

CHAPTER 36

DISCIPLINE AND CONDUCT - GENERAL

(MOD Sponsor: SO1 Discipline Law)

This chapter has been equality and diversity impact assessed by the sponsor in accordance with Departmental policy. No direct discrimination or adverse impact was identified. This chapter is due for review at the next routine amendment exercise.

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CHAPTER 36

DISCIPLINE AND CONDUCT - GENERAL

3601. Articles of War

1. With the repeal of the Naval Discipline Act (NDA) 1957 on 31 October 2009, the Articles of War are no longer extant. The principles of the Articles of War – that Service offences will result in Service punishments – are contained within the provisions of the Armed Forces Act 2006 (AFA 06).

3602. Maintenance of Good Order

1. Every Commanding Officer is to ensure that the behaviour of personnel serving in the ship or establishment is always maintained in accordance with the highest standards of the Service. It is the duty of every Officer, Warrant Officer, Chief Petty Officer, Petty Officer and leading rating of each branch of the Service to ensure that order and regularity are preserved in their vicinity among those officers and Service personnel, of whatever branch and whether they are on duty or not, who are junior to them in rank or rate; they may give any orders to such persons junior to them as are necessary to enable him/her to carry out this duty.

2. **Conduct to be Observed.** All officers and Service personnel are to conduct themselves with the utmost respect to their superior officers and with strict obedience to their orders. They are at all times to discharge every part of their duty eagerly and promptly and, so far as circumstances permit, to assist all Officers in the duties they have to perform. They should on all occasions strive to promote the welfare of the Naval Service and, by the good order and regularity of their conduct, show an example to those who may be subject to their command.

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

4. All Officers and Service personnel must not swear, behave in a depraved or disorderly manner, or quarrel with others. They must not use abusive language towards subordinates, and must take reasonable steps to prevent other Service personnel from behaving in an offensive or unruly manner. In their personal relationships, Service personnel must comply with the Armed Forces Code of Social Conduct. All Service personnel must show respect for others and, in particular, it is forbidden to insult any religion or to harass anyone based upon their gender, race or ethnic or national origin, disability, religion or belief, or sexual orientation.

3603. Criminal and Disciplinary Investigations

1. In accordance with AFA 06, if an allegation or circumstances would indicate to a reasonable person that a Service offence has or may have been committed by a Service person, the matter must be investigated either by the Service Police or by, or on behalf of, the Commanding Officer of the Service person.

The Competent Authority for criminal and disciplinary investigations in the Naval Service is the Provost Marshal (Navy) (PM(N)) who is responsible to the Navy Board for the conduct and direction of all such investigations.

2. Area Naval Provost Marshals (NPMs) at Devonport, Portsmouth and Clyde Naval Bases are accountable to Provost Marshal (Navy) for their investigative output and for monitoring Royal Navy Police (RNP) investigations conducted in base-ported HM Ships and shore establishments according to defined geographical boundaries.

3. Investigations by the RNP into allegations of disciplinary offences can be initiated when:

- a. requested by a Commanding Officer, or
- b. requested by a Higher Authority, or
- c. when the RNP receive a complaint or information about an offence, or
- d. when the RNP witness an offence about to be or being committed.

4. RNP serving in HM Ships and shore establishments conducting disciplinary or criminal investigations are to produce reports in accordance with PM(N) Technical Instructions. The purpose of an investigation is to gather all relevant evidence and forward the results to the Commanding Officer or the Director of Service Prosecutions for subsequent action.

5. The term RNP includes all members of the Royal Marines Police Troop.

J.3604. Independence of Service Police Investigations

1. All investigations undertaken by Service police, regardless of their nature and of who initiated the investigation, are conducted independently of the chain of command. The Provost Marshal of the Service police force in question is responsible for investigations and for ensuring that Service police investigations are free from interference. Interference includes any attempt by anyone who is not a member of the Service police to direct an investigation being carried out by the Service police. Service police must not be obstructed or otherwise hindered, or influenced in any manner, in the conduct of investigations. The chain of command has a clear duty to assist the Service police and to facilitate their inquiries. Obstructing or failing to assist a member of the Service police may be an offence, as may interference with an investigation. Compelling reasons are required before assistance may be refused, and assistance should not be refused without seeking legal advice. None of these provisions places any legal obligation on an individual to provide a statement.

3605. Remarks or Criticisms on Superiors

1. Except as specifically permitted in Chapter 42, no Officer or rating is to criticise a superior officer, whether verbally or in writing, including by means of social media. Further, no Service person is to say or do anything which, if heard or seen by or reported to a subordinate, might discourage the subordinate or make them dissatisfied with their condition or with the service on which they are or may be employed.

3606. Conflicting Orders

1. If an Officer should receive an order from a superior which they consider to be at variance with their obedience to any article in these Regulations or with any particular order that may have been issued by the Defence Council, Admiralty Board, or other superior officer, they are to represent the matter orally, or in writing if there is no urgency, to the officer who gave them the order. If they are then directed again to obey the order, they are to do so unless they consider that they are being directed to act in an illegal manner; but if they deem it necessary, they may report the circumstances to the Fleet Commander or to the Admiralty Board.

3607. Extremist Organisations

1. It is inconsistent with the responsibilities of military service for personnel to hold membership of, to receive literature from, to present at an event connected with, or otherwise to participate in the affairs or activities of extremist groups whose aims and objectives conflict with the policies of the Naval Service.

3608. Unnecessary Expenses, Fraud, etc.

1. Every Officer is strictly enjoined to avoid all unnecessary public expense and, so far as may depend upon them, to prevent it in others. See JSP 754 Tri-Service Regulations for Pay and JSP 462 Financial Management and Charging Policy Manual.

2. Every Officer is to report any neglect, collusion or fraud which they may discover or know of in any contractor, agent or person concerned in supplying stores or provisions, or in executing any naval works either ashore or afloat.

J.3609. Subscriptions and Gifts

1. **Subscriptions.** Subscriptions from Service personnel for the purpose of a presentation should normally be permitted only when the individual concerned leaves the Service; in no case is the subscription fund to be the subject of official orders.

2. Service personnel, when acting in an official capacity, should not be placed in a position where their actions might give the impression to anyone, inside or outside the Service, that they may have been or might be influenced to show favour or disfavour to any person or organisation by the receiving of any gift, reward, hospitality, loan or other consideration. Personnel should have regard not only to whether they feel themselves to have been influenced, but also to the impression that their actions will create on others.

3. The rules relating to the acceptance of gifts and hospitality by Crown Servants, which all Service personnel must comply with, are set out in JSP 462 Financial Management and Charging Policy Manual.

4. **Gifts to HM Ships.** (*Navy only.*) Save in circumstances of salvage (for which see **4648.1**), sums of money and gifts in kind offered to Her Majesty's Ships for general welfare purposes are not to be regarded as subject to the above mentioned provisions. Gifts may be accepted provided that they are administered by the Ship's Welfare Committee and that monetary gifts do not exceed £20 per head per annum.

Ships receiving offers in excess of this scale, or those which do not have a Ship's Fund of their own, should refer the matter to their administrative authority who may approve the gift subject to such limitations of amount and conditions of expenditure as they deem appropriate. There is no restriction on the expenditure of such gifts beyond what may be specified by the donors.

J.3610. Payments from Government Sources

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

2. (*Navy only.*) Claims are to be proffered immediately after the work is performed and, where payment is to be from naval funds, supported by a certificate in the following terms:

'With reference to QRRN, [Para J.3610](#), I certify that the extra remuneration claimed or paid to me from Government sources during the current calendar year does not exceed the amount which would have been paid to a person outside the public service for the same activity.'

This certificate is to accompany the authority when referred to the Directorate of Financial Accounting Services (DFAS).

J.3611. Gifting, Purchase and Sale of Government Materiel by Crown Servants



Note. This regulation does not apply to HMSO publications on sale to the general public.

1. Service personnel must comply with the rules relating to:
 - a. the gifting of surplus MOD assets to external organisations as set out in JSP 462 Financial Management and Charging Policy Manual; and
 - b. the purchase and sale of government materiel as set out in the Defence Logistics Framework, which is available via the Defence Gateway.

J.3612. Unallocated

3613. Recovery of Losses and Write Off

1. Whenever misconduct or negligence leads to a loss of public stores, equipment or money, any Service person may be liable to have deductions made from their pay in certain specified circumstances in consequence of the provisions of The Armed Forces (Forfeitures and Deductions) Regulations 2009 and JSP 830 Manual of Service Law. Further guidance and policy on implementing, effecting and enforcing forfeitures and deductions is also contained in JSP 754 Tri-Service Regulations for Pay.

J.3614. Found Property

1. Any article found in a ship, unit or establishment which the finder is unable to return directly to the owner is to be handed over to the Service Police or Coxswain (RN only). Any claimant to the property will be required to supply evidence of ownership and may be called upon to defray any identifiable costs incurred.
2. Property, not being public property, which is unclaimed after being held for three months is to be disposed of, if necessary by sale, at the discretion of the Commanding Officer. Property, not being public property should be disposed of within six months (RN only).
3. Where the property is money or is sold for cash, the amount may be paid to a local charity or benevolent fund. Alternatively it may be paid to the Ship's Welfare Fund. A portion of the money may also be paid as a reward to the finder. This may be up to 50% of the proceeds of the sale, or a maximum of £20 in value, whichever is the lower amount.
4. (*RN only.*) Specific directions are to be given in Ship's orders for the disposal of all articles found lying about which are not the property of the finder. A person found to be in wrongful possession of the property of another in circumstances which do not meet the technical requirements for a charge under the Theft Act 1968, may then, if the facts warrant it, be charged with contravening Ship's Standing Orders under section 13 of AFA 06, in not handing over to the proper authority the articles which to their knowledge had come into their possession without the consent of the owners.

3615. Private Debts of Naval Personnel

1. **MOD Responsibilities.** The Ministry of Defence accepts no responsibility for the payment of private debts incurred by Naval personnel: neither does it intervene in such matters, except in extreme cases where the good name of the Naval Service is involved. In such cases the individual concerned is to be interviewed by their Commanding Officer and told to state their intentions regarding settlement of the debt.
2. **Disclosure of Information.** The normal practice of not disclosing to private enquirers the Service or home address of any member of the Naval Service without their consent applies to commercial firms, trades persons and other creditors: a Service address may, however, be given to a solicitor acting for a creditor to enable legal process to be served in connection with a debt on receipt of an assurance that the address will be used solely for that purpose, will not be passed to a client or other party and will omit any reference to the individual's rank and decorations from the envelope or other outer cover of the mailed package. It rests with firms, trades persons etc., to obtain appropriate personal details before extending credit: security implications may, however, preclude Service details being given. If a trader loses contact with a person they believe is still a serving member of the Royal Navy, they may approach the Commanding Officer of his/her last unit. On receipt of any such approach, Commanding Officers are to use their discretion, having regard to the lapse of time and the individual's whereabouts, in determining whether the circumstances justify communicating with the person's present Commanding Officer; if they decide not to do so, the trader should be informed accordingly and may be advised to make a further approach, if necessary, at a stated later date.

3616. Debts and Financial Irresponsibility

1. **Financial Irresponsibility.** A Service person's debts are generally their own responsibility and the Service should not normally interfere with them. However, financial problems may, through worry and other pressures, reduce their efficiency. Moreover if the individual displays financial irresponsibility, particularly if it involves dishonesty, it may affect their suitability for promotion or advancement, for handling classified material, for certain appointments or drafts and even their retention in the Service; they may become an administrative burden or bring the Service into disrepute. In all cases the main factor is not the debts but the attitude to them and handling of them.
2. **Responsibilities of Commanding Officers and Divisional Officers.** Commanding Officers are to ensure that all under their command understand the adverse consequences of financial irresponsibility and are encouraged to report serious financial problems before they get out of control or raise security issues. Superiors are not required to become financial managers for their subordinates nor agents for collecting debts incurred outside the Service. However, Commanding Officers must ensure that those with financial problems are guided towards specialised advice within or outside the Service.
3. **FHTB.** When considering applications for Forces Help to Buy (FHTB) in accordance with JSP 464 and DIB 2014-07, Commanding Officers must take into account the individual's financial situation, notably where it may increase existing difficulties. They should advise the individual accordingly, and if appropriate refuse to forward the application.
4. **Reporting.** If a rating has continual financial difficulties or demonstrates financial irresponsibility this should be recorded on the individual's SJAR, together with their attitude to the debts and response to counselling.
5. **Promotion and Advancement.** When there is evidence of financial irresponsibility, suitability for promotion or advancement must be carefully considered by Commanding Officers. If the individual's attitude to their debts reflects a character defect which might make promotion or advancement inappropriate this should be reflected in his/her SJAR. If an individual has been selected for but not yet promoted and a character defect is revealed by financial problems, a Special SJAR is to be raised and forwarded to the Promotions Office, containing a recommendation as to whether or not the individual's promotion should be deferred or stopped. Once a rating has been selected for promotion or advancement this may only be withheld, on grounds of financial irresponsibility, with the approval of the administrative authority. Further guidance is available in BRd 3(1).
6. **Security.** Reports must be made to MOD (DDefSy) in cases of serious financial difficulty as defined in current security regulations.
7. **Suitability for Local Foreign Service (LFS).** All Officers and ratings are screened prior to selection for LFS, loan service or exchange service in accordance with Defence and single Service procedures. Commanding Officers are required to consider the financial situation of any rating nominated before making a related recommendation. If a Service person already serving in an LFS billet shows signs of serious financial irresponsibility such that fitness to remain in that billet is in doubt for security reasons, Navy Command's Principal Security Adviser is to be informed. Where irresponsibility is such that the Service person's premature return to the UK is sought, application is to be made to the appropriate Administrative Authority for approval, keeping the relevant Career Manager informed.

BRd 2

8. **Warnings.** If an individual's financial circumstances and/or their attitude towards them indicate that a Service person may no longer be fit to retain their rank or to remain in the Service, they must be warned about the consequences of financial irresponsibility in accordance with the procedures detailed in BRd 3(1) Chapter 57. They must also be told that security considerations may result in discharge before the elapse of any warning period they are given to redeem themselves.

9. **Continued Action.** If, after counselling and formal warning for discharge, an individual fails to handle their financial difficulties sensibly, the Service obligation to assist them is to be regarded as lapsed; further involvement is to be limited to essentials required by [Para 3615](#) and acknowledging letters from creditors.

10. **Discharge.** When considering discharge, it is not the existence of debts that is critical but the manner in which they were incurred, the attitude to them and the handling of them. If the Commanding Officer of any individual considers that, as a result of financial irresponsibility, the individual is unfit to conduct the duties and responsibilities required of them, or the Service is being brought into continuing disrepute, or the administrative effort that has to be expended on the individual's affairs is disproportionate to their value to the Service, then there are grounds for application for discharge. Recommendations for discharge should normally be for SHORE (See BRd 3(1)). Applications for discharge are to state any warning given, and the Service person is to be invited to make a representation. Lack of warning need not preclude discharge in serious cases.

J.3617. Bankruptcy

1. An individual who has a Receiving Order in bankruptcy made against them or files a petition for bankruptcy, or who is unable to meet their financial commitments, is to report the facts immediately to their Commanding Officer. The Commanding Officer is then to consider what further administrative action may be required, seeking advice from the Navy Command Headquarters Casework Cell as necessary. If an individual is declared bankrupt, their case is to be monitored by their Commanding Officer to determine whether or not their conduct in seeking to discharge their bankruptcy casts doubt upon their suitability to retain their rank or to remain in the Service.

J.3618. Moneylending

1. Personnel are forbidden to engage in moneylending to Service personnel or to borrow money from their subordinates.

J.3619. Gambling

1. Except as provided in [Para 3](#) and [Para 4](#) below, all forms of gambling and bookmaking (or acting as an agent for a bookmaker) are forbidden in ships, establishments or units. The purpose of prohibiting gambling among Service personnel is to prevent the disharmony or erosion in discipline that may occur where one Service person is in debt to another Service person, or where one Service person makes a financial gain at the expense of another Service person. In particular, where one Service person is financially indebted to another Service person this may lead to ill-feeling, conflict or the distortion of Command relationships.

2. The advent of on-line gambling provides Service personnel with the opportunity to gamble by electronic means. While onboard a warship, submarine or Service establishment, Royal Naval personnel are prohibited from gambling on-line or by other electronic means with other Service personnel who are assigned to their unit or form part of their chain of Command.

3. UK legislation prevents organisations or individuals from offering or running gambling facilities unless they are licensed by the Gambling Commission. Merely by providing Wi-Fi services, and thereby enabling Service personnel to gamble on-line, ships or establishments do not breach this legislation. So long as Service personnel do not contravene paragraph 2 above, Service personnel may access on-line gambling facilities using Wi-Fi facilities provide by the Service. However, routine divisional briefings should highlight to individuals the risks of engaging in gambling.

4. Any proposal to hold a lottery or sweepstake or to permit any other form of gambling is to be referred to the Commanding Officer. If he/she agrees to the proposal he/she is to issue such instructions as he/she considers necessary to ensure that the provisions of domestic legislation are complied with. Outside Great Britain he/she is also to satisfy themselves that there is no infringement of local law.

3620. Trading Onboard or Acting as a Commercial Agent

1. The Commanding Officer may grant permission for trades persons to board Her Majesty's Ships or enter naval establishments for the purpose of selling their goods or obtaining orders, but such permission should be granted only where necessary to prevent real inconvenience to the Ship's Company. The Commanding Officer has discretion to exclude any or all trades persons without informing them of his/her reasons. Permission should normally be granted, however, to firms holding current Ministry of Defence contracts for the supply of made-to-measure uniforms for the purpose of taking measurements, making fittings, etc. in accordance with the contract requirements.

2. It is against the best interests of the Ship's Company, particularly young ratings, that they should be granted extensive credit facilities, and such inducements would be good grounds for withholding permission to trade on board from trades persons concerned.

3. Trades persons may not be given passage in Her Majesty's Ships.

3621. Trafficking, etc.

1. No Officer or Service person is to act as agent in ships or establishments for any private commercial or insurance undertaking.

2. Other than as authorized in Chapter 80, alcoholic beverages are not to be brought on board any of Her Majesty's Ships or into naval establishments. The trading in, or manufacture of, alcoholic beverages is also prohibited unless the written sanction of the Commanding Officer has been obtained.

3. No trading is to take place without the written sanction of the Commanding Officer.

3622. Unallocated

3623. Vehicles Owned by Crown Servants and Crown Servants Driving Vehicles in Naval Establishments

1. While driving a motor vehicle, including a motor cycle, or using a bicycle within a naval establishment or on entering or leaving it, all Crown servants must comply with the rules and regulations which would normally operate for the particular type of motor vehicle or bicycle and for its driver, rider or passenger(s) if used on the public roads outside the establishment, unless specifically authorised to the contrary.

3624. Alcohol Misuse

1. **General.** In accordance with section 20 of AFA 06, a Service person must not, due to the influence of alcohol or drugs, be unfit to be entrusted with their duty or with any duty which they might reasonably expect to be called upon to perform, or behave in a disorderly manner or in a manner likely to bring discredit to Her Majesty's Forces. Under section 20A of AFA 06 it is also an offence for a Service person to exceed the relevant alcohol limit for prescribed safety-critical duties. Further details on the elements of these offences are contained in JSP 830 Manual of Service Law. The Royal Navy's alcohol policies are also outlined in BRd 9467. Alcohol must not be served to under 18's.

2. **Excessive Drinking.** Excessive drinking is always unacceptable because it adversely affects discipline, efficiency and the reputation of the Service. There are three overlapping categories:

- a. The Service offence of misconduct through alcohol.
- b. Drink-related offences.
- c. Drinking which, though not related to an offence, may render Service personnel less efficient or reliable.

3. **Persistent Heavy Drinking.** As well as risking punishment for drink-related offences, the persistent heavy drinker is likely to become a real risk to the Service through inefficiency and unreliability. Such conduct will affect their suitability for promotion or advancement and impose other limitations on their career. It may also lead to welfare problems constituting an unacceptable administrative burden on the Service. Persistent heavy drinking is very likely to result in discharge from the Service.

4. Special Responsibilities

- a. The Second Sea-Lord is responsible for co-ordinating both the implementation of Admiralty Board policy on alcohol misuse and the development of that policy, in consultation with the Fleet Commander and other members of the Navy Board, and by liaison with the other Services.
- b. Responsibility for education of all Service personnel regarding alcohol and drugs rests with Commander Naval Personnel (CNPERS) through the Navy Command Executive Team.

The Royal Navy Consultant Adviser in Psychiatry (located at the Department of Community Health in Portsmouth Naval Base) is responsible (through the Alcohol Nurse Specialists at all major Naval establishments) for the provision of the Briefing Advisory Tool for those personnel who are referred with identified alcohol problems. These Specialists will liaise with the unit level Executive on a regular basis regarding education of personnel in management positions. This will include the offer of, on request of the Executive, training sessions for Divisional Officers and awareness briefs for more senior personnel.

Responsibility for substance misuse education in the Royal Navy is delegated to CNPERS EXEC NCXT and conducted by the Fleet Executive Officer (FXO) and Compulsory Drug Team (CDT) Master At Arms. The CDT process is overseen by FXO and administered by the CDTWO.

5. **Responsibilities of Commanding Officers.** Commanding Officers are responsible for ensuring that:

- a. All under their command are aware of the risks of alcohol misuse and of the requirements of these regulations.
- b. There is proper control over drinking within their ships or establishments.
- c. There is adequate education within their ship or establishment on alcohol misuse, including biennial visits by the Alcohol Education Team, the use of films and publicity material, and attendance of appropriate personnel on the Alcohol Education Courses.
- d. Discipline is maintained and that those found guilty of misconduct through alcohol or drugs are punished appropriately.

6. **Responsibilities of Officers, Non-Commissioned Officers, Senior Rates and Leading Hands.** It is the duty of all those in authority, whatever their rank, to discourage inappropriate drinking and, by example and supervision, to foster a climate of opinion in which such drinking is regarded as unacceptable. Drunkenness and drink-related offences are to be dealt with firmly and excessive drinkers must be identified and reported as soon as possible to enable timely counselling and treatment. Divisional Officers are to be especially vigilant with regard to these matters; they are to ensure that alcohol education is a regular feature within their divisions and that counselling is readily available.

7. **New Entries**

- a. Careers staff are to warn all applicants of the Royal Navy's attitude to alcohol abuse.
- b. Commanding Officers of new entry establishments are to ensure that all new entries are educated about alcohol abuse and the Royal Navy's policy on the subject including the likely penalties for failure to control drinking.

8. **Drunkenness on Board.** All cases of drunkenness must be seen by the Officer of the Day or, in their absence, by the Duty Senior Rating. If possible they should also be seen by a medical officer or, in their absence, a medical branch rating, who is to enquire into the circumstances and examine the Service person.

BRd 2

The purpose of this medical examination is to exclude other possible causes of the individual's condition. Instructions for medical examination of drunken persons are contained in BRd 1991. It is the duty of all personnel to report suspected offences of misconduct through alcohol or drugs. This is particularly important where there are reasonable grounds to suspect that an individual who has been, or is about to be, entrusted with a safety-critical duty is under the influence of alcohol or drugs.

9. **Drunkenness on Shore.** An Officer or rating ashore who is too drunk to return on board without prejudice to good order may be taken to their ship or establishment by taxi or other conveyance; an advance of pay may be issued to cover the fare and subsequently recovered from the Service person's pay in accordance with JSP 754 Tri-Service Regulations for Pay.

10. **Procedures for Dealing with Excessive Drinkers.** Excessive drinkers must be identified before they reach the stage of dependence on alcohol. Commanding Officers shall ensure that such individuals are dealt with firmly and constructively and monitored until their conduct has returned to a satisfactory state. Action depends on the circumstances of each case, including how early the individual is identified, their attitude and the progression of the case. The following general measures are to be considered:

a. **Counselling.** All cases of excessive drinking should receive Divisional counselling (including informal warning of the consequences of continued excessive drinking). They should then be referred for a one day basic alcohol education course, which will be run regularly by the Alcohol Education Team. Bookings may be made through the Department of Community Mental Health in Portsmouth Naval Base, HMS DRAKE or HMS NEPTUNE.

b. **Special Measures.** If an individual fails to respond to counselling, special measures appropriate to them, such as withdrawal of approval for a single individual to live in private accommodation and control of the individual's drinking within the ship or establishment, should be considered.

c. **Formal Warning.** If an individual is approaching the state where they may become an unacceptable risk or an administrative burden they are to be warned formally that their conduct may lead to administrative discharge; this measure may be taken even without prior counselling if they have already become a problem drinker when first identified.

d. **Records.** Referrals to the basic alcohol education course or to the Department of Community Mental Health, failure to respond to counselling and any relevant warnings should be recorded in the individual's SJAR and personnel file. In cases of genuine self-referral without the commission of a disciplinary offence or decreased efficiency, recording is a matter for the Commanding Officer's discretion.

e. **Discharges.** If an individual fails to respond to these procedures, an application is to be made for administrative discharge; the application is to include a record of warnings given and referrals to the Department of Community Mental Health. For ratings, discharge SHORE will be the normal mode but SNLR should be considered if the rating is unruly or undisciplined. Only in exceptional circumstances, when there is a psychiatric or other illness, will consideration be given to invaliding.

11. **Security.** Where an individual is identified as having reached a stage at which their drinking reduces their reliability to such an extent that they may be deemed to be a security risk, the case is to be reported to PSyA.

3625. Drug Abuse

1. Abuse of drugs, besides its harmful effects on the individual, constitutes a serious threat to efficiency, safety, discipline and security. Use of controlled drugs, or their possession, importation, production or supply to others, are serious disciplinary offences. It is also an offence for a Service person to have in their possession any substance which they believe, or have reasonable cause to suspect, to be a controlled drug. These offences are likely to result in a custodial sentence and dismissal from HM Service. Abuse of substances other than controlled drugs (e.g., solvents) falls within the general description of drug abuse and may lead to similar consequences.

2. It is the duty of all Officers, Senior Ratings, Leading Hands and NCOs to ensure that all under their command are aware of the risks of drug abuse and of the penalties. They are to emphasize the great dangers to operational efficiency and safety presented by drug abusers and are to do all within their power to foster a climate of opinion, at all levels, in which even the most casual experimenting with drugs is unacceptable.

3. The Second Sea Lord and Deputy Chief of Naval Staff is the lead authority for formulating drug education policy and for developing and co-ordinating measures for combating drug abuse in the Naval Service, consulting the Fleet Commander and the other Services as necessary. The Second Sea Lord and Deputy Chief of Naval Staff is responsible for the provision and administration of the Royal Naval Drugs Education Team, and enabling the Special Investigation Branch (SIB) to maintain skills in the investigation of drugs cases.

4. All Commanding Officers are to:

a. Ensure that all under their command are aware of the risks of drug abuse and of the need to report known or suspected cases.

b. Arrange adequate education with their ship or establishments, notably visits from the Drug Education Team, in accordance with command orders.

c. Ensure that any evidence, indication or suspicion of drug activity of any kind is brought to their attention without delay and reported to the Service Police.

5. Commanding Officers of new entry establishments are to ensure that all new entries receive instruction on the dangers of drug abuse and on the Royal Navy's policy towards it.

6. Recruiting officers are to warn all applicants of the Royal Navy's attitude to drug abuse and are to inquire closely into their attitudes to drugs.

J.3626. Compulsory Drug Testing

1. Tri-Service policy on drug testing is implemented by Joint and single Service Compulsory Drug Testing teams, who are authorised to supervise the taking of urine samples from Service personnel.

BRd 2

Samples are subsequently analysed by an independent laboratory for the presence of controlled drugs, and Commanding Officers notified of the results. Units, detachments or individuals, wherever they are in the world, are liable to testing, which may be with or without prior notification. The team supervising a test may comprise members drawn from any of the three Services.

2. If a unit or detachment is visited by a Compulsory Drug Testing Team or when a devolved compulsory drug test is authorised to be conducted in a unit or detachment, each Officer, Warrant Officer, Non-Commissioned Officer, rating, marine, private or airman is required to provide a urine sample when requested to do so by a drug testing officer. The following are authorised as drug testing officers:

a. Any Officer, Warrant Officer, Senior Rating, Non-Commissioned Officer or leading rating appointed or drafted to have immediate authority over or to serve as a member of a Compulsory Drug Testing Team.

b. Any Officer, Warrant Officer, Senior Rating, Non-Commissioned Officer or leading rating assisting in the supervision of tests on the authority of a drug testing officer authorised in accordance with a. above.

3. Failure to provide a sample of urine when requested to do so by a drug-testing officer is an offence under AFA 06. Substitution, adulteration or corruption of a sample may be construed as being a refusal to supply a specimen for analysis. Conviction of such an offence is likely to result in the punishment of Dismissal from Her Majesty's Service, which may be accompanied by a custodial sentence of up to 51 weeks.

4. Personnel who provide a urine sample that tests positive for a controlled drug will be individually notified of the result. Subsequently, other than in exceptional circumstances, they may be subject to administrative discharge in accordance with single Service regulations. Moreover, if investigations reveal evidence of further offences, disciplinary action may also be taken, and this would normally take precedence over any administrative action.

J.3627. Police Elimination Database (PEDb) – Provision of Samples by Service Police and Support Staff

1. Members of the Service Police, upon completion of professional training, and support staff, upon assignment to a post involving the provision of technical services to the Service Police, will be required to provide a sample of their DNA and fingerprints for entry on the Police Elimination Database (PEDb). Service Police personnel enlisted prior to that date and support staff already employed on such duties may not be compelled to participate in the programme, although they may be invited to do so voluntarily. Any Service Police personnel who transfer to another trade group and then re-join after 1 July 2008 and any support staff who cease to be employed in the provision of technical services and then resume such employment after 1 July 2008 will be subject to the mandatory requirements.

2. **Use of Samples.** DNA profiles and fingerprints are held for elimination purposes only. For DNA profiling a comparison will be made of a specific stain or mark against the profile of a named member of the Service Police or support staff who attended a specific scene of crime, where unidentified crime scene marks have been found. There will be no general search made of the PEDb. Where unidentified fingerprints have been found at a scene of crime a general search will be made of the PEDb.

3. **Destruction of Samples.** In the case of members of Service Police who are discharged or transferred to another trade group and support staff on discharge or transfer to other employment their DNA profile and fingerprints will be destroyed and removed from all databases. A certificate confirming this will be provided upon request to the Service Police Crime Bureau, MOD Southwick Park, Fareham, Hampshire, PO17 6EJ.

4. **Consequences of non-compliance.** Any member of the Service Police subject to the mandatory sampling programme who fails to comply with the terms of this policy will be liable to compulsory transfer to another trade group. Any member of the support staff so subject who similarly fails to comply with the terms of this policy will be liable to compulsory transfer to other duties.

J.3628. Private Firearms

1. Compliance with the Firearms Act 1968. Members of the Armed Forces, while serving, are exempt from the requirements of the Firearms Act 1968 as amended by the Firearms (Amendment) Act 1997 only in respect of firearms or ammunition held by them in their capacity as members of the Forces. Personnel are to take care to comply with the provisions of that Act in respect of any privately-owned firearm or ammunition in their possession (see [J. Annex 36A](#)).

2. **Safe Custody.** Commanding Officers are personally responsible for keeping under lock and key, when not in use, any private firearms brought on board Her Majesty's ships or into a naval establishment. If a Service person hands in a private firearm for safe custody, they are responsible for reclaiming and collecting it before they leave the ship or establishment. A private firearm which is left unclaimed, is to be forwarded to the nearest armament supply depot (see [Para 8](#)).

3. **Carriage of Arms.** No person is to carry a private firearm of any description or to keep any private firearm, or ammunition, in their personal care on board Her Majesty's Ships or in a naval establishment. The Commanding Officer may, however, grant permission for any Service person to possess a private firearm for use in competitions or for other sporting purposes, but such weapons are to be kept in safe custody on board or in the establishment and are to be issued only temporarily and under proper safeguards. (See *also* J. Annex 36A, [Para 2](#) for Rifle Clubs.)

4. **Acquisition of Arms.** Service personnel are to be discouraged from acquiring or importing pistols or other private firearms, except for competition or sporting purposes. They are not required to hold private firearms for Service purposes and the certificate allowed by J. Annex 36A, [Para 1](#) should not be granted to a rating or other rank. RM ratings on leave are not permitted to carry pistols; if conditions ashore are so abnormal that firearms are necessary for protection, it is within the discretion of the senior officer to restrict or withhold leave or to take other steps necessary.

5. **Custody of Ammunition.** When private firearms are handed in for safe keeping under [Para 2](#) or [Para 3](#) the ammunition for them is also to be handed in, and is to be issued only as required, at the Commanding Officer's discretion.

BRd 2

6. **Firearms Certificates.** If a private firearm is surrendered by any Service person, they are to be asked whether a valid firearm certificate is held and told that the weapon and ammunition, if falling within the types requiring a certificate under the Firearms Act 1968 as amended by the Firearms (Amendment) Act 1997 (see [J. Annex 36A](#)), cannot be returned to them in the United Kingdom, except on production of such a certificate; and that it may be subject to similar local civil regulations if landed or carried abroad. In addition, a firearm handed in abroad and reclaimed on return to the United Kingdom, will be subject to an import licence, and if this has not been issued, the Customs authorities are to be informed when they come on board.

7. **Non-return of Firearms.** A firearm not returned to a Service person when they leave the ship because they fail to produce a valid firearm certificate is to be forwarded to the nearest armament supply depot.

8. Private firearms which are not returned to the owner under [Para 2](#) or [Para 7](#) are to be kept at the armament supply depot for three years and, if not properly claimed within that period, are then to be disposed of. The owner is to be informed of this regulation.

9. **Contravention of Firearms Regulations.** Contravention of any of the provisions of this Article is to be treated as a serious offence.

10. Attention is drawn to the following:

3004.8—Inspection of firearms brought on board.

JSP 862—Stowage of private ammunition on board.

BRd 3(1) Chapter 24—RN Casualty Procedures

11. Imitation firearms are not to be brought onboard HM Ships and establishments without the express, written permission of the Commanding Officer.

3629. Appeals Against and Reviews of Summary Findings and Punishment

1. **Appeals Against Summary Findings and Punishment.** Where an accused person has been dealt with summarily under AFA 06 or the Naval Discipline Act 1957 and the charge has been proven, they may appeal to the Summary Appeal Court against finding or against the punishment awarded (or both) following the procedures set out in JSP 830 Manual of Service Law.

2. If the individual is not satisfied with the result of their appeal, they may question the judgment of the Summary Appeal Court by way of case stated for the opinion of the High Court in England and Wales. They do not have the right to complain through the chain of command. See JSP 830 Manual of Service Law.

3. **Reviews of Summary Findings and Punishment.** These provisions are made pursuant to section 152 of AFA 06 and govern the manner by which reviews of summary findings and punishments are to be conducted.

4. **Reviewing Authorities.** The Defence Council or any Officer authorized by the Defence Council may at any time review any case in which an offence has been found proven at a Summary Hearing under AFA 06. The Defence Council has authorized all barristers on the staff of the Director Naval Legal Services of the rank of not lower than Cdr RN to undertake such reviews. Review is conducted via the Summary Hearing Review Cell in Navy Command Headquarters.

5. **Further Guidance.** For further detailed guidance on reviews of Summary Hearings see JSP 830 Manual of Service Law and BRd 3(1) Chapter 20 Section 16.

J.3630. Unallocated

3631. Unallocated

3632. Courts-Martial and Summary Appeal Court

1. The performance of duty as a member of a Court Martial or Summary Appeal Court shall not be considered or evaluated in the preparation of any personal report, assessment or other document used in whole or in part for the purpose of determining whether a member is qualified to be promoted, or is qualified or suited for particular appointments or training.

3633. Unallocated

J.ANNEX 36A**FIREARMS ACT 1968 AS AMENDED BY THE FIREARMS (AMENDMENT) ACT 1997**
(See [Para 3627](#))

1. **Firearms and Ammunition for Private Use.** It is unlawful under the Firearms Act 1968 as amended by the Firearms (Amendment) Act 1997, for any person in Great Britain, including a member of the armed forces, unless he/she holds a valid firearm certificate or shot-gun certificate (obtainable from the police), to purchase, acquire or have in his/her possession *for private purposes* any firearm, ammunition or shot-gun other than certain air-guns, air rifles or air pistols and certain cartridges and ammunition. A person in naval, military or air service, if required to purchase a firearm or ammunition for his/her own use in his/her capacity as a member of such service, is entitled to a firearm certificate without fee. He/she must, however, satisfy the police that he/she is required to make the purchase and for this purpose he/she should produce a certificate from his/her commanding officer to that effect.
2. **Rifle Clubs.** The responsible officer of an approved rifle or miniature rifle club or cadet corps may obtain a firearm certificate without fee in respect of firearms and ammunition used solely for practice or drill. Members of such clubs do not need a certificate when engaged in drill or target practice.
3. **Unallocated.**
4. **General.** The Firearms Act 1968 as amended by the Firearms (Amendment) Act 1997 applies in Great Britain; broadly similar provisions apply in Northern Ireland. The nearest chief officer of police should be consulted on any point of doubt affecting the requirements of the Act in respect of private firearms and ammunition. Similarly, overseas, private firearms and ammunition may be held only if authorized in accordance with the relevant regulations of the country in question.