not on war service, or with a sentence of detention.

(6) Discharge may be imposed for an offence committed whether on war service or not.

(7) When an offender is convicted of two or more charges, the sentence shall be that which is considered adequate for the gravest of offences with some addition for each of the other charges.

368. (1) Where a court-martial desires to sentence an officer to forfeiture of seniority of rank, the form of punishment may be that he take rank and precedence in the Air Force as if his appointment to the rank held by him, and specified in the sentence, bore the date of some day specified in the sentence, and later than the actual date of his appointment; or that he take precedence in the rank held by him in the Air Force, as if his name had appeared a specified number of places lower in the seniority list of the Air Force.

(2) Where a court-martial for the trial of a warrant or non-commissioned officer desires to award the sentence of forfeiture of seniority of rank, the form of punishment shall be that he shall take rank and precedence as if his appointment to the rank held by him, and specified in the sentence, bore the date of some day specified in the sentence, and later than the actual date of his said appointment.

369. Where a member has been found guilty by a court-martial of the offence of desertion, the court-martial may, in addition to the penalty provided for that offence, order that any moneys or other property found on or in the possession of the deserter may be applied—

(a) in payment of any fine which has been imposed on the deserter under these Regulations; and

(b) in payment of any amount which he has been ordered to pay under these Regulations.

370. (1) An airman who is convicted by a court-martial of an offence under paragraph (xxiii), (xxvii), and (xviii), of Regulation 184 and Regulation 185, shall be sentenced to imprisonment.

(2) If sentenced to imprisonment and discharge with ignominy, the airman shall be sent to a civil prison to undergo his sentence.

(3) If sentenced to imprisonment without discharge the airman shall be sent to a civil prison to undergo his sentence; but if the term of imprisonment awarded is short, and if the confirming officer so directs, the airman may undergo his sentence in a place of detention.
371. (1) A discharge with ignominy shall not accompany a sentence of detention.

(2) An airman under sentence of detention awarded by a court-martial or by his commanding officer shall undergo his sentence either in air-force custody or in a place of detention or in a service detention room or partly in one or more of these ways.

(3) An airman shall not be committed to a prison in respect of any portion of a sentence of detention.

372. In framing sentences of imprisonment and detention the following provisions shall apply—

(a) a sentence shall not be awarded in hours;
(b) terms of imprisonment or detention not amounting to six months shall be awarded in days;
(c) terms of imprisonment or detention of one year and two years shall be awarded in years; and
(d) other terms of imprisonment or detention shall be awarded in months, or, if required, in months and days.

373. Imprisonment and detention may be awarded as follows, but nothing contained therein shall be construed as limiting the discretion of the court to pass any legal sentence, whether in accordance with this regulation or not, if, in its opinion there is good reason for so doing.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Detention</th>
<th>Imprisonment</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) In the absence of a previous conviction or of aggravating circumstances or of antecedents appearing to require a severe lesson, or of an unusual prevalence in the unit of the species of offence forming the subject of the charge— First desertion within first six months service, and when not under orders for embarkation; Leaving guard or post; Offence of sentries; Insubordinate or threatening language; Disobedience not of a grave nature; Resisting escort, not involving an attempt at serious injury; Breaking out of camp; Neglect of orders; Absence; Failing to appear at parade; Being out of bounds; Drunkenness; Release of person or allowing person to escape (not wilfully); Escaping from custody; Loss of kit, &amp;c.; Irregularity or omission in regard to returns (not fraudulent); Minor contempt of court martial; False answer on attestation; Conduct to prejudice of good order and discipline not of a serious nature.</td>
<td>Period: Not exceeding 28 days</td>
<td>Period: ...</td>
<td>An addition of from 7 to 28 days detention may appropriately be made for each previous conviction whether for a similar or any other offence, or any circumstances that aggravate the gravity of the offence but the full period of detention shall not exceed 80 days (absence or failing to appear at a parade, which involves the avoidance of embarkation will be held to aggravate such offence.)</td>
</tr>
<tr>
<td>Offence</td>
<td>Punishments</td>
<td>Remarks</td>
<td></td>
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<td>(b) Striking a superior officer; Disobeying a lawful command (a graver offence); Desertion other than under paragraph (a); Fraudulent enlistment; False evidence; False accusations; Conduct to prejudice of good order and discipline of a more serious nature than under paragraph (a)</td>
<td>Not exceeding 89 days</td>
<td>Period.</td>
<td></td>
</tr>
<tr>
<td>(c) Ordinary theft; Frauds; An offense under paragraph (xxviii) of Regulation 100; Gross violence to superiors; Disgraceful conduct under paragraph (iv) of Regulation 100.</td>
<td>Not exceeding 89 days</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

374. The court shall award one sentence in respect of all the offences of which the offender is found guilty, and that sentence shall be deemed to be awarded in respect of the offence in each charge in respect of which it may be legally given, and not to be awarded in respect of any offence in a charge in respect of which it may not be legally given.

375. (1) Where a person has been convicted by court-martial of having stolen, embezzled, received, knowing it to be stolen, or otherwise unlawfully obtained any property and the property or any part thereof is found in the possession of the offender, the authority confirming the finding and sentence of the court-martial, or the Air Board, and not the court-martial, may order the property so found to be restored to the person appearing to be the lawful owner thereof.

(2) A like order may be made with respect to any property found in the possession of such offender which appears to the confirming authority or the Air Board to have been obtained by the conversion or exchange of any of the property stolen, embezzled, received or unlawfully obtained.

(3) Where it appears to the confirming officer or to the Air Board from the evidence given before the court-martial that any part of the property stolen, embezzled, received or unlawfully obtained was sold to or pawned with any person without any guilty knowledge on the part of the person purchasing or taking into pawn the property, the confirming officer or the Air Board may, on the application of that person and on the restitution of the said property to the owner thereof, order that out of the money (if any) found in the possession of the offender, a sum not exceeding the amount of the proceeds of the sale or pawning shall be paid to the person purchasing or taking into pawn such property.
(4) An order under this Regulation shall not bar the right of any other person than the offender or any one claiming through him to recover any property or money delivered or paid in pursuance of an order under this Regulation from the person to whom the same is so delivered or paid.

376. In forwarding proceedings which disclose any matters which appear to require investigation, the covering letter shall state that steps are being taken or have been taken to inquire into the matters in question.

377. (1) If the court makes a recommendation to mercy it shall give its reasons for its recommendation.

(2) If the court recommends any restoration of service under Regulation 353, the recommendation, with the reasons for it, shall be entered in the proceedings.

(3) The number of opinions by which a recommendation mentioned in this Regulation, or any question relative thereto, is adopted or rejected, may be entered in the proceedings.

378. Upon the court awarding the sentence, the president shall date and sign the sentence, and such signature shall authenticate the whole of the proceedings, and the proceedings, upon being signed by the judge-advocate, if any, shall be at once transmitted for confirmation.

379. Any officer or airman who considers himself aggrieved by the finding or sentence of a court-martial may forward a petition to the confirming or reviewing authority through the usual channels, and if such a petition raises any question of law, it shall be referred for advice to the Attorney-General.

Division 11.—Courts-Martial.—Confirmation, Revision, Approval, Commutation, Remission, and Suspension of Sentences, and Disposal of Proceedings.

380. (1) The following authorities shall have power to confirm the findings and sentences of courts-martial:

(a) In the case of a general court-martial the Governor-General or some officer with authority from the Governor-General, to confirm the findings and sentences of a court-martial, and

(b) In the case of a district court-martial an officer authorized to convene a general court-martial.

(2) The authority having power to confirm the finding and sentence of a court-martial may send back such finding and sentence, or either of them, for revision once but not more than once, but an authority shall not recommend an increase of sentence.

(3) The finding of acquittal, whether on all or some of the offences with which the accused is charged shall not require confirmation, and shall not be revised.

(4) A member of a court-martial shall not have authority to confirm the finding or sentence of that court-martial, and where a member of a court-martial becomes a confirming authority he shall refer the finding and sentence of the court-martial to a superior authority competent to
confirm the finding and sentences of the like description of court-martial, and that authority shall for the purpose of this Regulation be deemed to be in that instance the confirming authority.

(5) An officer having authority to confirm the finding and sentence of a court-martial may withhold his confirmation, wholly or partly, and refer such finding and sentence or the part not confirmed to any superior authority competent to confirm a finding and sentence of the like description of court-martial and that authority shall for the purposes of these Regulations be deemed to be in that instance and to the extent of such reference the confirming authority.

(6) Subject to the provisions of these Regulations with respect to the finding of acquittal, the finding and sentence of the court-martial shall not be valid except in so far as the same may be confirmed by an authority authorized to confirm the same.

381. (1) In the case of a finding which does not require confirmation, the confirming authority shall not make any remarks in the proceedings, but if he thinks that anything in the case requires further attention he shall report it to superior authority.

(2) In the case of any finding or sentence which requires confirmation the confirming authority—

(a) May direct the re-assembly of the court for the revision of the finding and sentence or either of them, stating the reasons for revision; and

(b) Upon receiving the proceedings, whether original or revised, may confirm or refuse confirmation and the confirmation or non-confirmation shall be entered in and form part of the proceedings.

382. When the confirming authority finds it necessary to comment upon proceedings of a court, whether original or revised, his remarks shall be separate from and form no part of the proceedings. They shall be communicated in a separate minute to the members of the court, or, where in the interests of discipline a more public instruction is required, they may be made known in the orders of the command.

383. (1) A confirming authority shall, by the exercise of his powers of commutation or mitigation, regulate the amount of punishment awarded by courts-martial and to ensure that the findings and sentences are legal, and that no sentence is heavier than the interests of discipline and the merits of the particular case require.

(2) In exercising his powers of commutation or mitigation, the confirming authority shall be guided by the provisions of Regulations 367 and 373 and of this Regulation, in order that, having due regard to the airman's character and conduct no great disparity may exist between sentences awarded for similar offences.

(3) When an airman is sentenced to imprisonment if the confirming authority does not consider that the airman should be discharged from the service in consequence of the conviction he may commute the sentence of imprisonment to one of detention.

(4) When an airman has been sentenced to imprisonment without discharge with ignominy for a purely air-force offence, the confirming authority or other superior authority may commute the sentence to one of detention except in very special circumstances.

(5) When a sentence of imprisonment is commuted to one of detention the term of detention shall not exceed the term of imprisonment originally awarded.
(6) A sentence of detention shall not be commuted in to one of imprisonment.

(7) When an airman has been sentenced to imprisonment and to be discharged with ignominy and a confirming authority or other superior authority commutes the imprisonment to detention, he shall remit the discharge with ignominy.

384. (1) If it appears to a confirming authority that a finding of a court-martial on any charge is illegal or involves injustice to the accused and confirmation has not been completed, the confirming authority shall refuse confirmation of that finding, and, if necessary, proceed as directed in sub-regulation (1) of Regulation 380.

(2) If a confirming authority is in doubt as to the propriety of confirming any finding of a court-martial and the circumstances admit of reference without undue delay, he should refer the case for the opinion of a superior authority.

(3) If after confirmation has been completed it appears that a finding on any charge is illegal or involves injustice to accused, such finding shall be quashed and the record of the conviction on that charge shall be removed and the accused relieved from all consequences of his trial on that charge.

(4) If, after confirmation has been completed it appears that a sentence is invalid and a valid sentence cannot be substituted under the powers conferred by these Regulations, the sentence shall be quashed.

(5) When the findings on all charges on which a person has been convicted are quashed the sentence also shall be quashed.

(6) When a sentence has been awarded by a court-martial in respect of offenses in several charges, and has been confirmed, and the finding on any but not all of those charges is quashed, the authority who quashes shall take the quashing into consideration, and if it seems just, mitigate, remit or commute the punishment awarded as seems just having regard to the offenses in the charges, the findings on which are not quashed and the punishment as so modified shall be as valid as if it had been originally awarded only in regard to those offenses.

(7) The power of quashing under this regulation may be exercised in respect of proceedings of courts-martial by—

(a) The Governor-General;

(b) The Air Board; or

(c) When on war service beyond the Commonwealth, an officer in chief command of a body of His Majesty's Forces provided that the power shall not be exercised by an authority inferior to the authority by whom the proceedings were confirmed without the consent of that authority or of a superior authority.

(8) When the circumstances admit of reference without undue delay, the proceedings of a court-martial shall not in any case of doubt or difficulty be quashed without reference to the Attorney-General or the Air Board.

385. (1) Where a special finding has been recorded in relation to alternative charges under sub-regulations (6) and (7) of Regulation 357 and the confirming authority is of opinion that the facts found by special finding constitute in law the offence charged in any of the alternative charges, that authority may confirm the finding and in that case shall declare that the finding amounts to a finding of guilty on that charge. If it is afterwards declared, however, by any authority having power to
remit or commute the punishment awarded that the facts constitute in law the offence charged in one of the other alternative charges, then the confirming authority or such other authority may declare that the finding amounts to a finding of guilty on that alternative charge. The finding shall be a valid finding of guilty on the charge specified in that behalf in the declaration made on confirmation or in the case of a subsequent declaration in that subsequent declaration.

(2) The sentence awarded in the case of any such special finding may likewise be confirmed, provided that, if the offence in one of the alternative charges involves a higher punishment or is otherwise graver than the offence in the charge of which the offender is found to be guilty under the terms of any declaration mentioned in sub-regulation (1), the authority making the declaration or some other authority having power to mitigate, remit or commute the punishment according as it seems just, having regard to the last mentioned offence, and the punishment as so modified shall be as valid as if it had been originally awarded in respect of the last mentioned offence.

386. (1) If the sentence of a court-martial is informally expressed, the confirming authority may, in confirming the sentence, vary the form so that it shall be properly expressed. If the punishment awarded by the sentence is in excess of the punishment authorised by law the confirming authority may vary the sentence so that the punishment shall not be in excess of the punishment authorised by law. The confirming authority may confirm the finding and the sentence, as so varied, of the court-martial.

(2) Whenever it appears that a court-martial had jurisdiction to try any person and that person was charged with some offence under these Regulations and was shown by legal evidence to have been guilty of the offence charged, the finding in respect of the offence of which he is shown to be guilty and the sentence may be confirmed shall be valid notwithstanding any deviation from these Regulations, or notwithstanding that the charge sheet has not been signed by the commanding officer or convening officer, provided that the charge has in fact been approved by the commanding officer and the convening officer or notwithstanding any defect or objection, technical or otherwise, unless it appears that any injustice has been done to the offender.

(3) Nothing in this regulation shall relieve an officer from any responsibility for any wilful or negligent disregard of any of these Regulations.

387. (1) The confirming authority may, when confirming the sentence of any court-martial mitigate or remit the punishment thereby awarded or commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the court-martial. The confirming authority may also suspend for such time as it thinks fit the execution of a sentence.

(2) When a sentence passed by a court-martial has been confirmed the following authorities shall have power to mitigate or remit the punishment thereby awarded, or to commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the court-martial, namely, as regards offenders in whatever place they may be for the time being, the Governor-General or the Air Board or when on war service beyond the Commonwealth an officer in chief command of a body of His Majesty's Forces.
(3) The power given by this Regulation shall not be exercised by an officer holding a command inferior to the authority confirming the sentences unless the officer is authorized by the confirming or other superior air-force authority to exercise such power.

(4) The authority having power under this Regulation to mitigate, remit, or commute any punishment may, if it thinks fit, do all or any of these things in respect of a person subject to such punishment.

(5) The provisions of this Regulation with respect to an original sentence of penal servitude, imprisonment or detention shall apply to a sentence of penal servitude, imprisonment or detention imposed by way of commutation.

388. (1) Where the finding or sentence is sent back for revision the court shall assemble in closed court and shall not receive any further evidence.

(2) Where the finding is sent back for revision and the court does not adhere to its former finding it shall revoke the finding and sentence and record a new finding, and if the new finding involves a sentence, pass sentence afresh.

(3) Where the sentence alone is sent back for revision the court shall not revise the finding.

(4) A court-martial, on revision of the sentence, shall not either in obedience to the recommendation of an authority or for any other reason, increase the sentence awarded.

(5) After the revision the president shall date and sign the decision of the court and the proceedings upon being signed by the judge-advocate, if any, shall be at once transmitted for confirmation.

389. (1) Where a sentence has been awarded by court-martial in respect of offences in several charges and the confirming authority confirms the finding on some but not on all of those charges, that authority shall take into consideration the fact of such non-confirmation and shall, if it seems just, mitigate, remit or commute the punishment awarded, according as seems just, having regard to the offences in the charges the findings on which are confirmed.

(2) Where a sentence has been awarded by court-martial in respect of offences in several charges, and has been confirmed, and any one of those charges or the finding thereon is found to be invalid, the authority having power to mitigate, remit or commute the punishment awarded by the sentence shall take into consideration the fact of such invalidity and if it seems just, mitigate, remit or commute the punishment awarded according as seems just, having regard to the offences in the charges which with the findings thereon are not invalid, and the punishment as so modified shall be as valid as if it had been originally awarded only in respect of those offences.

(3) Where a sentence passed by a court-martial has been confirmed and is found to be invalid the authority who would have had power to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence. The sentence so passed shall have the same effect as if passed by the court-martial. The punishment awarded by that sentence shall not be higher in the scale of punishments than the punishment awarded by the invalid sentence nor in the opinion of the authority by any excess of the last mentioned punishment.
390. When the proceedings of a court-martial are confirmed but the sentence is wholly remitted or quashed the remission or quashing, if the conviction still stands, shall not affect any penalty or forfeiture consequent on the conviction but not forming part of the sentence.

391. (1) Where an airman is sentenced to penal servitude, imprisonment or detention, the confirming authority to whom the sentence is submitted for confirmation may, when confirming the sentence, direct that the airman be not committed to prison or a place of detention until the orders of a superior air-force authority have been obtained.

(2) A superior air-force authority may, in the case of any airman so sentenced—
   (a) direct that a committal to prison or a place of detention shall not be issued until his orders have been obtained; or
   (b) suspend the sentence whether or not the airman has been committed to prison or a place of detention.

(3) Where a sentence of penal servitude, detention or imprisonment is suspended under this Regulation before an airman has been committed to prison or a place of detention, the airman if in custody shall be released, and, notwithstanding anything contained in these Regulations, the sentence shall not begin to run until the airman is ordered to be committed to prison or a place of detention under that sentence.

(4) Where a sentence of penal servitude, imprisonment or detention is suspended under this Regulation after an airman has been committed to prison or a place of detention, he shall be discharged and the currency of the sentence shall be suspended from the day on which he is released until he is again ordered to be committed to prison or a place of detention under the same sentence.

(5) Where a sentence has been suspended under this Regulation, the case may, at any time, and shall at intervals of not more than three months, be reconsidered by a competent air-force authority. If on any such reconsideration it appears to the competent air-force authority that the conduct of the airman since his conviction has been such as to justify a remission of the sentence, he may remit it.

(6) A superior air-force authority may at any time whilst the sentence is suspended under this Regulation order that the airman be committed to prison or a place of detention and from the date of such order the sentence shall cease to be suspended.

(7) Where an airman, whilst a sentence on him is so suspended, is sentenced to penal servitude, imprisonment or detention for a fresh offence, a superior air-force authority may direct that the two sentences shall either run concurrently or cumulatively; so, however, that the aggregate term of imprisonment or detention served under two or more sentences of imprisonment or detention, shall not exceed six months, provided that where the sentence for such fresh offence is a sentence of penal servitude, then whether or not that sentence is suspended, no previous sentence of imprisonment or detention which has been suspended shall be avoided.

(8) The powers conferred by this Regulation shall be in addition to and not in derogation of any other powers as to the mitigation, remission, commutation or suspension of sentences conferred by these Regulations.
(9) For the purposes of this Regulation the expression "superior air-force authority" means the Governor-General, the Air Board, or when on war service beyond the Commonwealth the officer in chief command of a body of His Majesty's Forces and the expression "competent air-force authority" means a superior air-force authority, or any general or other officer not below the rank of squadron leader duly authorised by a superior air-force authority.

392. (1) If a trial by court-martial results in conviction the charge, finding, sentence, recommendation to mercy, if any, and confirmation shall be promulgated by communication to the accused, except when promulgation is effected in accordance with the next succeeding sub-regulation. Promulgation by reading on parade shall only be effected when directed by the confirming authority. The date of promulgation shall be recorded on the proceedings.

(2) If at the time of signing the minute of confirmation or at any time thereafter, the authority who confirms or any authority for the time being qualified to confirm signs on the proceedings a minute in accordance with Form 12, publication of the charge, finding, sentence, confirmation and recommendation to mercy, if any, as directed by such minute shall be sufficient promulgation.

(3) Notwithstanding promulgation in accordance with the last preceding sub-regulation, a charge, finding, sentence, and confirmation and recommendation to mercy, if any, shall be communicated to the accused personally as soon as practicable, but omission of such communication shall not invalidate the promulgation.

(4) The result of any trial by court-martial shall be published in the orders of every unit in the orders of which notice of the convening of the court was published.

393. (1) The proceedings of a court-martial shall after promulgation be forwarded to the Minister for transmission to the Attorney-General for record.

(2) Any person who has been tried by a court-martial shall be entitled within six months after the date of the final decision to a copy of the proceedings on payment of three pence for every folio of seventy-two words.

394. (1) If the original proceedings of any court-martial or any part thereof are lost, a copy thereof, if any, certified by the president of or the judge advocate at the court-martial may be accepted in lieu of the original.

(2) If there is no such copy and sufficient evidence of the charge, finding, sentence and transactions of the court can be procured, that evidence may, with the assent of the accused, be accepted in lieu of the original proceedings or part thereof lost.

(3) In any case mentioned in this Regulation a finding and sentence, if requiring confirmation, may be confirmed and shall be as valid as if the original proceedings or part thereof had not been lost.

(4) If in a case where confirmation of a finding or finding and sentence is required, the proceedings or part thereof, were lost before confirmation and there is no such copy of evidence or the accused refuses such assent, as provided by this Regulation the accused may
be tried again and on the issue of an order convening the court for
the trial, the finding and sentence of the previous court of which the
proceedings were so lost shall be null.

395. The original proceedings of a court-martial purporting to be
signed by the president and being in the custody of the Attorney-
General or officer having the lawful custody thereof, shall be
admissible in evidence on their mere production from that custody,
and any copy purporting to be certified by or on behalf of the Attorney-
General or by the officer having the lawful custody of the original
proceedings to be a true copy of the proceedings or of any part thereof
shall be admissible in evidence without proof of the signature of the
person purporting to sign the same or of his having the custody of the
original proceedings.

Division 12—Field General Courts-Martial.

396. (1) Where a complaint is made to any officer in command
of any detachment or portion of the Air Force beyond the limits of the
Commonwealth or a Territory, or to the commanding officer of any
unit or portion of a unit on active service or to any officer in
immediate command of a body of the Air Force on active service, that
an offence has been committed by any person subject to these
Regulations, may (if in his opinion it is not practicable that the
offence should be tried by an ordinary general court-martial), although
not authorized to convene general courts-martial, in accordance with
Form 13 in these Regulations referred to as a “field general court-
martial”, for the trial of the person charged with such offence.

(2) An officer in command of a detachment or portion of the Air
Force not on active service shall not convene a field general court-
martial for the trial of any person unless that person is under his
command, nor unless the offence with which the person is charged is an
offence against the property or person of an inhabitant of, or resident
in, the country in which the offence is alleged to have been committed.

(3) An officer, before convening a field general court-martial for
the trial of a person, shall be satisfied that it is not practicable to try
the person by an ordinary court-martial, and, where the officer is
below the rank of squadron leader and is not a commanding officer,
be further satisfied that it is not practicable to delay the trial for
reference to a superior officer.

397. (1) This Part of these Regulations shall not apply to
field general courts-martial convened under the provisions of the last preceding Regulation.

(2) The following Regulations shall not apply to a field general
court-martial convened under the provisions of the last preceding
Regulation:

Regulations 258, 261, 262, 264, 265, 268 to 271 (both inclusive),
300, 302 to 305 (both inclusive), 308, 310 to 314 (both inclusive),
319 to 324 (both inclusive), 326 to 330 (both inclusive), 334 to
359 (both inclusive), 376, 377, 378, 380, 381, 382, 385, 388 and
389.

(3) Except as otherwise provided by this Regulation, these
Regulations shall, as far as practicable, apply as if a field general
court-martial were a district court-martial.
398. Any statement in an order convening a field general court-martial as to the opinion of the convening officer, and any statement in the minute confirming the finding or sentence of a field general court-martial as to the opinion of the confirming officer, shall be conclusive evidence of that opinion, but this Regulation shall not prejudice the proof at any time of any such opinion when not so stated.

399. (1) A field general court-martial shall consist of not less than three officers, unless the convening officer is of the opinion that three officers are not available, in which case the field general court-martial may consist of two officers.

(2) If the convening officer is of opinion that three other officers are not available to form the court, he may appoint himself president of the court; but if he is of opinion that three other officers are available, or that although three other officers are not available he is himself by reason of his position as confirming officer or otherwise not available he shall appoint as president some other officer;

Provided that the convening officer—

(a) shall not appoint as president any officer below the rank of squadron leader unless he is himself below that rank, or unless in his opinion an officer of or above the rank of squadron leader is not available; and

(b) where under the last preceding paragraph he has power to appoint as president an officer below the rank of squadron leader, shall not appoint an officer below the rank of flight lieutenant unless in his opinion a flight lieutenant is not available.

(3) The officers shall have held commissions for not less than one year, and if in the opinion of the convening officer any officers are available who have held commissions for not less than three years, he shall appoint those officers in preference to officers of less service.

(4) The provost-marshal, an assistant provost-marshal, and an officer who is prosecutor or a witness for the prosecution shall not be appointed a member of the court, but except as provided in this Regulation any available officer may be appointed to sit.

(5) The convening officer, although not authorized to appoint a judge advocate in the case of other courts-martial, may in the case of any field general court-martial by order appoint a fit person to act as judge advocate thereat.

400. (1) Where the convening officer is satisfied that the exigencies of the service or other circumstances prevent compliance with the last preceding regulation and that it is not practicable to delay the trial for the purpose of such compliance then if, in his opinion, three officers are not available, two may be appointed.

(2) The court may be convened, and the proceedings of the court recorded in accordance with Form 18, but if it appears to the convening officer that the exigencies of the service or other circumstances prevent the use of that form, the court-martial may be convened and the proceedings carried on without any writing, except that such written record as seems practicable shall be kept by the provost-marshal or assistant provost-marshal, if present, or if not, by the
president and the officer charged with the promulgation, stating as near as maybe the particulars set forth in the form, and stating at least the name (or, if the name is not known, the description) of the offender, the offence charged, the finding, sentence, and confirmation, and any recommendation to mercy.

(3) The convening officer shall report to superior authority for the information of the officer who, if a field general court-martial had not been convened, would have had power to convene a general court-martial to try the accused, the exigencies of the service or other circumstances which prevented compliance with the last preceding regulation or the use of Form 13.

401. The statement of an offence may be made briefly in any language sufficient to describe or disclose an offence under these Regulations.

402. The court may be sworn at the same time to try any number of accused persons then present before it, but, except so far as accused persons are tried together for an offence committed collectively, the trial of each accused person shall be separate.

403. (1) The names of the president and members of the court shall be read over in the hearing of the accused persons, and they shall be asked if any of them objects to be tried by any of those officers.

(2) If any accused person objects to an officer, and any member of the court thinks the objection reasonable, steps shall be taken to try the accused before a court composed of officers against whom he has no reasonable objection.

404. When the members of the court are sworn, the judge advocate (if any) or the president shall state to the accused then to be tried the offence with which he is charged, with, if necessary, an explanation giving him full information of the act or omission with which he is charged, and shall ask the accused whether he is guilty or not of the offence.

405. If a special plea to the general jurisdiction is offered by the accused, and is considered by the court to be proved, the court shall report the same to the convening officer.

406. (1) The witnesses for the prosecution shall be called, and the accused shall be allowed to cross-examine them, and to call any available witnesses for the defence.

(2) The judge-advocate, if there be one, and, if there be none, the president of the court shall take down, or cause to be taken down, a short summary of the evidence of all the witnesses at the trial, and the summary so taken down shall be attached to the proceedings; but if it appears to the convening officer that the exigencies of the service or other circumstances prevent compliance with this provision, the trial may be carried on without any summary being taken down, but in such case the convening officer shall report to superior authority in the same manner as he is required to do under the provisions of Regulation 400.
407. The accused shall be asked what he has to say in his defence, and shall be allowed to make his defence.

408. (1) In the case of an equality of opinions on the finding the accused shall be acquitted.

(2) The finding of acquittal requires no confirmation, and, if it relates to all the offences charged against an accused person shall be declared at the time of the finding and the accused shall thereupon be discharged from custody. If it relates to one or more, but not all, of the charges, it shall be declared before the court proceed to consider their sentence.

409. (1) The court, if consisting of three or more officers, may award any sentence which a general court-martial may award, but sentence of death shall not be passed on any prisoner by a field general court-martial.

(2) The court, if consisting of two officers, may award any sentence authorized for the offence, not exceeding field punishment or three months imprisonment with hard labour.

(3) Any recommendation to mercy shall be attached to the proceedings, and communicated to the accused, together with the finding and sentence.

410. (1) Except as provided by sub-regulation (2) of regulation 403, and the last preceding regulation any question shall be determined by the majority of opinions, and in case of equality, the president shall have a second or casting vote.

(2) If, after the commencement of the trial, the court considers that any accused person named in the schedule to the order convening the court should be tried by an ordinary court martial, the court may strike the name of that person out of the schedule.

(3) The proceedings shall be held in open court, in the presence of the accused, except on any deliberation among the members and the judge advocate (if any) when the court may be closed.

(4) The court may adjourn from time to time.

411. (1) Except in the case of acquittal, the finding and sentence of the court shall be valid only in so far as they are confirmed by proper air-force authority.

(2) A prosecutor of an accused person or a member of the court trying an accused person shall not confirm the finding or sentence of the court as regards that person, except that if a member of the court trying an accused person might otherwise under these Regulations have power to confirm the sentence, and is of opinion that it is not practicable to delay the case for the purpose of referring it to any other officer, he may confirm the finding and sentence.

(3) A provost marshal or an assistant provost marshal shall not confirm the finding or sentence of the court.

(4) A sentence of penal servitude awarded by a field general court martial shall not be carried into effect unless or until it has been confirmed by the officer (not being below the rank of squadron leader, flag officer or field officer), commanding the force with which the person under sentence is present at the date of the sentence, whether such officer is an officer of the Air Force or of the Naval or Military Forces.
(5) In any case where a sentence of imprisonment or detention is passed, the confirming authority shall, after confirmation forthwith transmit the proceedings to the officer in chief command of the forces in the field comprising the force with which the accused is present, whether such officer is an officer of the Air Force or of the Naval or Military Forces:

Provided that the confirming officer shall not be required to refer any case to the officer in chief command in the field if in confirming the sentence he commutes it so as to make it a punishment less than detention.

(6) Subject to the preceding provisions of this Regulation, the finding and sentence of a field general court martial as regards any person may be confirmed:

(a) Where the court was convened by an officer in command of a detachment or portion of the Air Force not on active service, by an officer authorized to confirm the findings and sentences of general courts martial for the trial of offences in the forces of which the detachment or portion of the Air Force forms part; and

(b) Where the court was convened by an officer in command of any detachment or portion of the Air Force on active service, by the senior officer, not being an officer below the rank of squadron leader, present at the place where the trial takes place, or if there is no officer not below that rank present at that place, by the senior officer not below the rank of squadron leader present at any other place.

(7) Any officer may, if he thinks it desirable, reserve any finding or sentence for confirmation by superior authority.

(8) A confirming authority shall not send back a finding and sentence for revision more than once, nor recommend the increase of a sentence, and on any revision the court shall not take further evidence nor increase the sentence.

Division 18.—Disposal of Persons under Sentence.

412. (1) Warrants for the temporary detention in any prison or other authorized place, and warrants for the commitment to any prison or other authorized place of any person sentence to penal servitude, imprisonment or detention, may be issued by any prescribed officer.

(2) The president of the court martial or any officer authorized by these Regulations shall be authorized to issue warrants for temporary detention, and for the commitment of persons sentenced by court martial to penal servitude, imprisonment or detention.

(3) The governor of a prison to whom any warrant, issued in pursuance of this Regulation, is directed, shall take cognizance of it without proof of the signature of the person by whom it purports to be signed.

(4) This Regulation shall not affect any power under any law to detain any person in air-force custody.

413. (1) An airman under sentence, until he arrives at the place or prison in which he is to undergo his sentence, may be kept in air-force custody, or in any civil custody to which he may be lawfully committed, or partly in air-force custody and partly in any such civil custody.
(2) An airman under sentence, until he arrives at the place or prison at which he is to undergo his sentence, may be temporarily committed from time to time:

(a) if an air-force convict, to a penal servitude prison, or a place of imprisonment, or a place of detention, or a police station or lock-up;
(b) if an air-force prisoner, to a place of imprisonment, or a place of detention, or a police station or lock-up; or
(c) if an airman under sentence of detention, to a place of detention, or a police station or a lock-up.

(3) Warrants for temporary commitments under this Regulation may be issued by:

(a) the Air Member for Personnel;
(b) any commanding officer; or
(c) any officer having or being responsible for the custody or control of the airman under sentence.

414. (1) A sentence of dismissal of an officer or a sentence of dismissal, or discharge, or discharge with ignominy, of an airman under these Regulations shall take effect:

(a) on the day of promulgation, unless execution of the sentence is suspended; or
(b) on the day on which suspension of the execution of the sentence ceases.

(2) The term of penal servitude, imprisonment, detention, or field punishment to which a person is sentenced by court-martial, whether the sentence is revised or not, and whether the person is already undergoing sentence or not, shall be reckoned to commence on the day on which the original sentence and proceedings were signed by the president of the court martial.

415. (1) When a sentence of penal servitude is being undergone concurrently with a sentence of imprisonment or detention, the airman under sentence shall be treated as an air-force convict.

(2) When a sentence of imprisonment is being undergone concurrently with a sentence of detention, the airman under sentence shall be treated as an air-force prisoner.

416. Any member sentenced to penal servitude, imprisonment, or detention for any air-force offence may, if the Governor-General so directs, be imprisoned or undergo penal servitude or detention in any place appointed by the Governor-General instead of a prison.

417. (1) For the purposes of sub-regulation (6) of Regulation 421 and sub-regulation (6) Regulation 422, each of the following authorities shall be a competent air-force authority to the extent indicated in this sub-regulation:

(a) when the airman under sentence is within the Commonwealth:

(i) The Air Member for Personnel;
(ii) the officer who confirmed the sentence;
(iii) the commanding officer of the airman under sentence; or
(iv) the president of the court martial by which the sentence was passed;
(b) when the airman under sentence is beyond the limits of the Commonwealth, or belongs to any part of the Air Force which is on active service:—

(i) Any authority mentioned in paragraph (a) or sub-regulation (1) of this Regulation;
(ii) The officer in chief command of the Air Force where the sentence is passed or the airman under sentence is for the time being; or
(iii) The officer in charge of the administration of that command.

(2) For the purposes of sub-regulation (7) of Regulation 421, sub-regulation (7) of Regulation 422, and sub-regulations (1) and (2) of Regulation 424, the competent air-force authorities shall be those specified in the last preceding sub-regulation with the exception of the president of the court martial by which the sentence was passed, but with the addition of the officer appointed to command the Air Force in time of war.

(3) For the purposes of sub-regulation (9) of Regulation 421, the competent air-force authority shall be those specified in sub-paragraphs (i), (ii), (iii) of paragraph (a) of sub-regulation (1) of this Regulation, and with the addition of the officer appointed to command the Air Force in time of war.

418. (1) A warrant, order or direction relating to an airman under sentence shall not be held void by reason only of the death or removal from office of the officer signing or ordering the issue of the warrant, order or direction, or by reason of any defect in the warrant, order or direction, if it is alleged in the warrant, order or direction that the airman under sentence has been convicted and there is a good and valid conviction to sustain the warrant, order or direction.

(2) Where any airman under sentence is for the time being in air-force or civil custody in any place or manner in which he may legally be kept in pursuance of these Regulations, the custody of the airman under sentence shall not be deemed to be illegal by reason only of any informality or error in or as respects the warrant, order or other document, or the authority by or in pursuance of which the airman under sentence was brought into or is detained in custody, and any such warrant, order, or document may be amended so as to remove the informality or error.

419. In localities without public prisons or places of detention, application shall be made to the Air Board for instructions as to the disposal of airmen under sentence.

420. An air-force prisoner or airman under sentence of detention sentenced by a civil court may be, and, if he is delivered into air-force custody, shall be, committed by warrant in accordance with Form 20 or 23, as the case may be.

421. (1) An air-force prisoner shall undergo his sentence in an air-force prison, or in a place of detention, or in air-force custody, or in a civil prison, or by any two or more of those methods.

(2) An airman under sentence of detention shall undergo his sentence in a place of detention, or in air-force custody or by both those methods, but not in a place of imprisonment.
(3) An air-force prisoner or airman under sentence of detention, sentenced or undergoing his sentence in the Commonwealth, shall not be committed or transferred to a place of imprisonment or place of detention out of the Commonwealth, other than a place of imprisonment or place of detention in a territory in which, if he is a member of the Permanent Air Force he enlisted, or, if he is a member of the Permanent Air Force or Citizen Air Force in which his usual place of residence is:

Provided that nothing in this sub-regulation shall prevent the commitment to a place of imprisonment or place of detention out of the Commonwealth of an air-force prisoner or airman under sentence or detention, when the suspension of the currency of a sentence passed in the Commonwealth is revoked, outside the Commonwealth.

(4) Subject to the next succeeding sub-regulation an air-force prisoner or airman under sentence of detention, sentenced outside the Commonwealth, or the suspension of the currency of whose sentence is revoked outside the Commonwealth, shall undergo his sentence in one or more of the following places in which he is liable to serve; the territory, country, or place in which the sentence is passed, or the Commonwealth, or the territory in which, if he is a member of the Permanent Air Force he enlisted, or if he is a member of the Permanent Air Force or the Citizen Air Force, in which his usual place of residence is:

Provided that a prisoner or airman under sentence of detention shall not, for longer than is absolutely necessary, be detained in a civil prison not in the Commonwealth, or a territory, unless it is a prison of which the Governor-General has approved as a prison in which sentences of imprisonment may be undergone, or in respect of which arrangements have been made.

(5) Subject to Regulation 424 when a sentence of imprisonment or detention exceeding twelve months is passed outside the Commonwealth, or the suspension of the currency of a sentence of imprisonment or detention having more than twelve months unexpired, is revoked outside the Commonwealth, the air-force prisoner or airman under sentence of detention shall, as soon as practicable, be committed or transferred to a place of imprisonment or place of detention in the Commonwealth:

Provided that a person sentenced outside, or the suspension of the currency of whose sentence is revoked outside, the Commonwealth, may undergo his sentence wholly or partly in the territory in which, if he is a member of the Permanent Air Force, he enlisted, or if he is a member of the Permanent Air Force or Citizen Air Force in which his usual place of residence is, and that he may be committed or transferred accordingly.

(6) A warrant for the commitment of—
   (a) an air-force prisoner to a place of imprisonment or a place of detention; or
   (b) an airman under sentence of detention to a place of detention—
may be issued by a competent air-force authority under Regulation 417.
(7) A warrant for the transfer of an air-force prisoner or airman under sentence of detention from any place of imprisonment or place of detention in which he is confined to any other place of imprisonment or place of detention in which he may lawfully be confined, may be issued by a competent air-force authority under Regulation 417.

(8) Nothing in these Regulations shall derogate from any power existing, for the time being, in any civil authority to commit any air-force prisoner or airman under sentence of detention, or to transfer an air-force prisoner from one civil prison to another: Provided that no commitment or transfer shall be made which might not have been made under these Regulations.

(9) A competent air-force authority under Regulation 417 may issue an order for delivery into air-force custody of an air-force prisoner or airman under sentence of detention, and for his removal, whether with his unit or separately, to any place out of the Commonwealth where he is liable to serve, and where the Unit, or any part of the Unit, to which for the time being he belongs, is serving, or under orders to serve.

422. (1) Subject to the next succeeding sub-regulation an air-force convict shall undergo his sentence in a penal servitude prison.

(2) When a sentence of penal servitude is passed, any authority having power to remit or commute the sentence may at any time, and from time to time, issue an order that the whole or any part of the sentence shall be undergone in an air-force prison: and while any such order remains in force the provisions of these Regulations with respect to penal servitude (except those relating to treatment in a penal servitude prison) shall, in relation to the sentence, or part of the sentence, to be so undergone have effect as though for references to a penal servitude prison there were substituted references to an air-force prison. An order under this sub-regulation may, at any time, be revoked by an order by an authority having power to remit or commute the sentence, and after any such revocation this Regulation shall apply to the air-force convict to whom it relates as if no such order had been made; and the air-force convict may be transferred accordingly.

(3) An air-force convict sentenced, or undergoing his sentence, in the Commonwealth shall not be committed or transferred to a prison out of the Commonwealth other than a penal servitude prison in a territory in which, if he is a member of the Permanent Air Force, he enlisted, or, if he is a member of the Permanent Air Force or Citizen Air Force, in which his usual place of residence is:

Provided that nothing in this sub-regulation shall prevent the commitment to a penal servitude prison or air-force prison or out of the Commonwealth of an air-force convict when the suspension of the currency of a sentence passed in the Commonwealth is revoked outside the Commonwealth.

(4) Subject to the next succeeding sub-regulation, an air-force convict, who is sentenced outside the Commonwealth, or the suspension of the currency of whose sentence is revoked outside the Commonwealth, shall undergo his sentence in one or more of the following places in which he is liable to serve, namely, the territory in which the sentence is passed, or the suspension of the currency of the sentence.
is revoked, or in which for the time being, the force, or any part of
the force to which he belongs, is serving, or the Commonwealth, or the
territory in which, if he is a member of the Permanent Air Force he
enlisted, or, if he is a member of the Permanent Air Force or Citizen
Air Force, in which his usual place of residence is.

(5) Subject to Regulation 424, when a sentence of penal servitude
is passed outside, or the suspension of the currency of a sentence is
revoked outside the Commonwealth, the air-force convict shall, as
soon as practicable, be committed to a penal servitude prison or air-
force prison in the Commonwealth:

Provided that a person sentenced outside or the suspension of the
currency of whose sentence is revoked outside the Commonwealth may
undergo his sentence wholly, or partly, in the territory in which, if he
is a member of the Permanent Air Force, he enlisted, or, if he is a
member of the Permanent Air Force or Citizen Air Force, in which his
usual place of residence is, and that he may be committed or trans-
ferred accordingly.

(6) A warrant for the commitment of an air-force convict to a
penal servitude prison or air-force prison may be issued by a com-
petent air-force authority under Regulation 417.

(7) A warrant in accordance with Form for the transfer of an
air-force convict from a prison to any other prison in which he may
lawfully be confined may be issued by a competent air-force authority
under Regulation 417.

(8) An air-force convict, unless the currency of his sentence is sus-
pended, shall not be removed out of the Commonwealth except for com-
mitment or transfer to a prison in a territory as authorized by these
Regulations.

(9) Nothing in these Regulations shall derogate from any power
existing for the time being in any civil authority to transfer an air-
force convict from one prison to another: Provided that no transfer
shall be made which might not have been made under these Regu-
lations.

423. (1) Where an offender is sentenced to field punishment he
may, during the continuance of his sentence, unless the court-martial
or the commanding officer otherwise directs, be punished as follows:—

(a) He may be confined in such place as an airman under
detention is confined, and shall whilst so confined be
 treated as an airman under detention; and

(b) He may be subjected to the like labour, employment, and
restraint, and dealt with in like manner as if he were
under sentence of imprisonment with hard labour.

(2) Field punishment shall be carried out in the unit.

(3) When the unit to which an offender under sentence of field
punishment belongs or is attached is actually on the move, such offender
shall march with his unit, carry his arms and accoutrements, perform
all his air-force duties, and be treated as a defaulter.

424. (1) An order of a competent air-force authority under Regu-
lation 417 shall be sufficient for the delivery from any prison or place
of detention into air-force custody of an airman under sentence.
(2) An airman under sentence may at any time, if his sentence is remitted or quashed, or its currency is suspended, or released by order of a competent air-force authority under Regulation 417.

(3) An airman under sentence may during his conveyance from place to place, or when on board ship or otherwise, be subjected to such restraint as is necessary for his safe conduct or removal.

(4) The Governor-General may, in relation to any particular airman under sentence, or generally in relation to airmen under sentence, or generally in relation to air-force prisoners, or to airmen under sentence of detention, or to air-force convicts, or in relation to any class of air-force prisoners, airmen under sentence of detention, or air-force convicts, direct that sub-regulation (5) of Regulation 421 or sub-regulation (5) of Regulation 422 shall not apply, and while the direction remains in force, the sentence to which it applies shall not be affected by sub-regulation (5) of Regulation 421 or sub-regulation (5) of Regulation 422.

(5) The Governor-General may revoke any direction given under the last preceding sub-regulation, either in relation to a particular airman under sentence, or generally in relation to air-force prisoners or airmen under sentence of detention, or air-force convicts, or in relation to any class of air-force prisoners or airmen under sentence of detention, or air-force convicts, and on the revocation, every person to whom it applies shall be dealt with as if the part of his sentence which is unexpired on the day of revocation was a sentence which took effect on that day.

(6) An air-force prisoner, while in a civil prison or penal servitude prison, may be confined and dealt with in respect of hard labour and otherwise, in the same manner as if his sentence had been passed by a civil court in the State, territory or place in which he is for the time being.

(7) When the hospital or place for reception of sick persons in a prison or place of detention is detached therefrom, an airman under sentence may be detained in that hospital or place for the reception of such persons, and conveyed to and from the same place as occasion requires.

425. (1) An airman undergoing sentence in a barracks or camp detention room who—

(a) disobeys any lawful order given by the warrant officer or non-commissioned officer in charge of, or by any member of the staff of the barracks or camp detention room;

(b) disobeys any standing or other order for the barracks or camp detention room;

(c) treats with disrespect any member of the staff of, or any visitor to, or any person employed in connexion with the barracks or camp detention room;

(d) is idle, careless, or negligent at his work or refuses to work;

(e) is absent without leave from any parade;

(f) swears, curses, or uses any abusive, insolent, threatening, or improper language;

(g) is indecent in language, act, or gesture;
(h) without authority converses or holds intercourse with another airman under sentence;

(i) creates any unnecessary noise or disturbance, or gives any unnecessary trouble;

(j) without permission, leaves his room or other appointed location, or his place of work;

(k) wilfully disfigures or damages any part of a barrack or camp detention room, or any articles belonging thereto;

(l) commits any nuisance;

(m) has in his room or possession any article which he is not permitted to have;

(n) is inattentive at drill;

(o) without leave gives to or receives from any airman undergoing sentence or otherwise in custody in a barrack or camp detention room, any article;

(p) uses or offers violence to a member of the staff of a barrack or camp detention room, or to an airman under sentence, or otherwise in custody in a barrack or camp detention room;

(q) escapes or attempts to escape; or

(r) offends in any other way against the good order and discipline of the barrack or camp detention room, shall be guilty of an offence and may, without having any right to claim trial by court-martial, be awarded by his commanding officer or an air or other officer commanding, any one of the following punishments:

(a) Extra drills at the discretion of the commanding officer, or an air or other officer commanding;

(b) Deprivation of any recreational privilege at the discretion of the commanding officer or an air or other officer commanding;

(c) Restricted diet No. 2 in accordance with sub-regulation (2) of this Regulation for any period not exceeding seven days; or

(d) Close confinement for any period not exceeding three days; or

by an air or other officer commanding, any one of the following punishments:

(a) Restricted diet No. 1 in accordance with sub-regulation (3) of this Regulation for any period not exceeding three days; or

(b) Close confinement for any period not exceeding seven days.

(2) The scale of restricted diet No. 2 mentioned in sub-regulation (1) of this Regulation shall be:

Breakfast.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bread</td>
<td>6 oz.</td>
</tr>
<tr>
<td>Porridge</td>
<td>1 pint</td>
</tr>
<tr>
<td>Margarine or butter</td>
<td>½ oz.</td>
</tr>
</tbody>
</table>
### Dinner.

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bread</td>
<td>6 oz.</td>
</tr>
<tr>
<td>Meat</td>
<td>4 oz.</td>
</tr>
<tr>
<td>Potatoes</td>
<td>8 oz.</td>
</tr>
<tr>
<td>Rice</td>
<td>2 oz.</td>
</tr>
<tr>
<td>Water</td>
<td></td>
</tr>
</tbody>
</table>

### Supper.

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bread</td>
<td>6 oz.</td>
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<td>Porridge</td>
<td>1 pint</td>
</tr>
<tr>
<td>Margarine or butter</td>
<td>½ oz.</td>
</tr>
<tr>
<td>Bread</td>
<td></td>
</tr>
</tbody>
</table>

At the expiration of seven consecutive days on restricted diet No. 2, an airman shall be placed on full diet for at least three days before any further restricted diet is inflicted. An airman on restricted diet No. 2 shall attend all parades, and take part in all work performed by airmen under sentence of detention on full diet.

3. The restricted diet No. 1 mentioned in sub-regulation (1) of this Regulation shall consist of 1 lb. of bread a day, with water. At the expiration of three consecutive days on restricted diet No. 1, an airman shall be placed on full diet for at least three days before any further restricted diet is inflicted. An airman on restricted diet No. 1 shall not attend any parades, or be required to do any work.

4. An airman under sentence before being awarded a punishment under this Regulation shall be given an opportunity of hearing the charges and evidence against him, and of making his defence.

5. An airman under sentence shall not be placed on restricted diet or in close confinement unless a medical officer certifies that the airman is in a fit condition of health to undergo the punishment.

6. Any award under this Regulation shall commence on the day of the award, or as soon thereafter as, under this Regulation, it may be imposed.

7. Any punishment awarded under this Regulation shall lapse upon the airman ceasing to be under sentence.

### 426.

1. On the removal of units from one station to another the airman under detention and the airman under sentence of detention or of imprisonment confined in a place of detention shall be taken with them and re-committed to the place of detention at the new station.

2. The removal from the place of detention shall be effected by an order signed by the commanding officer under the provisions of these Regulations.

### Division 14.—Courts of Inquiry and Boards.

427. (1) For the purposes of this Division “court of inquiry” means an assembly of officers directed to collect evidence, and if so required to report with regard to any matter which may be referred to them.

2. A court of inquiry may be assembled by the Air Board or by the officer in command of any body of the Air Force, whether belonging to one or more units.
(3) The court of inquiry may be composed of any number of officers of any rank and of any branch or unit of His Majesty's Forces, according to the nature of the investigation. The members of the Citizen Air Force shall at least include officers and airman of its Air Force.

(4) Where the inquiry relates to the conduct or character of a member of the Citizen Air Force, such court of inquiry shall belong to the Citizen Air Force.

(5) The court of inquiry shall be guided by the written instructions of the authority who assembled it. The instructions shall be full and specific and shall state the general character of the information required. They shall also state whether a report is required or not.

(6) Previous notice shall be given of the time and place of the meeting of a court of inquiry and of all adjournments of the court of inquiry to all persons concerned in the inquiry.

(7) Whenever any inquiry affects the character or reputation of an officer or airman as a member of the Air Force full opportunity shall be afforded to the officer or airman of being present throughout the inquiry and of making any statement and of giving any evidence he may wish to make or give, and of cross-examining any witness whose evidence, in his opinion, affects his character or reputation as a member of the Air Force, and producing any witnesses in defence of his character or reputation as such a member.

(8) A court of inquiry shall put such questions to a witness as it thinks desirable for testing the truth or accuracy of any evidence he has given and otherwise for eliciting the truth.

(9) When a court of inquiry is held on recovered prisoners of war and in any other case in which the authority who assembled it has so directed, the evidence shall be taken on oath, in which case the court of inquiry shall administer an oath, in accordance with Form 11.

(10) The authority who assembled the court of inquiry shall when the court of inquiry is held on a returned prisoner of war, direct it to record its opinion whether the officer or airman concerned was taken prisoner by reason of the chances of war or through neglect or misconduct on his part, and the authority who assembled it shall record his own opinion. In other cases the court of inquiry shall not give an opinion on the conduct of any officer, unless so directed by the authority who assembled it.

(11) The members of the court of inquiry shall not themselves be sworn but when it is a court of inquiry on recovered prisoners of war, the members shall make the declaration in accordance with Form 11.

(12) The court of inquiry may be reassembled as often as the authority who assembled it directs for the purpose of examining new witnesses or further examining any witness or recording further information.

(13) The whole of the proceedings of a court of inquiry shall be forwarded by the president to the authority who assembled it.

(14) The proceedings of a court of inquiry or any confession, statement or answer to a question made or given at a court of inquiry shall not be admissible in evidence against an officer or airman, nor shall any evidence respecting its proceedings be given against any officer or airman except upon the trial of any officer or airman under paragraph (iv) of Regulation 190 for wilfully giving false evidence before that court of inquiry.
428. (1) A court of inquiry under Regulation 244 may, when assembled, require the attendance of such witnesses as it thinks sufficient to prove the absence and other facts specified as matters of inquiry in that Regulation.

(2) The court of inquiry shall take down the evidence given it in writing and at the end of the proceedings shall make a declaration of the conclusions at which it has arrived in respect of the facts it is assembled to inquire into.

(3) The commanding officer of the absent airman shall cause the original proceedings to be filed together with the airman's attestation sheet.

(4) The court of inquiry shall examine any witnesses who may be desirous of coming forward on behalf of the absentee and shall put such questions to them as are desirable for testing the truth or accuracy of any evidence they have given, and otherwise for eliciting the truth.

(5) The court of inquiry in making its declaration shall give due weight to the evidence of all such witnesses.

(6) The court of inquiry shall administer an oath in accordance with Form 11 to the witnesses as if it were a court-martial but the members of such court of inquiry shall not themselves be sworn.

429. A declaration of a court of inquiry under Regulation 244 or a copy of such declaration purporting to be certified to be a true copy by the officer having custody of the original shall on the trial of an airman be admissible as evidence of the facts stated in such declaration without proof of the handwriting of such officer or of his having custody of the original.

430. (1) For the purposes of this Regulation "A Board" means an assembly of officers, or of an officer or officers together with another person, or other persons, directed to collect evidence, and, if so required, to report with regard to any matter which may be referred to them.

(2) An officer of any rank, and of any part of the Air Force, shall be eligible for appointment to a Board.

(3) A board may be assembled by any authority by whom a court of inquiry may be assembled.

(4) A board shall not be assembled to inquire into any matter affecting the character or air-force reputation of an officer or airman.

(5) If during an investigation by a board anything which affects the character or air-force reputation of an officer or airman, and is relevant to the inquiry, is disclosed, the board shall report to the assembling authority and adjourn.

(6) An officer shall be the president of every board.

(7) Subject to this Regulation a board shall follow, as far as practicable, the provisions of Regulation 427.

PART VII.—WORKS, BUILDINGS, QUARTERS, AND EQUIPMENT.

431. Members may in time of war be billeted, quartered or cantoned as prescribed, but nothing in these Regulations shall authorize the quartering or billeting of any member in any house solely occupied by women or by women and children.
432. (1) The Governor-General may give a general or particular authority to the Air Force or any part thereof to enter upon and survey any lands or use them for training manoeuvres or other air-force exercises or purposes, and compensation shall be made in the prescribed manner for any damage or loss sustained by the owner or occupier of the lands by reason of such entry, survey or use.

(2) Any person who removes or interferes with any survey mark placed upon any land by any member who is surveying the land, in pursuance of the last preceding sub-regulation, shall be guilty of an offence and liable to a penalty of Twenty pounds.

433. (1) When an area has been proclaimed pursuant to the last preceding regulation, the senior air or other officer commanding shall convene a board in accordance with the provisions of Regulation 430, to deal with claims for damage occasioned by the occupation by a body of the Air Force.

(2) A claim for compensation shall not be considered unless it is submitted to the officer in charge of the area so proclaimed within seventy-two hours of the commission of the damage.

(3) The board convened under this regulation shall include an officer qualified to assess the damage and a representative of the Finance Member, and shall, when assembled, proceed to assess the amount of compensation (if any).

(4) Where an individual claim allowed by the board does not exceed Twenty pounds, such claim, duly certified by the Board or a member thereof, shall be passed to the Air Board for payment.

(5) Where an individual claim exceeds Twenty pounds, the board shall refer it to the Air Board with a recommendation.

(6) A claim which cannot be settled by agreement between the claimant and the board shall be referred to the Air Board with a recommendation.

(7) Claims shall be submitted in accordance with Form 39.

434. (1) A commanding officer may authorize the forfeiture of pay not exceeding fourteen days' pay against an individual member for the amount of damages to a building or damage to or loss of works and buildings fixtures where it is proved that such damage or loss was caused by the wilful act or neglect of such member.

(2) Where the damage or loss cannot be proved against an individual member, a commanding officer may apportion the amount of damages among the whole or a portion of the unit.

(3) A general charge shall not be made against the whole of a unit if responsibility for the damage or loss can be definitely fixed upon a portion of that unit.

(4) The amount of damages shall be assessed by the unit works officer.

435. The commanding officer of any unit shall be responsible for the safe keeping and good order of all articles, the property of the Commonwealth, supplied to his unit, and the value of any of those articles may if lost or damaged while in possession of the unit otherwise than through fair wear and tear and other unavoidable accident, be recovered by the Minister in any court of competent jurisdiction from the member by whom the loss or damage was occasioned.
436. (1) A member shall be responsible for any equipment or kit which may be issued or loaned to him.

(2) A commanding officer may authorize the forfeiture of not exceeding fourteen days' pay of a member, in respect of any damage to, deficiency in or loss of any article of such equipment or kit.

437. (1) The Governor-General may by proclamation declare that any area is a prohibited area for the flying of aircraft.

(2) On the publication of such proclamation in the Gazette the area referred to therein shall be a prohibited area for the flying of aircraft during the time specified in the proclamation or until the proclamation is revoked.

(3) Any person who flies or causes or permits to fly within a prohibited area any aircraft shall be guilty of an offence, and liable to a penalty of two hundred pounds or imprisonment for six months or both.

438. The officer in charge of any artillery or rifle range or any air fighting, gunnery, bombing, or similar practice area, may stop all traffic during such artillery, rifle, air fighting, gunnery, bombing or other practice on any road or waterway crossing the line of fire or in dangerous proximity thereto, and may also as he thinks fit, stop all or any air traffic over such area.

439. A ship, boat, aircraft or person shall not come or remain within the prescribed distance of any ship, battery, gun or person engaged in any artillery or rifle practice or within the prescribed distance of any air fighting, gunnery, bombing, or similar practice area, or shall not remain in any position so as to obscure such practice.

440. For the purposes of the last preceding regulation, a ship, boat, aircraft, or person shall be deemed to have come within the prescribed distance if such ship, boat, aircraft, or person comes within a distance of two miles measured from any point on a boundary of any area proclaimed to be an air fighting, gunnery bombing or similar practice area.

441. The owner of any vehicle, horse, mule, bullock, aircraft, boat or vessel, or of any goods required for air-force purposes, shall when required to do so by an officer authorized in that behalf by these Regulations, furnish it for those purposes and shall be recompensed therefor in the manner prescribed, and the owners of any vehicles, horses, mules, bullocks, aircraft, boats or vessels may be required by these Regulations to register them periodically.

442. (1) In time of war the Minister of Defence or the Air Board may issue any authority to any person to requisition such number and kind as are specified in the authority of aircraft, vehicles, horses, mules, bullocks, boats, or vessels, or goods for air-force purposes.

(2) Upon receipt by any person of such an authority, that person or any person thereto authorized in writing by him may inspect any articles or animals of the kind enumerated in the said authority, and may, in pursuance of the said authority, by writing under his hand, require any owner of any such articles or animals to deliver them up to him, and, in the event of the owner failing so to do within the time limited in the requisition, may seize the said articles or animals.
(3) The compensation payable to an owner in respect of any articles or animals requisitioned in pursuance of this regulation shall in default of agreement be assessed in the first instance by a board of three persons appointed or approved by the Minister and be determined by the Minister upon such basis as he deems fair.

PART VIII.—CITIZEN AIR FORCE.

443. Persons liable to compulsory training to be subject to those regulations.

444. Any male inhabitant of Australia, who has resided therein for six months and is a British subject, and whose bona fide residence is within a distance of five miles, reckoned by the nearest practicable route, from the nearest place appointed for training, and who is at any time after he has attained the age of fourteen years and before he has attained the age of twenty-six years, not registered for naval, military or air-force training, shall be guilty of an offence.

445. Any person who has been allotted to the Air Force, may—
(a) at any time be re-allotted to the Military Forces;
(b) on his own request and subject to these Regulations and the approval of his commanding officer be re-allotted to the Military Forces.

446. Any person liable to be trained in the Citizen Air Force shall attend at such times and places for inspection as are approved by the Air Board, and shall give such information as is required by the Air Board, and shall submit to the medical examination approved by the Air Board.

447. (1) Any person liable to be trained in the Air Force shall notify his address, and shall notify any change of address, and the address so notified shall be deemed his place of abode for the purposes of these Regulations.
(2) All notices posted to a person's place of abode shall be deemed to have been delivered to him, and all printed notices exhibited at the post office or authorized place of the district in which his place of abode is shall be deemed a notice to him, and all postmasters are required to exhibit such notices as are sent to them by or under the authority of the Air Board and to keep and issue such forms as are authorized by the Air Board and to send such forms when so required.

448. (1) Any person who is allotted for training in the Air Force shall receive a Record Book in the form approved by the Air Board.
(2) The entries in the Record Book shall relate to such matters, and shall be made by such persons as are approved by the Air Board.
(3) A copy of the entries in the Record Book shall be prepared by such persons and in such form, and shall be retained by such persons as are approved by the Air Board.
(4) The production of a Record Book, or of a book or document purporting to be a copy of the entries in a Record Book, shall be prima facie evidence of the entries contained therein.
449. The Governor-General may, in time of war, by order published in the Gazette, suspend in any year the whole or any portion of the training prescribed by Regulation 453, and all persons liable to be trained under the Regulation in that year shall not be required at any subsequent time to undergo the training so suspended.

450. There shall be kept in the manner approved by the Air Board a Non-Effective List, on which shall be entered the name and particulars of every member of the Citizen Air Force liable to be trained who is not in any year called upon to attend for training, whether by reason of a suspension of training under the last preceding regulation or not.

451. A person allotted for training in the Citizen Air Force shall not by reason only of any defect in registration or enrolment be entitled to be discharged.

452. The training in the Citizen Air Force shall begin on the first day of July in the year in which the persons liable reach the age of eighteen years and shall continue for seven years.

453. (1) The prescribed training shall be in each year ending the 30th day of June, in the Citizen Air Force, 25 whole day parades or their equivalent, of which not less than 18 shall be in camps of continuous training:

Provided that the duration of a whole day parade shall be not less than six hours, of a half day parade not less than three hours, and of a night parade not less than one hour and a half:

Provided also that the Minister may by Gazette notice declare that whole day parades or half day parades may be substituted for night parades in any districts or localities specified in the notice.

454. Notwithstanding anything contained in the last preceding Regulation, where an officer of the Citizen Air Force is performing the duties of an office at an head-quarters of the Air Force, he shall perform such training as the Air Board from time to time determines:

Provided that such training shall be the equivalent of 25 whole day parades.

455. Prior to the commencement of each half year there shall be issued by commanding officers to members of the Citizen Air Force a programme of parades as approved by the Air Board.

456. Attendance shall be compulsory—

(a) at parades which are so specified in the programme of parades to be compulsory; and

(b) at the camp of continuous training.

457. (1) Alternative parades, not exceeding five whole days or their equivalent in any one year, may be called and attendance at such parades shall count for pay and efficiency in the like manner as compulsory parades.

(2) Notwithstanding anything contained in this Regulation, attendance at an alternative parade shall not relieve a member of the Citizen Air Force from liability under Regulation 465.
456. (1) Voluntary parades in addition to the parades provided by the last two preceding Regulations, may be called by commanding officers.

(2) Voluntary parades shall not count for the purposes of pay; but, in special cases may be allowed to count for efficiency.

459. Persons who are being trained in the Citizen Air Force shall receive pay as prescribed.

460. Notwithstanding anything contained in these Regulations payment may be made for any special parades or duty approved by the Air Board in excess of the equivalent of twenty-five whole days.

461. (1) Persons who are not liable to be trained under Part XII. of the Defence Act and persons who have served on war service may be voluntarily enlisted in the Citizen Air Force.

(2) Persons voluntarily enlisting in the Citizen Air Force under this Regulation shall serve and be discharged in accordance with the provisions of Regulations 39, 39 to 97 (both inclusive), 99 to 104 (both inclusive), 110, 115, 116, 471, 472, 473, 476, 486, 487, and shall receive pay as prescribed.

462. At the termination of each annual training in the Citizen Air Force each member shall be classified by the officer appointed in that behalf as efficient or non-efficient. Those who are classified as non-efficient for failure to attend during the prescribed period or because they have not attained a sufficient standard of efficiency shall be required to attend an equivalent additional training for each year in which they are non-efficient.

463. (1) An employer shall not prevent or attempt to prevent any employee who is serving or liable to serve in the Citizen Air Force and a parent or guardian shall not prevent any son or ward who is so serving or liable to serve from rendering the personal service required of him or from attending any camp of instruction appointed to be held by the Air Board, and an employer shall not in any way penalize or prejudice in his employment any employee for rendering or being liable to render such personal service or for attending such camp, either by reducing his wages or dismissing him from his employment or in any other manner.

Penalty: One hundred pounds.

(2) Nothing in this Regulation shall render an employer liable to pay an employee for any time that he is absent from employment for the purpose of training in the Citizen Air Force.

(3) In any proceedings for any contravention of this Regulation, it shall lie upon the employer to show that any employee proved to have been dismissed or to have been penalized or prejudiced in his employment or to have suffered a reduction of wages was so dismissed, penalized, or prejudiced in his employment or reduced for some reason other than for having rendered or being liable to render the personal service required of him or for attending the camp.

(4) The court may direct that the whole or any part of any penalty recovered from an employer for penalizing or prejudicing in his employment or attempting to penalize or prejudice in his employment any
employee for rendering or being liable to render the personal service required of him or for attending a camp of instruction as aforesaid may be paid to the employee.

464. Where any person employed under articles of apprenticeship, or articles of service is required to attend a camp of continuous training or is on war service with the Citizen Air Force called out under these Regulations, his articles of apprenticeship, or articles of service shall be deemed to be suspended during the camp of continuous training or is on such war service, and if his master refuses to re-employ him or to allow him to resume his service under the articles at the conclusion of the continuous training or war service, the master shall be guilty of an offence, and liable to a penalty of fifty pounds or imprisonment for six months, or both.

465. (1) Any person allotted for training in the Citizen Air Force in pursuance of Regulation 443 who in any year without leave or excuse evades or fails to render the personal service required by this Part, shall be guilty of an offence and shall in addition to the liability under Regulation 462, be liable to a penalty not exceeding one hundred pounds.

(2) Any person so allotted for training who—

(a) fails without lawful excuse to attend a compulsory parade,
or

(b) commits a breach of discipline while on parade, shall be guilty of an offence and shall in addition to any liability under Regulation 462 be liable to a penalty not exceeding five pounds.

(3) Any penalty under this Regulation may be recovered summarily on the information or complaint of a prescribed officer.

(4) In fixing the amount of the penalty the court shall have regard to the means of the person offending and those of his parents.

(5) In addition to any penalty imposed (or where the court is of opinion that the imposition of a penalty would involve undue hardship), in lieu of imposing any penalty the court may if it thinks fit commit the offender to confinement in the custody of any prescribed authority for such time not exceeding twenty days as it thinks fit or for a time corresponding in duration to the time which in the opinion of the court would be taken up in rendering the personal service required.

(6) Any person committed to the custody of a prescribed authority in pursuance of this Regulation or of either of the next two succeeding Regulations may be handed over by that authority to air-force custody for conveyance to and detention at any prescribed institution or place and while so detained shall be subject to the Regulations governing that institution or place and to training and discipline as prescribed.

(7) It shall not be necessary for the confinement to be continuous but the person having the custody of the offender may (subject to these Regulations) release him for such periods and call upon him to return to custody at such times as he thinks fit; to the intent that he may follow his occupation and that in the case of a person committed to custody for an offence against sub-regulation (1) of this Regulation the times and periods of his confinement may correspond as nearly as practicable with the times and periods which he ought to have occupied in rendering personal service.
(8) Any person detained in any prescribed institution or place in pursuance of this Regulation or of either of the next two succeeding Regulations, who escapes therefrom or who having been released from custody fails to return thereto may be arrested without warrant by any prescribed person and taken back to the institution or place and may on the application of any prescribed officer be ordered by any court of summary jurisdiction to be detained for such additional period not exceeding twenty days as the court thinks fit to order.

466. A person liable to be trained under the provisions of Regulation 443 shall not be committed to gaol unconditionally in default of payment of a pecuniary penalty imposed for an offence against the provisions of Regulation 443 or of any costs awarded in proceedings for any such offence, but instead the court may order that he be committed to the custody of a prescribed authority for such time not exceeding the time for which the court could, but for this Regulation, have committed him to gaol, in default of payment of the pecuniary penalty imposed or costs awarded as the court thinks fit.

467. (1) Notwithstanding anything contained in Regulations 465 and 466, a person shall not be liable in any one year to confinement in excess of 30 days in respect of offences committed by him against the provisions of sub-regulation (1) or paragraph (a) of sub-regulation (2) of Regulation 465 or of costs awarded in proceedings for such offences, and any order or other authority issued by the court authorizing confinement for a period in excess of such 30 days shall in so far as it relates to the period in excess be void, but nevertheless, proceedings shall not be maintainable against the Commonwealth or any person in respect of the order or authority or of any act or thing done in pursuance of the order or authority.

(2) In this Regulation confinement includes detention under the authority of Regulation 465 and custody under the authority of Regulation 466.

468. For the purposes of Regulations 465, 466 and 467—

(a) prescribed officer or prescribed authority or prescribed person means any person authorized in that behalf by the Air Board; and

(b) prescribed place or prescribed institution means any place appointed by the Air Board for the purposes of these Regulations.

469. Any person who without lawful excuse evades or fails to render the personal service required by Regulation 443 shall, unless and until he has performed equivalent personal service as prescribed, be and remain ineligible for employment of any kind in the Public Service of the Commonwealth.

470. (1) A flight roll book shall be kept by such persons as are approved by the Air Board.

(2) The entries in the flight roll book shall relate to such matters and be made by such persons as are approved by the Air Board.

(3) The production of the flight roll book shall be prima facie evidence of the entries contained therein.
471. (1) The members of the Citizen Air Force are not liable in
time of peace to continuous air service but are liable to such air service
as is approved by the Air Board.
(2) The Citizen Air Force shall only be liable to be employed on
war service when called out for war service by proclamation.
(3) Nothing in this Regulation shall prevent the employment on
war service or any air service of any members of the Citizen Air Force
who volunteer for such service.

472. (1) The Governor-General may in time of war, by proclama-
tion, call out the Citizen Air Force or any part thereof for war service.
(2) The proclamation shall state the reason for calling out the
Citizen Air Force.
(3) If the Parliament is sitting the reason for calling out the Citizen
Air Force shall forthwith be communicated by the Governor-General to
both Houses of the Parliament.
(4) If the Parliament is not sitting at the date of issue of the pro-
clamation it shall be summoned to meet within ten days after that date.

473. The Citizen Air Force or any part thereof shall be liable to be
employed on war service from the time of the publication of the pro-
clamation calling out that Force or any part thereof for war service
until the publication of a proclamation notifying that the war services
of that Force or any part thereof are no longer required.

474. Any member of the Citizen Air Force who, having been required
to serve pursuant to a proclamation made under Regulations 472 and
473, absents himself without leave for a longer period than seven days
from his unit or from the place at which he should be present, shall be
deemed to be a deserter and shall be liable to the punishment provided
for desertion.

475. (1) When a member of the Citizen Air Force becomes a deserter
within the meaning of Regulation 474 he shall, on conviction by a court
of summary jurisdiction be liable to be committed to confinement in the
custody of any officer of the Defence Force for a period not exceeding
three months.
(2) Any person committed to the custody of an officer in pursuance
of this Regulation may be detained by that officer at any institution or
place kept or used for air-force purposes, and while so detained shall be
subject to the Regulations governing that institution or place and to
training and discipline as prescribed.
(3) In addition to any other penalty to which he may be liable under
this Regulation or Regulation 474 a deserter may be arrested by any
member of the Defence Force or by any police officer of the Common-
wealth or of a State or Territory on a warrant or order issued by his
commanding officer, and may thereupon be handed over to his command-
ning officer with the intent that he shall perform the service required of
him.

476. Every part of the Citizen Air Force employed on war service
shall forthwith after it ceases to be so employed, be returned to the
district to which it belongs.

477. Intoxicating or spirituous liquors shall not be sold or supplied
and a person shall not have such intoxicating or spirituous liquors in his
possession at any air-force canteen, unit or station, camp, fort or post during any period of training prescribed by this Part, except as approved by the Air Board for purely medicinal purposes.

478. Air Force uniforms shall be supplied free of charge to all members of the Citizen Air Force.

479. (1) Where a member of the Citizen Air Force is liable for training under Regulation 443, leave of absence not exceeding one month may be granted by a commanding officer where such is necessary owing to temporary absence from the locality.

(2) Where the leave of absence applied for exceeds one month, the application shall be submitted to the Air Board for decision.

(3) Leave of absence not exceeding twelve months may be granted by the Air Board under this Regulation; but where the absence exceeds three months, and the member is temporarily resident in a locality in which there is a place appointed for training by the Defence Act, the member shall be required to render his personal service at that place.

(4) A member granted leave of absence under this Regulation shall nevertheless be required to comply with the provisions of Regulations 453 and 462.

480. (1) Leave of absence for illness or other unavoidable cause, and in other very special cases, may be granted, to a member of the Citizen Air Force liable for training under Regulation 443, but a commanding officer may (in the case of illness) require a medical certificate.

(2) If the illness exceeds fourteen days, the member shall not be required to attend any parades in substitution for those he failed to attend during such illness.

(3) If the member is ill for any less period than fourteen days, he shall attend such parades as are in substitution for those he was required to attend during such absence.

481. All leave granted shall be recorded in the flight roll book.

482. (1) Persons suffering from venereal diseases or other complaints arising through their own misconduct or neglect shall not attend parades until certified by a medical practitioner as fit to undergo training.

(2) When certified as fit, such persons shall be required to comply with the provisions of Regulations 463 and 462.

483. (1) Where a member of the Citizen Air Force has voluntarily enlisted under Regulation 461, leave of absence may be granted under like conditions to those prescribed in Regulations 479 and 480, subject to the following provisions:

(a) A commanding officer may grant leave of absence not exceeding one month to officers and not exceeding three months to airmen under his command; and,

(b) Applications for leave of absence—

(a) in excess of the periods specified in sub-regulation (2); or

(b) over the period during which a camp of continuous training is to be held;

shall be submitted to the Air Board for decision.
484. Regulations 479, 480, 482 and 483 shall not apply to the grant of leave of absence to a member of the Citizen Air Force on war service or when forming part of a body of the Air Force mobilised for war service.

485. (1) Except in time of war, an airman serving under the provisions of Regulation 443, shall be entitled to be discharged upon the expiration of the period during which he is by Part XII. of the Defence Act required to serve.

(2) An airman serving under the provisions of Part IV. of the Defence Act shall be entitled to be discharged when the time of war has ceased to exist.

(3) An airman serving under the provisions of Regulation 460, shall be entitled to be discharged at the expiration of the period of service for which he enlisted unless such expiration occurs in time of war, in which case he shall not be entitled to his discharge until the time of war has ceased to exist.

(4) When an airman becomes entitled to be discharged under this Regulation he shall be discharged with all convenient speed, but until discharged he shall remain a member of the Air Force.

486. Every voluntarily enlisted airman of the Citizen Air Force may, except in time of war, claim his discharge before the expiration of the period of service for which he engaged on the following conditions:

(a) He shall give three months’ notice in writing to his commanding officer of his intention to claim his discharge; and

(b) He shall pay such sum not exceeding two pounds, as is prescribed but such payments may, for special reasons, be waived by the officers authorized by these Regulations to waive them.

487. (1) The amount of purchase money to be paid by an airman who claims a discharge under the last preceding Regulation shall be according to the scale following:—

Under one year’s service — Forty shillings.
Over one year and under two years’ service — Twenty shillings.

(2) For the purposes of this Regulation and Regulation 485 the Second Air Member shall be the officer authorized to waive the amount of purchase money.

488. Any commanding officer may reduce in rank, or discharge any airman of the Citizen Air Force (not serving under Regulation 443) for any good cause, but the airman before being so reduced in rank or discharged, shall be notified in writing of the charge against him and shall be given an opportunity of showing cause against it.

489. Any person who obtains his discharge from the Permanent or Citizen Air Force may be enrolled as a member of the Air Force Reserve upon taking before an officer or a Justice of the Peace the oath set forth in Form 3.

490. Every airman of the Air Force Reserve may, except in time of war, claim his discharge before the expiration of the period of service for which he engaged, on giving fourteen days’ notice in writing to his commanding officer of his intention to claim his discharge.
PART IX.—DUTIES IN AID OF CIVIL POWER.

491. In this Part unless the contrary intention appears, the word "magistrate" refers to a person having jurisdiction in the place in which he is to act, and means—

(a) in relation to the State of Queensland, the sheriff or under sheriff, or a justice of the peace, and if within a municipality, alternatively, the mayor thereof;

(b) in relation to the State of New South Wales, a justice of the peace, the sheriff or under sheriff, and if within a city or town corporate, alternatively, the mayor or other head officer of the city or town;

(c) in relation to the State of Victoria, a justice of the peace;

(d) in relation to the State of South Australia, a special magistrate, a justice of the peace, the sheriff or the mayor of the city of Adelaide, and if within a corporate town, alternatively, the mayor thereof;

(e) in relation to the State of Western Australia, the sheriff or under sheriff or a justice of the peace, and if within a municipality, alternatively, the mayor thereof;

(f) in relation to the State of Tasmania, the sheriff or a justice of the peace;

(g) in relation to the Northern Territory, the sheriff or a justice of the peace or a magistrate exercising powers and functions similar to those of a justice of the peace, and if within a corporate town, alternatively, the mayor thereof;

(h) in relation to the Territory for the Seat of Government, the sheriff or under sheriff of New South Wales, or a justice of the peace, or a magistrate exercising powers and functions similar to those of a justice of the peace.

492. Where the Governor of a State has proclaimed that domestic violence exists therein, the Governor-General, upon application of the Executive Government of the State, may, by proclamation, declare that domestic violence exists in that State and may, subject to the provisions of Regulations 493 and 494 call out the Permanent Air Force, and in the event of its members being insufficient may also call out such of the Citizen Air Force as are necessary for the protection of that State, and the services of the forces so called out may be utilized accordingly for the protection of that State against domestic violence; provided always that the Citizen Air Force shall not be called out or utilized in connexion with an industrial dispute.

493. The Air Force shall not be called out except in urgent cases where military forces in sufficient numbers are not available.

494. (1) The assistance to be rendered by the Air Force shall be of that kind which could be rendered by military forces, except in so far as the use of aircraft for purposes of reconnaissance may be desirable. There shall be no action by means of aircraft or aircraft armament.

(2) If the disturbance in respect of which the aid of the Air Force is required involves the use or attempted use of aircraft in opposition to the civil authorities, aircraft and aircraft armament may, at the previous request or with the previous consent of the civil authorities, be employed to the minimum extent necessary to terminate and prevent the unlawful use of aircraft.
495. (1) An application by the Executive Government of a State for protection against domestic violence shall if possible, state the number of members required.

(2) The Air Force commander on the spot or nearest to the place where the Executive Government of the State is situated, so far as he can, shall assist the Executive Government of the State in framing its requirements.

496. (1) Officers called out for the protection of a State against domestic violence shall be responsible for ensuring that the forces under their command are not utilized unnecessarily or to an unnecessary extent.

(2) The responsibility for deciding as to the strength and composition of an air force to be utilized for the suppression of domestic violence, even within the State, shall lie on the Air Force Authorities.

(3) If a civil official indicates what force is required, his opinion shall not be regarded as conclusive, but shall be taken into consideration in estimating the force necessary.

497. (1) The officer commanding any air force which is called out for the protection of a State against domestic violence shall communicate directly with the civil officials of the State, with a view to their making arrangements, so far as is necessary, for the accommodation, food, and other immediate requirements of the force called out, and for meeting and conducting it to the place where its services are required.

(2) If the force called out is likely to remain for more than a short time, the officer commanding shall, after arrival, review the arrangements for its accommodation, food and other requirements, and consider whether any economy could be effected by making other arrangements for accommodation, or by using the ordinary air-force sources of supply for food and stores.

498. If before any air force has been called out for the protection of a State against domestic violence, application for any such protection is made by the Executive Government of a State to an Air Force commander on the spot, the officer to whom the application is made shall report the fact to the Air Board immediately by the quickest possible method.

499. (1) When any air force which has been called out for protection against domestic violence is utilized for that purpose, the officer commanding the force so called out shall report its utilization to the Air Board immediately, by the quickest possible method.

(2) The officer in immediate command of any body of air force which is utilized for the suppression of domestic violence shall report daily, in writing, the progress of the service in which he is engaged, to the officer commanding the force which has been called out, and also directly to the Air Board.

500. (1) Except in cases of great and sudden emergency, an officer in command of any air force which has been called out for protection against domestic violence shall not order out, or take out, any of his force for the purpose of aiding in the suppression of a riot,
the maintenance of the public peace, or the execution of the law, or of assisting the civil power in case of an expected riot, without a requisition, in writing, or by telegram or similar means, of a civil authority.

(2) When a disturbance of the peace takes place in or near a place where any air force which has been called out for protection against domestic violence are quartered, the officer commanding that force in that place shall, subject to the general obligations imposed by the common law, exercise his discretion as to complying with the requisition of the civil authority.

(3) When any air force which has been called out for protection against domestic violence is requisitioned from a distance, the officer commanding that force at the place where the force requisitioned is situated, shall make all arrangements for its despatch, but shall not, unless he is the officer in chief command of the force which has been so called out, or communication with that officer is impracticable, or in case of extreme urgency, sent it until he has received authority from that officer.

(4) On arrival at the place to which the force is despatched, the officer commanding shall, subject to the obligation of the common law, exercise his discretion as to the necessity for intervention of the force under his command.

(5) When any force is despatched, the civil official who requisitioned it shall be informed of its numbers, and on it may be expected to reach its destination.

501. (1) The officer commanding any air force about to be utilized for protection against domestic violence shall require the civil authority on whose requisition the force is to be utilized to arrange for the magistrate to meet the force, either at the place where it is stationed or at some place on the way to the scene of the riot, or apprehended riot.

(2) In the event of the force being divided so as to act in different places, one magistrate should accompany each part of such force.

(3) When there are present with any one body of the force, more magistrates than one, only one shall act with the officer commanding that body.

502. (1) The officer commanding any air force utilized for protection against domestic violence shall consult with the magistrate who accompanies the force, and with the senior police officer present, and decide as to the disposition of the force.

(2) Subject to the next succeeding sub-regulation, the officer commanding shall move the force to the place to which he is directed by the magistrate, in regular air-force order, with the usual precautions.

(3) The officer commanding shall not permit the force to be scattered or detached, or posted in a situation in which it would not be able to act in its own defence.

503. (1) If a disturbance amounts to a riot in which twelve or more persons are engaged, it is the duty of the magistrate, if both he and air force are engaged in protection against domestic violence are present, to read, or in the State of Victoria read or repeat, or (except
in the State of Victoria) cause to be read in a loud voice, if circumstances permit, and it has not already been done, the proclamation authorized by the law in force where the riot occurs, and to call upon everybody present to assist in the suppression of the riot.

(2) Before the proclamation is read, the alarm should, if possible, be sounded on a bugle, or some similar action to be taken so as to call attention to what is about to be done, and the magistrate shall go amongst the rioters, or as near as he can safely come to them, and command, or cause to be commanded, in a loud voice that silence be kept while the proclamation is made.

(3) The form of proclamation, which shall be strictly adhered to, is as follows:—

(a) In the State of Queensland—"Our Sovereign Lord the King charges and commands all persons here assembled immediately to disperse themselves, and peaceably to depart to their habitations or to their lawful business, or they will be guilty of a crime, and will be liable to be imprisoned and kept to hard labour for life. God save the King!"

(b) In the State of New South Wales and in the Territory for the Seat of Government—"Our Sovereign Lord the King chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably depart to their habitations, or to their lawful business upon the pains contained in the Act made in the first year of King George the First for preventing tumultuous and riotous assemblies. God save the King!"

(c) In the State of Victoria—"Our Sovereign Lord the King doth strictly charge and command all manner of persons here assembled immediately to disperse themselves, and peaceably to depart to their own homes. God save the King!"

(d) In the State of South Australia and in the Northern Territory—"Our Sovereign Lord the King chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitation or to their lawful business. God save the King!"

(e) In the State of Western Australia—"Our Sovereign Lord the King charges and commands all persons here assembled immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, or they will be guilty of a crime, and will be liable to be imprisoned and kept to hard labour for fourteen years. God save the King!"

(f) In the State of Tasmania—"Our Sovereign Lord the King chargeth and commands all you persons here assembled immediately to disperse yourselves, and peaceably to depart to your habitations or to your lawful business, failing which you will be guilty of a crime and will be liable to be imprisoned. God save the King!"
504. (1) If the magistrate who accompanies a body of air force utilized for the suppression of domestic violence concludes that the police are unable to cope with a riot, and that the situation demands the active interference of the air force, then whether the proclamation mentioned in Regulation 503 has or has not been read or repeated, it is his duty to request the officer commanding the body of air force to take action.

(2) The request should be made distinctly, and if possible, in writing, although, if given orally, it will be sufficient.

505. (1) When requested by the magistrate to take action, it is the duty of the officer commanding the body of the air force to take such air-force steps as, in his opinion, the situation demands.

(2) In taking any such steps, the officer commanding shall have absolute discretion as to the action to be taken, and as to the arms, including firearms, which the air force under his command shall use, and as to the orders he shall give, including the order to fire; but the magistrate and the officer commanding are severally responsible for anything done, or ordered to be done, by them respectively, which is not justified by the circumstances of the case.

(3) If the officer commanding the body of air force thinks it unnecessary to take immediate action, it is not obligatory upon him to do so, and he shall not continue action longer than he thinks absolutely necessary.

(4) All commands to the air force present shall be given by the officer commanding that force.

(5) The force shall not on any account fire except by word of command of the officer commanding, or as authorized in sub-regulation (4) of Regulation 508.

(6) The officer commanding, if it becomes necessary to order the force to fire, shall exercise humane discretion in deciding both the number of rounds to be fired and the objects to be aimed at.

506. The officer commanding any air force engaged in the suppression of a riot, or the enforcement of the law, shall always take the most effectual method, in conjunction with the magistrate, for explaining beforehand to the people that, in the event of the forces being ordered to fire, the fire will be effective.

507. A body of air force about to be employed in the suppression of a riot or the enforcement of the law, if it does not exceed twenty files, should be told off in four sections. If it exceeds twenty files it should be told off in more than four sections.

508. (1) If the officer commanding a body of air force engaged in the suppression of a riot, or the enforcement of the law, is of opinion that a slight effort will suffice, he should give the command to one or two specified files to fire.

(2) If greater effort is required, the officer commanding should give the command to one of the sections to fire.

(3) The fire of each of the other sections, if required, shall only be given by the regular command of the officer commanding, or as mentioned in the next succeeding sub-regulation.
(4) If there are more officers than one present, and it is necessary for more sections than one to fire at one time, the officer commanding the whole body should indicate clearly to the force which officer is to order each section to fire.

(5) An order to fire shall be given only by the officer commanding, or by the officer who has been indicated by the officer commanding.

(6) Care shall be taken not to fire upon persons separated from the crowd.

(7) If it becomes necessary to fire, officers and airman shall perform their duty with coolness and steadiness, and in such manner as to be able to cease fire the instant it is no longer necessary.

509. When a body of air force has been engaged in the suppression of a riot or the enforcement of the law, the magistrate and the air force shall both remain at the place of disturbance until the magistrate and the officer commanding decide that the air force may be withdrawn.

510. In extraordinary cases of immediate and pressing danger which in the opinion of an officer commanding a body of air force which has been called out for protection against domestic violence, demand his immediate interference, the officer shall take such action as he thinks necessary, although he has not received any requisition from a civil official, or direction from a magistrate, whether the absence of such a requisition or direction is due to a magistrate not being present, or to any other cause.

Part X—Miscellaneous.

512. When any member of the Air Force is killed on war service or on duty, or dies or becomes incapacitated from earning his living from wounds or diseases contracted on war service or on duty, provision shall be made for his widow and family or for himself, as the case may be, out of the Consolidated Revenue Fund at the prescribed rates.

513. Funds may be established in such a manner and subject to such provisions as are prescribed for providing for the payment of annuities or gratuities to members permanently injured in the performance of their duties and for the payment of annuities and gratuities to members of the Permanent Air Force who are retired on account of age or infirmity.
THE SCHEDULE.

FORM 1.

Air Force Regulations.

OATH OR AFFIRMATION ON ENLISTMENT IN AIR FORCE.

Oath.
I swear that I will well and truly serve Our Sovereign Lord the King in the Air Force of the Commonwealth of Australia for the term of......... years or until sooner lawfully discharged dismissed or removed and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and that I will in all matters appertaining to my service faithfully discharge my duty according to law. So help me God!

Affirmation.
I solemnly and sincerely affirm and declare that I will well and truly serve Our Sovereign Lord the King in the Air Force of the Commonwealth of Australia for the term of......... years or until sooner lawfully discharged dismissed or removed and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and that I will in all matters appertaining to my service faithfully discharge my duty according to law.

FORM 2.

Air Force Regulations.

AGREEMENT TO BE ENTERED INTO BY AN AIRMAN ON RE-ENGAGEMENT.

1. (No., Rank, Name, Unit) enlisted on the............day of..........19, for a period of (years).........., hereby agree to re-engage for service in the Royal Australian Air Force, under the conditions prescribed in the Air Force Regulations and in accordance with the terms of my oath of enlistment for the term of............years or until sooner lawfully discharged, dismissed or removed.

Signature of Airman................ Subscribed before me................
this............day of..........19

Signature......................... (Commanding Officer).

FORM 3.

Air Force Regulations.

OATH OR AFFIRMATION ON ENROLMENT IN AIR FORCE RESERVE.

Oath.
I swear that I will well and truly serve Our Sovereign Lord the King as a member of the Air Force Reserve of the Commonwealth of Australia, and that I will resist His Majesty's enemies and cause His Majesty's Peace to be kept and maintained, and that I will in all matters appertaining to my service faithfully discharge my duty according to law. So help me God!

Affirmation.
I solemnly and sincerely affirm and declare that I will well and truly serve Our Sovereign Lord the King as a member of the Air Force Reserve of the Commonwealth of Australia, and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and that I will in all matters appertaining to my service faithfully discharge my duty according to law.
FORM 4.
Air Force Regulations.
PROTECTING CERTIFICATE.
Regulation 248.
To all whom it may concern.
The person, to whom this certificate has been issued, who has been committed as being (No., Rank, Name, Unit) a deserter from the Royal Australian Air Force (here insert Age, Height, Colour of Eyes and Hair, and Complexion),

Is not claimed for service in the Royal Australian Air Force.
He is therefore not liable hereafter to arrest on suspicion of being a deserter.
Signed at.................. this day of..................19.

FORM 5.
Air Force Regulations.
CONFESSION OF DESERTION.
Regulation 251.
I........................do hereby confess that I am (No., Rank, Name, Unit) and that I deserted from that Unit on............and remained absent till............when I (surrendered, or was apprehended by, or enlisted in, as the case may be, and any other particulars.)
Signed this................day of................19.
I have explained to the above-named airman the effect of this confession, and I am satisfied that he understands thoroughly the nature and the consequences of same and that he is not immune from trial under Air Force Regulations.
Signed at................this.............day of................19.

FORM 6.
Air Force Regulations.
CONFESSION OF FRAUDULENT ENLISTMENT.
Regulation 251.
I........................now being (No., Rank, Name, Unit) do hereby confess that I was (No., Unit or Corps), and that I absented myself from that Unit (or Corps) on...................and that I fraudulently enlisted in the Royal Australian Air Force on............
Signed this................day of................19.
I have explained to the above-named airman the effect of this confession, and I am satisfied that he understands thoroughly the nature and the consequences of same and that he is not immune from trial under Air Force Regulations.
Signed at................this.............day of................19.

FORM 7.
Air Force Regulations.
ORDER DISPENSING WITH TRIAL.
Regulation 251.
As it appears from the annexed confession that (No., Rank, Name, Unit) has signed a confession that he has been guilty of (desertion and/or fraudulent enlistment as the case may be) I........................being a competent airforce authority under Air Force Regulation 251, hereby dispense with the trial of the said airman, to take effect..................and award the same forfeitures and the same deductions from pay (if any) as would have been consequential upon conviction by a court-martial for the said offence(s) except (here set out the forfeitures and deductions, if any, which the airman is not to suffer.)

And I further order that the said airman shall suffer deductions from his pay until he has paid or otherwise made good the value of the free kit obtained by him on his re-enlistment.
Signed at.............this.............day of................19.
FORM 3.

Air Force Regulations.

Regulation 246. FORM OF CERTIFICATE TO BE HANDED BY OFFICER OF POLICE TO OFFICER, OR WARRANT OFFICER, OR NON-COMMISSIONED OFFICER INTO Whose CUSTODY A COMMITTED PERSON IS DELIVERED.

I (Name and Rank) of the Police of the {Commonwealth of Australia} {State of.................} {Territory .................} {Was arrested by............} {Surrendered himself to............}

(Name, Police Rank) at (place of arrest or surrender)

as a deserter from the Air Force

and that I have this day delivered him into custody.

Signed this...............day of...............19... .

FORM 9.

Air Force Regulations.

FORM OF ORDER FOR THE ASSEMBLY OF A GENERAL OF DISTRICT COURT MARTIAL.

Orders by {Authority} {Place, Date.}

Regulation 250. The detail of officers as mentioned below will assemble at............... on the...............day of............... for the purpose of trying by a...............court martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT is appointed President.

MEMBERS are appointed Members.

WAITING MEMBERS are appointed Waiting Members.

JUDGE-ADVOCATE has been (or where the convening officer has the appointment of a Judge-Advocate, is hereby), appointed Judge-Advocate.

The accused has been warned and all witnesses duly required to attend. The proceedings will be forwarded to

Signed this...............day of............... A.B.

FORM 10.

Air Force Regulations.

FORM OF SUMMONS TO A CIVIL WITNESS.

Regulation 258. Whereas a...............court martial has been ordered to assemble at...............on the...............day of...............19... for the trial of (No., Rank, Name, Unit), I do hereby summon and require you A........ B...... to attend, as a witness, the sitting of the said Court at...............day of...............at........o'clock, (and to bring with you the documents herinafter mentioned namely............), and so to attend from day to day until you shall be duly discharged, whereof you shall fail at your peril. Given under my hand...............on the........day of...............19. .

J.G.
FORM 11.

Air Force Regulations.

ADDITION AND AFFIRMATIONS.

Form of oaths to be taken by—

(1) President and Members.

I swear that I will well and truly try the accused (or accused persons) before the Court according to the evidence, and that I will duly administer justice according to the Air Force Regulations now in force, without partiality, favour or affection, and I do further swear that, except so far as may be permitted by instructions of the Air Board for the purpose of communicating the sentence to the accused, I will not divulge the sentence of the Court until it is duly confirmed, and I do further swear that I will not on any account at any time whatsoever disclose, or discover, the vote or opinion of any particular member of this court martial, unless thereunto required in due course of law. So Help Me God.

(2) Judge-Advocate.

I swear that I will not, unless it is necessary for the due discharge of my official duties, divulge the sentence of this court martial until it is duly confirmed; and that I will not on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless thereunto required in due course of law. So Help Me God.

(3) Officer Under Instruction.

I swear that I will not divulge the sentence of this court martial until it is duly confirmed; and that I will not on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial unless thereunto required in due course of law. So Help Me God.

(4) Shorthand Writer.

I swear that I will truly take down to the best of my power the evidence to be given before this court martial and such other matters as may be required, and will, when required, deliver to the court a true transcript of the same. So Help Me God.

(5) Interpreter.

I swear that I will, to the best of my ability, truly interpret and translate, as I shall be required to do, touching the matter before this court martial. So Help Me God.

(6) Witness.

I swear that the evidence which I shall give before this Court shall be the truth, the whole truth, and nothing but the truth. So Help Me God.

Form of affirmation to be taken by—

(1) President and Members.

I (Name in full), do solemnly and sincerely affirm and declare that I will well and truly try the accused (or accused persons) before the Court according to the evidence, and that I will duly administer justice according to the Air Force Regulations now in force, without partiality, favour or affection, and I do further solemnly and sincerely affirm and declare that, except so far as may be permitted by instructions of the Air Board for the purpose of communicating the sentence to the accused, I will not divulge the sentence of the Court until it is duly confirmed, and I do further solemnly and sincerely affirm and declare that I will not on any account at any time whatsoever disclose, or discover, the vote or opinion of any particular member of this court martial, unless thereunto required in due course of law.

(2) Judge-Advocate.

I (Name in full), do solemnly and sincerely affirm and declare that I will not, unless it is necessary for the due discharge of my official duties, divulge the sentence of this court martial until it is duly confirmed, and that I will not on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless thereunto required in due course of law.

(3) Officer Under Instruction.

I (Name in full), do solemnly and sincerely affirm and declare that I will not divulge the sentence of this court martial until it is duly confirmed;
and that I will not on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless therunto required in due course of law.

(4) Shorthand Writer.

I (Name in full), do solemnly and sincerely affirm and declare that I will truly take down, to the best of my power, the evidence to be given before this court martial and such other matters as may be required, and will, when required, deliver to the court a true transcript of the same.

(5) Interpreter.

I (Name in full), do solemnly and sincerely affirm and declare that I will to the best of my ability truly interpret and translate, as I shall be required to do, touching the matter before this court martial.

(6) Witness.

I (Name in full), do solemnly and sincerely affirm and declare that the evidence which I shall give before this Court shall be the truth, the whole truth, and nothing but the truth.

Form 12.

Air Force Regulations.

Proclamation of charge, finding, sentence, and confirmation where it is impracticable to publish to the accused personally.

Regulation 392.

It appears to me to be impracticable to communicate with the accused personally, owing to (here state cause of impracticability), and I direct that the charge[s], finding, sentence, and confirmation (add if any, "recommendation to mercy") be published (here state the orders or other medium of publication selected).

Form 13.

Air Force Regulations.

Form of assembly and proceedings of field general court-martial.

Proceedings.

(1) Order convening court.

At ... this ... day of ... 19.

(Beginning of Form where Air Force is not on Active Service.)

Whereas complaint has been made to me, the undersigned, an officer in command of ... in the above-named country, that the persons named in the annexed schedule, being subject to the Air Force Regulations, and under my command, have committed the offences in the said schedule mentioned, being offences against the property or person of inhabitants of or residents in the above-mentioned country.

(Beginning of Form where Air Force is on Active Service.)

Whereas it appears to me, the undersigned, an officer in command of ... on active service, that the persons named in the annexed schedule and being subject to the Air Force Regulations, have committed the offences in the said schedule mentioned.

(End of Form applicable to all cases.)

And I am of opinion that it is not practicable that such offences should be tried by an ordinary general court-martial:

(and that it is not practicable to delay the trial for reference to a superior qualified officer)

I hereby convene a field general court-martial to try the said persons, and to consist of—

President.

Rank.

Name.

Unit.

Members.

Rank.

Name.

Unit.

(I am of opinion that three officers are not available, having due regard to the public service.)
(2) Certificate of president as to proceedings.
I certify that the above court assembled on the .......... day of .......... 19 ...., and duly tried the persons named in the said schedule, and that the plea, finding, and sentence in the case of each such person were as stated in the third and fourth columns of that schedule.

Signed this ............. day of .......... 19 .... C......... D.........

President of the Court-Martial.

(3) Confirmation.
I have dealt with the findings and sentences in the manner stated in the last column of the above schedule, and, subject to what I have there stated, I hereby confirm the above findings and sentences; (and I am of opinion that it is not practicable, having due regard to the public service, to delay the cases for confirmation by any superior qualified authority).

Signed this ............. day of .......... 19 .... E......... F.........

(Rank and Appointment.)

(4) Confirmation of reserved sentences.
I have dealt with the reserved findings and sentences in the manner stated in the last column of the schedule, and subject to what I have here stated, I hereby confirm the said reserved findings and sentences.

Signed this ............. day of .......... 19 .... G......... H.........

(Rank and Appointment.)

(5) Confirmation of sentence of penal servitude.
Subject to what I have stated in the last column of the schedule, I hereby confirm the (finding and) sentence of penal servitude in the case of

Signed this ............. day of .......... 19 .... I......... K.........

Officer in chief command of the forces
(not below the rank of squadron leader, flag officer, or field officer).

Schedule.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>No., Rank, Name, Unit.</td>
<td>Offence against person of inhabitant of country</td>
<td>Guilty</td>
<td>Guilty, Field punishment for .......... F.........</td>
<td>Confirmed I result H......... F.........</td>
</tr>
<tr>
<td>No., Rank, Name, Unit.</td>
<td>Breaking into house in search of plunder</td>
<td>Not guilty</td>
<td>Guilty, Imprisonment for ..........</td>
<td>Not confirmed H......... F.........</td>
</tr>
<tr>
<td>No., Rank, Name, Unit.</td>
<td>Drunk on post</td>
<td>Not guilty</td>
<td>Guilty, Imprisonment for .......... Recommended to mercy</td>
<td>Reserved or Confirmed, but commuted to field punishment for .......... H......... F.........</td>
</tr>
<tr>
<td>Person accompanying force (Name unknown), white trousers and jacket; scar on right cheek</td>
<td>Impersonating Provost Marshal</td>
<td>Not guilty</td>
<td>Not guilty</td>
<td></td>
</tr>
<tr>
<td>Airman in uniform of (name unknown)</td>
<td>Offence against property of inhabitant of country</td>
<td>Not guilty</td>
<td>Guilty, Field punishment for .......... and to forfeit all ordinary pay for a period of ..........</td>
<td>Reserved, F......... Confirmed H.........</td>
</tr>
</tbody>
</table>

P......... Q......... Convening Officer.

C......... D......... President.
WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF PENAL SERVITUDE PASSED IN OR OUT OF THE COMMONWEALTH FOR USE WHEN FORM NO. 13 IS NOT USED.

To the Governor or Chief Officer in charge of Prison, at

Whereas (No., rank, name, unit) an officer of the Air Force of the Commonwealth of Australia was by a court-martial held at and convicted of having while on war service committed the offences of, and, by a sentence signed on the day of, sentenced to suffer penal servitude for the term of years, commencing on the aforesaid day, and such sentence has been confirmed by as required by law.

(And whereas the Governor-General of the Commonwealth of Australia has directed that sub-regulation (5) of the Air Force Regulation 422 shall not apply to the said sentence.)

(And whereas an order has been duly made that of the said sentence shall be undergone in an air-force prison.)

Now therefore I, the undersigned, being an authority empowered by the Air Force Regulations to issue this warrant, do hereby in pursuance of the said Regulations and all other Acts, regulations, and powers enabling me, order you to receive the person so sentenced into your custody and detain him to undergo his said sentence according to law, and for so doing this shall be your warrant.

Signed at this day of .

(Personal signature of authority making the commitment.)

FORM 15.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF PENAL SERVITUDE PASSED OUT OF THE COMMONWEALTH, AND TO BE UNDERGONE IN THE COMMONWEALTH.

(And whereas an order has been duly made that of the said sentence shall be undergone in an Air Force prison.)
Now therefore I, the undersigned, the ............... being an authority empowered by the Air Force Regulations to issue this warrant, do hereby, in pursuance of the said Regulations and all other Acts, regulations and powers enabling me, order that the convict be transferred to such {penal servitude} prison in the State of ............. as any other competent Air Force authority shall appoint, there to undergo his sentence according to law.

And I do hereby, in pursuance of the said Acts, regulations and powers, order the Governor or Chief Officer in charge of any such prison to whom the convict shall be brought to receive the convict into his custody and detain the convict accordingly; and for so doing this shall be sufficient warrant.

And I do hereby in pursuance of the said Acts, regulations and powers, order that the convict be conveyed in air-force custody, and detained in air-force custody, or in a penal servitude prison or a place of imprisonment or a place of detention or a police station or lock-up, so far as shall appear necessary or proper for effecting his transfer to the said {penal servitude} prison in the said State.

Signed at ............... this ............... day of ............... 19.

(Personal signature of authority making the commitment.)

In case of commitment to any intermediate place of confinement being necessary. Regulation 415.

To the 

{Governor or Chief Officer in charge of ............... Prison} 

{Commandant of the Place of Detention} 

{Officer in charge of the Police Station} 

{Lock-up} 

at ............... 

For the purpose of carrying into effect the above warrant I, the undersigned, being an authority empowered by the Air Force Regulations to issue this warrant, do hereby, in pursuance of the said Regulation and all other Acts, regulations and powers enabling me, order you to receive the above-mentioned convict and temporarily detain him and to deliver him when required for the purpose of the above warrant, and for so doing this shall be your warrant.

Signed at ............... this ............... day of ............... 19.

(Personal signature of authority making the commitment.)

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FORM 16.

Air Force Regulations.

ORDER THAT A SENTENCE OF PENAL SERVITUDE OR A PART THEROF BE UNDERGONE IN AN AIR-FORCE PRISON. Regulation 422 (3).

Whereas (No., rank, name, unit) is now under a sentence of penal servitude for ............... commencing on the ............... day of ............... 19.

Now I, the undersigned, being an authority having power to remit or commute the said sentence do order that {the whole} (specify the part) .... commencing on .... of the said sentence shall be undergone in an air-force prison.

Signed at ............... this ............... day of ............... 19.

(Personal signature of authority under Regulation 422 (2).)
FORM 17.

Air Force Regulations.

REVOCATION OF ORDER THAT SENTENCE OF PENAL SERVITUDE BE UNDERGONE IN AN AIR-FORCE PRISON.

Whereas by an order dated day of 10 , it was ordered that (part of) a sentence of penal servitude for commencing on the day of 10 , now being undergone by (No., rank, name, unit) should be undergone in an air-force prison.

Now I, the undersigned, being an authority having power to remit or commute the said sentence, do revoke the said order.

Signed at this day of 10 .

(Personal signature of an authority under Regulation 422 (2))

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FORM 18.

Air Force Regulations.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF IMPRISONMENT PASSED BY A COURT-MARTIAL IN OR OUT OF THE COMMONWEALTH, WHEN FORM NO. 6 IS NOT USED.

To the Commandant of the Place of Detention at

Whereas (No., rank, name, unit) an officer an airman of the Air Force general field general court-martial of the Commonwealth of Australia was by court-martial held at............convicted of having while on war service while subject to air-force law under the Air Force Regulations committed the offences of............ 

..................and by a sentence signed on the.............day of.............19 , sentenced to be imprisoned with hard labour for............ commencing on the aforesaid day, and such sentence has been confirmed by ...............as required by law.

(And whereas the Governor-General of the Commonwealth of Australia has directed that sub-regulation (3) of Air Force Regulation 421 shall not apply to the said sentence).

Now therefore I, the undersigned, the............being an authority empowered by the Air Force Regulations to issue this warrant, do hereby, in pursuance of the said Regulations and all other Acts, regulations and powers enabling me, order you to receive the person so sentenced into your custody and detain him to undergo his said sentence according to law, and for so doing this shall be your warrant.

Signed at............this.............day of.............19 .

(Personal signature of authority making the commitment).

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FORM 19.

Air Force Regulations.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF IMPRISONMENT PASSED BY A COURT-MARTIAL OUT OF THE COMMONWEALTH AND TO BE UNDERGONE IN THE COMMONWEALTH.

(This form may also be used, when convenient, in the case of a sentence passed in the Commonwealth when the commitment is from one State to a place of imprisonment or place of detention in another or from a distinct station).
Whereas (No. rank, name, unit) hereinafter called "the prisoner"
was by a court-martial held at ............ convicted of having,
while subject to air-force law under the Air Force Regulations, committed
the offence of, and by a sentence signed on the ............ day of ............ 19, sentenced to be imprisoned (without ),
hard labour for, commencing on the aforesaid day, and such sentence has been confirmed by, as required by law.

Now therefore I, the undersigned, the ............ , being an authority empowered by the Air Force Regulations to issue this warrant do hereby, in pursuance of the said Regulations and all other Acts, regulations and powers enabling me, order that the prisoner be transferred to such place of imprisonment or place of detention in the State of ............ as any other competent air-force authority shall appoint, there to undergo his sentence according to law.

And I do hereby in pursuance of the said Acts, regulations and powers, order the Governor or Chief in charge of any such place of imprisonment or the Commandant of any such place of detention to whom the prisoner shall be brought to receive the prisoner into his custody and detain the prisoner accordingly, and for so doing this shall be sufficient warrant.

And I do hereby, in pursuance of the said Acts, regulations and powers order that the prisoner be conveyed in air-force custody and detained in air-force custody, or in a place of imprisonment or a place of detention or a police station or lock-up, so far as shall appear necessary or proper for effecting his transfer to the said place of imprisonment or place of detention in the said State.

Signed at ............ this ............ day of ............ 19.
(Personal signature of authority making the commitment).

(In the case of commitment to any intermediate place of confinement being necessary.]

To the Governor or Chief Officer in charge of ............ Prison
Commandant of the Place of Detention
Officer in charge of the Lock-up Station

at ..................

For the purpose of carrying into effect the above warrant, the undersigned, the ............ , being an authority empowered by the Air Force Regulations, to issue this warrant, do hereby, in pursuance of the said Regulations, and all other Acts, regulations and powers enabling me, order you to receive the above-mentioned prisoner and temporarily detain him and to deliver him when required for the purpose of the above warrant, and for so doing this shall be your warrant.

Signed at ............ this ............ day of ............ 19.
(Personal signature of authority making the commitment).
FORM 20.

Air Force Regulations.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF IMPRISONMENT PASSED BY A COURT OF SUMMARY JURISDICTION ON A MEMBER OF THE AIR FORCE FOR AN OFFENCE AGAINST THE AIR FORCE REGULATIONS.

To the Commandant of the Place of Detention at ............

Whereas (No., rank, name, unit) an officer of the Air Force of the Commonwealth of Australia, was by a court of summary jurisdiction at ............ convicted of having while a subject to air-force law under the Air Force Regulations committed the offence of .................... and sentenced to imprisonment with hard labour for .................... commencing on the ............ day of ......... 19 ....

Now therefore I, the undersigned, the ............ being an authority empowered (by the Air Force Regulations) to issue this warrant do hereby, in pursuance of all Acts, regulations and powers enabling me, order you to receive the person so sentenced into your custody, and detain him to undergo his said sentence according to law, and for so doing this shall be your warrant.

Signed at ............ this ............ day of ............ 19 ....

(Personal signature of authority making the commitment).

FORM 21.

Air Force Regulations.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF DETENTION PASSED BY A COURT-MARTIAL IN OR OUT OF THE COMMONWEALTH FOR USE WHEN FORM 9 IS NOT USED.

To the Commandant of the Place of Detention at ............

Whereas (No., rank, name, unit), an airman of the Air Force of the Commonwealth of Australia was by a court-martial held at ............ while on war service convicted of having while subject to air-force law under the Air Force Regulations committed the offence of .................... and by a sentence signed on the ............ day of ............ , 19 ...., sentenced to undergo ............ detention for ............ , commencing on the aforesaid day, and such sentence has been confirmed by ............ as required by law.)

(And whereas the Governor-General of the Commonwealth of Australia has directed that sub-regulation (5) of Air Force Regulation 421 shall not apply to the said sentence.)

Now therefore I, the undersigned, the ............, being an authority empowered by the Air Force Regulations to issue this warrant, do hereby, in pursuance of the said Regulations and of all other Acts, regulations and powers enabling me, order you to receive the person so sentenced into your custody, and detain him to undergo his said sentence according to law, and for so doing this shall be your warrant.

Signed at ............ this ............ day of ............ 19 ....

(Personal signature of authority making the commitment.)
FORM 22.

Air Force Regulations.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF DETENTION PASSED OUT OF THE COMMONWEALTH, AND TO BE UNDERGONE IN THE COMMONWEALTH.

(This form may also be used, when convenient, in the case of a sentence passed in the Commonwealth, when the commitment is from one State to a place of detention in another or from a distant station).

Whereas (No. rank, name, unit) hereinafter called "the airman," an airman of the Air Force of the Commonwealth of Australia, was by general

field general court-martial, held at ..............................................
district ..........................................................

while on war service

committed the offences of .............................................. and, by a sentence signed on the ............. day of ............. 19 , sentenced to undergo detention for ............. , commencing on the aforesaid day, and such sentence has been confirmed by ................................ as required by law.

Now therefore I, the undersigned, the ............. , being an authority empowered by the Air Force Regulations to issue this warrant, do hereby, in pursuance of the said Regulations and of all other Acts, regulations and powers enabling me, order that the airman be transferred to such place of detention in the State of ............. as any other competent airforce authority shall appoint, there to undergo his sentence according to law.

And I do hereby, in pursuance of the said Acts, regulations and powers, order the Commandant of any such place of detention, to whom the airman shall be brought, to receive into his custody and detain the airman accordingly, and for so doing this shall be sufficient warrant.

And I do hereby, in pursuance of the said Acts, regulations and powers, further order that the airman be conveyed in air-force custody and detained in air-force custody or in a place of detention or a police station or lock-up so far as shall appear necessary or proper for effecting his transfer to the said place of detention in the said State.

Signed at ............. , the ........ day of ............. 19 .

(Personal signature of authority making the commitment.)

In case of commitment to any intermediate place of confinement being necessary.

To the Commandant of the Place of Detention

Office in charge of

Police Station ..............................................

Lock-up

(Regulation 415.)

For the purpose of carrying into effect the above warrant, I, the undersigned, the ............. , being an authority empowered by the Air Force Regulations to issue this warrant do hereby, in pursuance of the above-mentioned Acts, regulations and powers, order you to receive the above-mentioned airman into your custody, and temporarily detain him and to deliver him when required for the purpose of the above warrant, and for so doing this shall be your warrant.

Signed at ............. this ........ day of ............. 19 .

(Personal signature of authority making the commitment.)

On arrival in the State to which commitment is made.

To the Commandant at the place of Detention at .............

I, the undersigned, the ............. , being an authority empowered by the Air Force Regulations to issue this warrant, do hereby, in pursuance of the above-mentioned Acts, regulations and powers enabling me, order you to receive the above-mentioned airman into your custody, and detain him to undergo the above-mentioned sentence according to law, and for so doing this shall be your warrant.

Signed at ............. this ........ day of ............. 19 .

(Personal signature of authority making the commitment.)
FORM 23.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF DETENTION PASSED BY A COURT OF SUMMARY JURISDICTION ON A MEMBER OF THE AIR FORCE FOR AN OFFENCE AGAINST THE AIR FORCE REGULATIONS.

To the Commandant of the Place of Detention at .................

Whereas (No., rank, name, unit), an airman of the Air Force of the Commonwealth of Australia was, by a Court of Summary Jurisdiction at ............ convicted of having while subject to air-force law under the Air Force Regulations committed the { offences } of ............ and sentenced to detention for .......... commencing on the ............ day of ............, 19 ....

Now therefore I, the undersigned, the ............, being an authority empowered by the Air Force Regulations to issue this warrant, do hereby, in pursuance of all Acts, regulations and powers enabling me, order you to receive the person so sentenced into your custody and detain him to undergo his said sentence according to law, and for so doing this shall be your warrant.

Signed at ............ this ............ day of ............, 19 ............
(Personal signature of authority making the commitment.)

FORM 24.

Air Force Regulations.

WARRANT OF COMMITMENT IN EXECUTION OF AWARD OF DETENTION BY A COMMANDING OFFICER.

To the Commandant of the Place of Detention at .................

Whereas (No., rank, name, unit) an airman of the Air Force of the Commonwealth of Australia was at ............ on war service .......... hours for having while subject to air-force law under the Air Force Regulations committed the { offences } of ............

Now therefore I, the undersigned, the Commanding Officer of the said airman .......... being an authority empowered by the Air Force Regulations to issue this warrant, do hereby, in pursuance of the said Regulations and all other Acts, regulations and powers enabling me, order you to receive the said airman into your custody and detain him to undergo the said detention, and for so doing this shall be your warrant.

Signed this ............ day of ............, 19 ....
(Personal signature of authority making the commitment.)

FORM 25.

Air Force Regulations.

WARRANT OF COMMITMENT TO A PRESCRIBED INSTITUTION OR PLACE OF A MEMBER OF THE AIR FORCE CONVICTED OF AN OFFENCE AGAINST AIR FORCE REGULATION 405.

To the Officer, Warrant Officer, or Non-Commissioned Officer in charge of ............

Whereas (No., rank, name, unit) a member of the Citizen Air Force of the Commonwealth of Australia, and a person liable to be trained under Air Force Regulation was by a { general } court-martial held at ............ convicted of the { offences } of ............ and sentenced to be committed to confinement in the custody of a prescribed authority for a term of .......... days commencing on the ............ day of ............, 19 ....... and such sentence has been confirmed by ............ as required by law.

Now therefore I, the prescribed authority into whose custody the said member has been committed pursuant to the said sentence, do, in exercise of all powers conferred on me by the Air Force Regulations or otherwise, order you to receive the said member into your custody and detain him in accordance with the said sentence and for so doing this shall be your warrant.

Signed ............ this ............ day of ............, 19 .......
(Personal signature of prescribed authority.)
FORM 26.

Air Force Regulations.

ORDER FOR RELEASE OF AIRMEN UNDER SENTENCE.

To the Governor or Chief Officer in Charge of Prison.

Whereas (No, rank, name, unit) is now in your custody undergoing a sentence of imprisonment.

Now I, the undersigned, being an authority empowered by the Air Force Regulations to issue this Order, do hereby require you to release the person so in your custody as aforesaid.

Signed at this day of 19 .

(Personal signature of authority ordering release.)

FORM 27.

Air Force Regulations.

ORDER FOR TRANSFER OF AIRMEN UNDER SENTENCE FROM ONE PRISON OR PLACE OF DETENTION TO ANOTHER.

To the Governor or Chief Officer in charge of Prison.

Whereas (No, rank, name, unit) is now in your custody undergoing a sentence of
detention.

Now I, the undersigned, being an authority empowered by the Air Force Regulations and all other Acts, regulations and powers, enabling me, order you to deliver the person so in your custody as aforesaid to the officer, warrant officer, or non-commissioned officer presenting this order.

And I do hereby order the said officer, warrant officer or non-commissioned officer and all other officers, warrant officers, and non-commissioned officers into whose custody the said person undergoing sentence may be delivered, to keep him in air-force custody, and convey him in air-force custody in such manner as may be directed by proper air-force authority to the place of detention there to undergo the remainder of his sentence according to law and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

(Personal signature of authority ordering the transfer.)

FORM 28.

Air Force Regulations.

ORDER FOR TRANSFER OF AIRMEN UNDER SENTENCE WHEN OWING TO COMMUTATION THE NATURE OF THE PLACE IN WHICH THE AIRMEN MAY BE CONFINED IS ALTERED.

To the Governor or Chief Officer in charge of Prison.

Whereas (No, rank, name, unit) is now in your custody undergoing a sentence of
detention.

Now I, the undersigned, being an authority empowered by the Air Force Regulations to issue this order, do hereby, in pursuance of
the said Regulations and all other Acts, regulations and powers enabling me order you to deliver the said person so in your custody as aforesaid to the officer, warrant officer, or non-commissioned officer presenting this order; and I do hereby order the said officer, warrant officer or non-commissioned officer and all other officers, warrant officers and non-commissioned officers into whose custody the said person undergoing sentence may be delivered, to keep him in air-force custody and to convey him in air-force custody in such manner as may be directed by proper air-force authority to the place of imprisonment to which he shall be committed by proper air-force authority, and for doing so this shall be sufficient warrant.

Signed at .............. this .............. day of ............. 19..
(Personal signature of authority ordering the transfer).

___________________________

FORM 29.

Air Force Regulations.

ORDER FOR DELIVERY INTO AIR FORCE CUSTODY OF AN AIRMAN UNDER SENTENCE TO BE BROUGHT BEFORE A CIVIL COURT OR COURT MARTIAL OR FOR OTHER TEMPORARY PURPOSE.

Regulation 424 (1).

To the Commandant of the Place of Detention

Whereas (No., rank, name, unit) is now in your custody undergoing a sentence of imprisonment by an award of his commanding officer.

Now I, the undersigned, the ..................... being an authority empowered by the Air Force Regulations to issue this order, do hereby, in pursuance of the said Regulations and powers, and of all other Acts, regulations and powers enabling me, order you to deliver the person so in your custody as aforesaid to the officer, warrant officer, or non-commissioned officer presenting this order.

And I do hereby order the said officer, warrant officer, or non-commissioned officer, and all other officers and non-commissioned officers, into whose custody the said person undergoing sentence may be delivered, to keep him in air-force custody, and bring him to ..................... there to appear before a court martial or trial as a witness and then to return him to the above-mentioned place of detention as may be determined by proper air-force authority, and to detain him in air-force custody until he is so returned, or is released in due course of law, and for so doing this shall be sufficient warrant.

Signed at .................... this .................... day of ............. 19..
(Personal signature of authority making the order).

___________________________

If the Prison or Place of Detention to which he is Returned is Altered.

I, the undersigned, the ..................... being an authority empowered by the Air Force Regulations to issue this warrant, do hereby in pursuance of the said Regulations and all other Acts, regulations and powers enabling me, order that the above-mentioned person undergoing sentence be forthwith taken in air-force custody to the Place of Detention at .............. there to undergo the remainder of his sentence, according to law, and for so doing this shall be sufficient warrant.

Signed at .................... this .................... day of ............. 19..
(Personal signature of authority making the order).
FORM 30.

Air Force Regulations.

ORDER FOR REMOVAL OF AIR FORCE PRISONER OR AIRMAN UNDER SENTENCE OF DETENTION FOR SERVICE OUT OF THE COMMONWEALTH.

To the Commandant of the Place of Detention at...

Whereas (No., rank, name, unit) is now in your custody undergoing a sentence of imprisonment by court martial...

Now I, the undersigned, the...being an authority empowered by the Air Force Regulations to issue this order, do hereby, in pursuance of the said Regulations and of all other Acts, regulations and powers enabling me, order you to deliver the person so in your custody as aforesaid to the officer, warrant officer or non-commissioned officer presenting this order...

And I do hereby order the said officer, warrant officer or non-commissioned officer and all other officers, warrant officers and non-commissioned officers into whose custody the said person undergoing sentence may be delivered, to keep him in air-force custody, and to convey him in air-force custody in such manner as may be directed by proper air-force authority to...where the (unit)...to which he belongs is...and for so doing this shall be sufficient warrant...

Signed at...this...day of...19...
(Personal signature of authority making the order).

FORM 31.

Air Force Regulations.

ORDER FOR THE TRANSFER OF A PERSON DETAINED IN A PRESCRIBED INSTITUTION OR PLACE.

To the Officer, Warrant Officer, or Non-Commissioned Officer in charge of...at...

Whereas (No., rank, name, unit) is now in your custody in pursuance of a sentence or order of a court martial...that he be committed to confinement in the custody of a prescribed jurisdiction...authority for a term of...days, commencing on the...day of...19...

Now I, the undersigned, being the prescribable authority into whose custody the person so in your custody was committed pursuant to the said sentence or order, do hereby, in exercise of all powers conferred upon me by the Air Force Regulations or otherwise, order you to deliver the person so in your custody to the officer, warrant officer, or non-commissioned officer presenting this order...

And I do hereby order the said officer, warrant officer or non-commissioned officer and all other officers, warrant officers, and non-commissioned officers into whose custody the said person may be delivered, to keep him in air-force custody and convey him in air-force custody, in such manner as may be directed by proper air-force authority, to...and the officer, warrant officer or non-commissioned officer in charge of that institution to receive the said person into his custody and detain him for the remainder of the said term of...days, and for so doing this shall be sufficient warrant...

Signed at...this...day of...19...
(Personal signature of prescribable authority).
FORM 32.

Air Force Regulations.

WARRANT FOR TEMPORARY DETENTION OF A PERSON CHARGED WITH AN OFFENCE TRIABLE BY COURT MARTIAL.

Governor or Chief Officer in Charge of Prison

Commandant of the Place of Detention

Officer in charge of the Police Station

Officer in charge of the Lock-up

at

Whereas (No., rank, name, unit) is now a person charged with an offence triable by court martial.

Now I, the undersigned, the (personal signature of authority under Regulation 242) being an authority empowered by the Air Force Regulations to issue this warrant, do hereby in pursuance of the said Regulations and of all other Acts, regulations and powers enabling me, order you to receive the said person into your custody and to detain him until you receive a further order from me or other proper air force authority, and for so doing this shall be your warrant.

Signed at (personal signature of authority under Regulation 242) this day of .

FORM 33.

Air Force Regulations.

WARRANT FOR TEMPORARY DETENTION OF AN AIRMAN UNDER SENTENCE.

Governor or Chief Officer in Charge of Prison

Commandant of the Place of Detention

Officer in Charge of the Police Station

Officer in charge of the Lock-up

at

Whereas (No., rank, name, unit) is a person sentenced by court martial to (personal signature of authority under Regulation 419)

Now therefore I, the undersigned, the (personal signature of authority under Regulation 419) being an authority empowered by the Air Force Regulations to issue this warrant do hereby in pursuance of the said Regulations and of all other Acts, regulations, and powers enabling me, order you to receive the said person into your custody, and to detain him until you receive a further order from me or other proper air force authority, and for so doing this shall be your warrant.

Signed at (personal signature of authority under Regulation 419) this day of .

FORM 34.

Air Force Regulations.

ORDER FOR DELIVERY INTO AIR FORCE CUSTODY OF PERSON IN TEMPORARY DETENTION.

Governor or Chief Officer in Charge of Prison

Commandant of the Place of Detention

Officer in Charge of the Police Station

Officer in charge of the Lock-up

at

Whereas (No., rank, name, unit) is now in your custody for temporary detention.

Now I, the undersigned, the (personal signature of authority making the order) being an authority empowered by the Air Force Regulations to issue this order, do hereby order you to deliver the person so in your custody as aforesaid to the officer, warrant officer, or non-commissioned officer presenting this order.

Signed at (personal signature of authority making the order) this day of .
FORM 35.
Air Force Regulations.

WARRANT FOR THE ARREST OF ABSCONDER OR DESERTER OR PERSON LIABLE TO BE TRIED BY COURT-MARTIAL.

To all members of the Defence Force of the Commonwealth of Australia and to all members of the Police Force of the Commonwealth of Australia, and of every State thereof and of every Territory under the control of the Commonwealth of Australia and of every country in which the person to whom this warrant relates shall be found.

Whereas (No., rank, name, unit), a member of the Air Force of the Commonwealth of Australia, an absconder or deserter, or a person liable to be tried by court-martial for an offence committed by him.

Now therefore I, the undersigned, being an authority empowered by the Air Force Regulations to issue this warrant do hereby, in pursuance of the said Regulations and of all other Acts, regulations, and powers enabling me, empower and direct you to arrest the said (No., rank, name, unit), and deal with him as directed by the Air Force Regulations.

Signed at this day of 19
(Personal signature of authority under Regulation 197.)

FORM 36.
Air Force Regulations.

ORDER FOR DELIVERY INTO AIR FORCE CUSTODY OF AN ABSCONDER, DESERTER, OR PERSON LIABLE TO BE TRIED BY COURT-MARTIAL FOR AN OFFENCE.

To the Officer of Police having the custody of the undermentioned person.

Whereas (No., rank, name, unit) is now in your custody as a person for whose arrest a warrant under Air Force Regulation 197 has been issued, and of whom arrest has been made under the said Regulation.

Now I, the undersigned, being an authority empowered by the Air Force Regulations to issue this warrant do hereby order you to deliver the said person so in your custody as aforesaid to the officer, warrant officer, or non-commissioned officer presenting this order.

Signed at this day of 19
(Personal signature of C.O. or superior air-force authority.)
Description of airman to be delivered:

FORM 37.
Air Force Regulations.

ORDER OF COURT-MARTIAL FOR IMPRISONMENT OR DETENTION FOR CONTEMPT OF COURT, OF A MEMBER OF THE DEFENCE FORCE OR PERSON LIABLE TO TRIAL BY COURT-MARTIAL.

To the Governor or Chief Officer in charge of Prison.

Whereas (No., rank, name, unit), a member of the Defence Force or person liable to trial by court-martial, has, within the view of a court-martial now sitting at a general court-martial at, and of which I, the undersigned, am president, been guilty of contempt of court by uttering insulting language towards the said court.

Signed at this day of 19
(F.321—9.)
Now the said court, in pursuance of the Air Force Regulations and all other powers enabling it, hereby orders that the said offender be imprisoned for _______ days and the said court orders you to receive him into your custody and detain him to undergo the _______ detention hereinafter ordered, and for so doing this shall be your warrant.

Signed at: ________________ this ________________ day of ________________ 19 ____________

(Personal Signature)

President of the above-mentioned court-martial.

FORM 38.

Air Force Regulations.

DECLARATION BY MEMBERS OF COURTS OF INQUIRY ON RECOVERED PRISONERS OF WAR.

Regulation 427. I, do declare upon my honour that I will duly and impartially inquire into and give my opinion as to the circumstances in which came a prisoner of war according to the true spirit and meaning of Air Force Regulations. I do further declare upon my honour that I will not on any account or at any time disclose or discover my own vote or opinion or that of any particular member of the court unless required to do so by competent authority.

FORM 39.

Air Force Regulations.

AIR FORCE OPERATIONS OR SURVEYS.

Regulation 428. Claims in respect of damage done by members of the Air Force must be submitted to the officer in charge of the camp within 72 hours of the commission of the damage.

Persons making false or fraudulent claims for damage will render themselves liable to be proceeded against according to law.

1. From (name of claimant in full, and whether owner or tenant).
2. Farm or pastoral property, or other description.
3. Full postal address.
4. Place where damage occurred.
5. Date upon which damage occurred.
6. Nature of damage, specified fully, and in order for easy identification. (If space is insufficient, the statement may be made upon a separate sheet of paper.
7. Amount of compensation claimed, and how assessed.
8. Names of any witnesses to damage.
9. Name of owner or landlord from whom the land is held.
10. Nature of tenancy, annual or otherwise.
11. Date of expiration of lease or agreement.

I, (name in full) declare the above to be a just and true statement of the damage enumerated therein and that the same was done by members of the Air Force.

Signature of Claimant_____________________

Signed at_____________________________

Date _________________________________
For use of Compensation Board only.
Amount of compensation assessed in respect of:

£  a.  d.


Remarks:
Signature of President of Board .........................
Signature of Members of the Board .........................

Total £

By Authority: H. J. Green, Government Printer, Canberra.