

Defence

Cap. 159.

**DEFENCE (SUMMARY JURISDICTION)
REGULATIONS, 1981**

S.I.
1981/49.

Authority: These regulations were made on 16th March, 1981 by the Defence Board under section 139 of the *Defence Act*.

Commencement: 16th March, 1981.

1. These Regulations may be cited as the *Defence (Summary Jurisdiction) Regulations, 1981*. Short title.

2. In these regulations

Interpretation.

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

“subordinate commander” means the officer commanding a company or equivalent subunit.

3. (1) A unit or detachment may be placed for disciplinary purposes under the command of the commanding officer of another unit or detachment, and that officer is, for those purposes, the commanding officer of the first mentioned unit or detachment, as the case may be. Commanding officer.

(2) For the purposes of these regulations the commanding officer referred to in paragraph (1) is a subordinate commander.

4. (1) A commanding officer may not deal summarily with a charge Jurisdiction of commanding officer.

(a) under section 76 of the Act where the corresponding civil offence is treason, murder, manslaughter or rape, or

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(b) under section 35 to 39, 42, 43, 70, 72 or 74 of the Act where the principal offence cannot be dealt with summarily by virtue of this paragraph.

(2) A commanding officer may not, without permission of a higher authority, deal summarily with a charge

(a) under section 41, 48, 54, 55, 57 to 59, 64, 65, 69, 71 or 74 of the Act where the principal offence cannot be dealt with summarily by virtue of this regulation; or

(b) under section 76 of the Act.

Power of
commanding
officer to
award
detention.

5. (1) A commanding officer below the rank of lieutenant colonel may not, without the permission of a higher authority, award to a soldier detention for a period exceeding 28 days.

(2) A commanding officer below the rank of major may not, without permission of a higher authority, award to a soldier

(a) detention for a period exceeding 7 days, or

(b) a fine of a sum exceeding the equivalent of 7 days pay.

(3) A commanding officer may not, without the permission of a higher authority, award stoppages exceeding \$100.

(4) In addition to the restrictions imposed by paragraphs (1) and (2), the powers of an officer commanding a detachment who is below the rank of major may be further restricted by the officer commanding the unit to which the detachment belongs, or by higher authority.

(5) Where the powers of an officer commanding a detachment have been restricted under paragraph (4) he may, notwithstanding the restriction, but subject to paragraphs (1) and (2), exercise his full powers as a commanding officer if it is necessary for him to do so for the maintenance of discipline; and if he does so he shall report that fact to the officer or higher authority, as the case may be, who restricted his powers.

Delegation
of power.

6. (1) Subject to regulation 7, a commanding officer may delegate to a subordinate commander, whatever his rank, who is under the command of the commanding officer and directly responsible to him for disciplinary matters, the powers of

investigating and dealing summarily with charges with which the commanding officer may deal.

(2) Where powers have been delegated under paragraph (1) the subordinate commander is, for the purposes of the Act, the commanding officer of any person who is subject to military law under the Act.

(3) Paragraph (1) does not apply to the power

- (a) to remand the accused for trial by court-martial, or
- (b) to order the taking of a summary of evidence or the making of an abstract of evidence.

7. (1) The punishment that may be imposed by a subordinate commander referred to in regulation 6 are, Punishment.

(a) in the case of a non-commissioned officer below the rank of sergeant,

- (i) a fine of a sum not exceeding the equivalent of 7 days pay,
- (ii) reprimand,
- (iii) stoppages not exceeding \$50, where the offence has occasioned any expense, loss or damage, or
- (iv) admonition, or

(b) in the case of a soldier,

- (i) a fine of a sum not exceeding the equivalent of 7 days pay,
- (ii) stoppages not exceeding \$50, where the offence has occasioned any expense, loss or damage,
- (iii) confinement to barracks for a period not exceeding 14 days,
- (iv) extra guards or picquets not exceeding 3 in number, or
- (v) admonition.

(2) A subordinate commander who is below the rank of captain may not award a fine or stoppages.

Restrictions
on power
delegated.

8. (1) Where a commanding officer delegates the power of investigating and dealing summarily with charges under regulation 6, he may, in addition to the restrictions imposed by paragraph (3) of that regulation, impose such restrictions as he considers proper upon the exercise of that power by the officer to whom it is delegated.

(2) Where a subordinate commander is dealing with a charge against a non-commissioned officer or a soldier and the non-commissioned officer or soldier, as the case may be, elects to be tried by court-martial in accordance with section 85(4) of the Act, the subordinate commander may not deal further with the charge, but shall order that the non-commissioned officer or soldier, as the case may be, be taken before the commanding officer who delegated to the subordinate commander the power of investigating the charge.

Jurisdiction
of superior
authority.

9. (1) An appropriate superior authority may not deal summarily with a charge

- (a) under section 76 of the Act where the corresponding civil offence is high treason, murder, manslaughter or rape, or
- (b) under section 35 to 39, 42, 43, 70, 72 or 74 of the Act where the principal offence cannot be dealt with summarily by virtue of this paragraph.

(2) An appropriate superior authority may not, without the permission of a higher authority, deal summarily with a charge

- (a) under section 76 of the Act, or
- (b) under section 41, 48, 54, 55, 57 to 59, 64, 65, 69, 71 or 74 of the Act where the principal offence cannot be dealt with summarily by virtue of this paragraph.

Period of
detention.

10. A soldier who is undergoing detention, field punishment or confinement to barracks may be dealt with summarily for a fresh offence, but the aggregate periods of consecutive punishment may not exceed

- (a) detention or field punishment, or a combination of 2 for 42 days,

- (b) a combination of detention or field punishment and confinement to barracks for 42 days, or
- (c) confinement to barracks for 28 days.

