

Chapter 2

Meaning of commanding officer

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Chapter 2

Meaning of commanding officer (CO)

General

1. **Introduction.** This chapter explains how a person's CO, for any purpose under the Armed Forces Act 2006 (the Act), is identified. The CO is at the apex of a unit's command and control structure and has disciplinary and other powers under the Act. It is essential therefore that Service personnel and relevant civilians¹ are clear who the person's CO is for disciplinary purposes. Equally, an officer must be sure that he is a person's CO for the purposes of the legislation before he exercises CO's powers. It is also important to remember that a person's CO in the conventional sense may not be the same officer as that person's CO for a particular purpose under the Act. The appointment of a CO also confers duties and responsibilities for administrative action² and Service complaints³.
2. **The law.** The Act places COs at the centre of the Service Justice System and confers a range of powers on them. The identity of a person's CO is determined under Defence Council regulations⁴. The Act also defines higher authority (HA) as any officer in the CO's disciplinary chain of command who is superior in that chain of command to the CO. The Services' disciplinary chains of command are set out in single-Service guidance⁵.
3. **General principles.** The following general principles apply in relation to a CO:
 - a. Every officer appointed as a CO should be clear for whom he has disciplinary responsibility. This includes sub-units, attached personnel⁶ and relevant civilians. These disciplinary relationships should be published routinely in unit orders.
 - b. Every CO should know who is their HA. Likewise, every HA should know who are their COs. Where the situation is unclear, guidance should be sought from Front Line Commands (FLCs).
 - c. A CO should make clear and promulgate any delegation of their powers and functions. A CO should be certain that the person to whom powers are delegated is entitled and qualified to hold and exercise those powers. See [Chapter 6](#) (Investigation, charging and mode of trial).
 - d. Every Service person and relevant civilian should have a CO for disciplinary purposes who, in the case of a Service person, will normally be the CO of the unit of which the Service person is a member. If it would not be appropriate for a CO to discipline a person in their unit⁷ another CO for disciplinary purposes will be appointed (see paragraph 7 below) and the person concerned informed.

¹ See glossary.

² JSP 833 and RN PLAGO, FLAGO and QRRN, Army AGAI67 Appendix 1 and Annex D, RAF QR 1028 and AP 3392, Volume 5 leaflet 127.

³ JSP 831 (Redress of Individual Grievance) and JSP 763 (MOD Harassment Complaints Procedure).

⁴ The Armed Forces (Meaning of "Commanding Officer") Regulations 2009.

⁵ RN PLAGO/FLAGO, Army LF/Org/1/3/3/2/3 dated 27 Jan 09, RAF QR 56.

⁶ Attached personnel are individuals, or groups of individuals, from other units or organisations brought onto the strength of a host unit for a given purpose (see paragraph 19).

⁷ For example, if a CO is unable to deal summarily with a Service person because he is a witness for or against that Service person in a particular case, an alternative CO can be appointed in relation to that case only.

4. **Consultation and liaison between COs.** A spirit of cooperation is essential to ensure that any differences in the handling of discipline between units is minimised. COs, particularly in joint environments, should liaise and consult in order that discipline is fairly and evenly administered and that the context in which the offence was alleged to have been committed is understood and taken into account.

Transitional guidance

5. This paragraph outlines the main transitional provisions related to Part 3 of the Act, the 380 Order and the Armed Forces (meaning of “Commanding Officer”) Regulations 2009. The basic aim of the transitional arrangements for Part 3 is to allow continuity under the new provisions in respect of events occurring wholly or partly before commencement (ie before 31 October 2009). Under AFA 06 there will be no requirement to re-appoint COs already appointed, before commencement, to be COs for **individuals** because:

- a. If an officer was appointed before commencement to be a person’s CO, and the appointment was still in effect immediately before commencement, the officer is that person’s commanding officer for general purposes after commencement and;
- b. If an officer was appointed before commencement to be a person’s CO in relation to a **particular matter**, and that appointment was still in effect immediately before commencement, the officer is that person’s commanding officer for **general purposes** in relation to the **particular matter** after commencement.

But in any event, a specific (‘bespoke’) appointment of a new CO for an individual can be made at any time. A specific appointment would override an appointment of the kind mentioned in a. or b. above. If in any doubt seek legal advice.

Status of CO – general rules

6. **Unit COs.** In most circumstances a Service person’s CO for all purposes⁸ will be the officer in command of the Unit of which he is a member. Normally, this will be the officer appointed to be a CO of a unit by the Naval, Military or Air Secretary or by the chain of command. However, another officer may act as unit CO⁹ where a unit CO is due to be, but has not yet been, appointed; has been appointed but has not yet assumed command; or is incapacitated or absent. See single-Service guidance¹⁰ for circumstances in which another officer may assume command, and circumstances in which an officer may be appointed temporarily in command.

7. **Specific appointment of COs.** In some circumstances¹¹ it may not be appropriate or desirable for a person’s usual CO to deal with them or exercise a particular power (indeed, it is possible that cases will arise where a person has no CO or no clearly identifiable CO). In such circumstances another officer may be specifically appointed their CO for any or all purposes under the Act. Such appointments may be made in relation to all matters or any particular matter. Specific appointments can only be made by or on behalf of the Defence

⁸ This may not apply for Summary Hearing because of the 'two rank rule' – see paragraph 25.

⁹ This will normally be as the result of a decision made by their chain of command, for example their own CO could appoint him. See the Armed Forces (Meaning of “Commanding Officer”) Regulations 2009, regulation 3.

¹⁰ RN QRRN Chapter 3, Army QR 2.016, RAF QR 56.

¹¹ Thus it may be possible for a Service person to have more than one CO at any given time eg. one CO in command of him, and another CO to exercise the disciplinary function, or to deal with complaints. Where this is the case the Service person should be informed who their CO is in relation to specific issues.

Council or by an officer authorised by the Defence Council¹². For this purpose the Defence Council and the single-Service Boards have given authority to a number of officers to make appointments. Officers authorised to make specific appointments for joint units are listed within MSL Volume 3. Those officers authorised to make specific appointments within each of the single-Services are listed in Volume 3. Specific appointments of COs override all other provisions as to the identity of the person's CO.

8. **Definition of a unit.** A unit is defined as¹³:

- a. A naval ship or establishment.
- b. Any body of members of Her Majesty's forces formed under the command of a person appointed to be the commanding officer of the body.
- c. An air force station.

9. Each Service uses specific terms to define bodies of individuals who fall within paragraph 8b, examples of these are:

- a. For the RN this would include a body of sailors in a Naval Party.
- b. For the Army this would include a body of soldiers such as an infantry battalion or armoured/combat support/combat service support or training regiment which has a CO appointed as such by the Military Secretary.
- c. For the RAF this would include a body of personnel deployed in a tactical wing.

10. **Joint units and units created for specific circumstances.** Joint units can be created in certain circumstances that may not meet existing single-Service criteria. In deciding¹⁴ whether a formed body of members which does not match the single-Service criteria is to be a unit with its own CO, the key questions are as follows:

- a. **Does the organisation have a specific, and individual, mission?** If the mission is directly linked to another unit it is unlikely that the force element needs to be a unit in its own right. For example, a joint helicopter support element operating in direct support of an RAF station is unlikely to require a CO with the relevant powers of discipline. The officer in command of such an organisation should be subordinate to the station commander. Alternatively, a helicopter flight required to operate in support of another distinct organisation, away from its parent station with a high degree of self sufficiency may need to be a unit with a CO.
- b. **Does the organisation need to have a CO, for discipline, in order to achieve its mission?** Discipline is not an end in itself, it supports operational effectiveness. There may be occasions when it is clear that a force element will be operationally ineffective unless it is a unit with a CO. This may be a result of the span of command, geographical location, force composition, mission type or duration.

¹² The Armed Forces (Meaning of "Commanding Officer") Regulations 2009, regulation 3.

¹³ The Armed Forces (Meaning of "Commanding Officer") Regulations 2009, regulation 2(1).

¹⁴ This decision should be reached by the chain of command and the lead FLC. The decision should be transparent, logical, objective and defensible. Force elements should not be units for administrative convenience.

c. **Is the organisation capable of deploying as a discrete body in order to achieve operational effect?** Deployability may be an important factor, especially if linked to the delivery of a specific operational effect once deployed. If an organisation's role demands deployment to distant locations, and possibly operating independently with limited access to its headquarters, then it might need to be established as a unit.

d. **If another CO exercised discipline over the organisation would that decrease operational effectiveness?** In many respects this is the defining question; however, it should be applied objectively and should not be used as an excuse to avoid placing persons from one Service under command of another Service.

e. **Does the organisation have the training and administrative support needed by a CO who has full disciplinary powers?** Although decisions should be based on operational effectiveness, not administrative convenience, it may be counter productive to impose powers of a CO on an officer if he does not have the support of qualified administrative staff to enable them to exercise their disciplinary powers effectively.

f. **Is there an appropriate higher authority (HA)?** If an organisation is to be a unit it should have a clear, and appropriate, disciplinary chain of command.

11. Headquarters.

a. **If the Headquarters is a single-Service HQ.** All Service personnel and relevant civilians in a headquarters will need to be allocated to a unit and their CO for discipline will usually be the CO of that unit.

b. **If the Headquarters comprises jointly of Service personnel from the RN, the Army or the RAF.** For each non single-Service headquarters such as the MOD, PJHQ and DE&S, a Joint Support Unit (JSU) headed by a CO, with a single HA, will usually administer discipline for the whole headquarters so that all those subject to Service law in the headquarters have the same CO for all purposes.

Status of CO – exceptions to general rules

12. **Service custody and Service detention¹⁵.** When a Service person or relevant civilian is, for the time being, in Service custody or detention at MCTC, the officer in command of MCTC is to be their CO for all purposes under the Act¹⁶. This is to allow the CO of the MCTC to exercise discipline over all the persons in their unit. However because he may not wish to deal with any other offences committed by Service personnel or relevant civilians prior to their arrival at MCTC those persons can have a bespoke appointment of a CO for a particular case.

13. Where an individual is serving a sentence in a Service custody facility other than MCTC he is to be attached to the unit responsible for that facility in order that the CO of that unit can maintain discipline over that individual in their facility.

¹⁵ See regulation 4(2)(d) of the Armed Forces (Meaning of "Commanding Officer") Regulations 2009.

¹⁶ As with an ordinary unit the officer who is in command at a particular time may not be the formally appointed CO. It may, for example, be an officer acting as CO in their place (see paragraph 6 and 7 of this chapter). This may not apply for Summary Hearing because of the 'two rank rule' – see paragraph 25.

14. Where a person is arrested¹⁷, the arrest and any grounds on which he is being kept in Service custody without being charged should be reported as soon as practicable to their CO¹⁸. Until that report is made the person may be kept in Service Custody without being charged if the person who arrested them has reasonable grounds for believing that this is necessary to secure or preserve evidence relating to the offence for which he was arrested or to obtain such evidence by questioning them, see [Chapter 5](#) (Custody). If a person is arrested within their own unit, their CO should be informed as a matter of routine. If, however, the individual was arrested by a member of another unit, and the individual is held in a place away from their own unit, the unit holding them should, as soon as practicable, inform the person's parent unit CO. The CO of the parent unit¹⁹ should then decide whether he wishes to deal with them by having them returned to their unit, or whether it would be more appropriate for the CO of the unit holding the person to be made their CO for the purposes of the Act (this could be achieved by attaching the individual to the unit holding the person, see paragraph 18, or through a bespoke appointment, see paragraph 7).

15. If, after six hours, the individual's parent unit CO cannot be contacted that individual should be attached to the unit in which he is in Service custody.

16. **Medical units**²⁰. Where a Service person is for the time being in a Service hospital as a patient, the CO of that hospital is their CO for all purposes²¹ subject to the 'two rank rule' (see paragraph 25 below). This is also subject to the bespoke appointment of a CO for a particular case. The CO of that Service hospital may relinquish authority over an individual. If he does so the CO of the unit of which he is a member becomes their CO unless he is already attached to another unit. In the latter case the CO of the unit to which he is attached becomes their CO.

Lodger units, attachments and detachments

17. **Lodger units.** A unit lodged²² with another unit will retain its own discipline chain and the CO will retain full powers. The status of an organisation does not change administratively simply because it is lodged with other units²³.

a. **Disciplinary incidents.** Where a person from one unit (A) is alleged to have committed an offence which affects another unit (B) the CO of (A) should discuss the matter with the CO of (B) before deciding what action to take. COs of units in a shared site should ensure that discipline is seen to be fairly and evenly administered across the site. This spirit of cooperation is essential to ensure that any difference between units in the application of discipline is minimised²⁴, see [Chapter 6](#) (Investigation, charging and mode of trial).

¹⁷ See section 99 (1) of the Act, for more detail on this subject and time limits see [Chapter 5](#) (Custody).

¹⁸ See regulation 4(2)(c) of the Armed Forces (Meaning of "Commanding Officer") Regulations 2009.

¹⁹ The needs of the investigation should be considered when making this decision.

²⁰ A Service hospital means any naval, military, Air Force or Joint Unit, establishment or ship, at or in which medical or surgical treatment is provided for persons subject to Service law.

²¹ As with an ordinary unit the officer who is in command at a particular time may not be the formally appointed CO. It may, for example, be an officer acting as CO in their place (see paragraph 6 and 7 of this chapter).

²² When units or sub-units live and work alongside each other within a military location but where there is no direct command and control relationship between them.

²³ For an exception to this on board a warship see paragraph 22, 23 and 24.

²⁴ See paragraph 4.

b. **Dealing with co-accused**²⁵. An incident involving offenders from more than one unit should normally result in a single investigation and common legal advice issued by the lead Command. The lead Command will normally be the Command of the main protagonist. Where this test does not apply, the lead Command will be the Command of the CO of the unit at which the incident occurred. Advice should be sought from HA and consideration given to whether one CO should be appointed to deal with all offenders. Although each case should be judged on its own merits, COs should consult to ensure fair and even administration of discipline.

18. **Lodger sub-units.** Where a sub-unit is lodged with another unit (host unit) and the parent unit CO of the lodged sub-unit cannot exercise discipline effectively, the host unit CO should be made the CO of the members of the sub-unit for the purposes of discipline. This can be achieved by a bespoke appointment. The test as to whether discipline can be effectively exercised is where the effect of the geographical dislocation causes undue delay or complications in the discipline process. The decision as to whether discipline can be effectively exercised rests with the parent unit CO of the lodged sub-unit, having consulted in accordance with paragraph 4 above. If there are operational or other issues, relating to clearances or qualifications²⁶, which indicate that discipline should not be handed over to another unit CO, these will normally override the impact of geographical dislocation.

a. **Disciplinary incidents.** See sub-paragraph [17a](#) above.

b. **Dealing with co-accused.** An incident involving offenders from more than one unit should normally result in a single investigation and common legal advice issued by the lead Command. The lead Command will normally be the Command of the main protagonist. Advice should be sought from HA and consideration given to whether one CO should be appointed to deal with all offenders. Although each case should be judged on its own merits, COs should consult to ensure fair and even administration of discipline.

19. **Attachments.** Where a Service person is attached to a unit their CO for all purposes²⁷ is the officer in command of the unit to which he is attached, for the period of the attachment. This information should be covered in the relevant attachment, assignment or operation order.

20. If the CO becomes aware of the need for formal disciplinary action against an attached person but then, after consultation, refers the matter back to the parent unit CO he should then act in support of that CO. For this to happen, the attachment of that person should be ended (as the result of which the CO of their parent unit then becomes their CO). Alternatively, the CO of the unit to which the person is attached may decide to complete disciplinary action and if necessary, seek to retain the offender in situ by having the relevant attachment/assignment order extended. Any decision to retain an offender in situ should be kept under constant review to ensure retention is both necessary and reasonable in the interests of justice and there should be liaison between the COs and the respective HAs²⁸.

21. **Detachments.** If a body of Service personnel is detached formally it should be formed as a unit under the command of a CO.

²⁵ See [Chapter 5](#) (Custody), [Chapter 6](#) (Investigation, charging and mode of trial), [Chapter 9](#) (Summary hearing and activation of suspended sentences of Service detention) and [Chapter 13](#) (Summary hearing sentencing and punishments).

²⁶ Such as SF detachments or sub-units which require very specific legal or technical clearance from the qualified CO in their parent unit.

²⁷ This may not apply for summary hearing because of the 'two rank rule' – see paragraph 25.

²⁸ This is particularly important where the individual is attached to a unit that is not their own Service.

Embarked forces in Her Majesty's ships

22. **Force elements embarked in Her Majesty's ships.** Although a CO with full powers should not be subordinate to another CO for disciplinary purposes, sea command has unique features and requires bespoke arrangements:

a. **Embarked personnel.** Embarked personnel are singletons or sub-units and once embarked, the CO of the ship will be the CO for disciplinary purposes of all such embarked Service personnel and relevant civilians because they are borne on the ship's books - they have been attached to the ship.

b. **Embarked forces.** Embarked forces are formed units embarked in a ship *i.e.* units with their own COs. Unless Headquarters Land Forces or Headquarters Air Command notifies Navy Command Headquarters that the CO of the embarked force will exercise command for disciplinary purposes over the embarked force, the ship's CO will be the CO for disciplinary purposes of the embarked force. In summary, where Headquarters Land Forces or Headquarters Air Command has not made a notification to Navy Command Headquarters, the embarked force will be attached to the ship.

23. **Exceptions – misconduct affecting the ship.** Where Headquarters Land Forces or Headquarters Air Command has made a notification to Fleet Headquarters (*i.e.* the unit is not attached to the ship), the CO of the embarked force will remain the CO. However, if an alleged misconduct by a member of the Embarked Force directly affects the seagoing or fighting efficiency of the ship or the incident occurs overseas where the sovereign immunity of the ship is an operative factor in determining powers of investigation and jurisdiction²⁹, the CO of the ship will be able to take jurisdiction over an accused. In this event, the accused will be temporarily attached to the ship for disciplinary purposes.

24. **Liaison.** In every case where the CO of one of Her Majesty's ships determines that he should exercise jurisdiction he will seek the advice of Fleet Headquarters. He is also to consult the CO of the embarked force to ensure that he understands the single-Service implications of disciplinary or other action against any member of an embarked force. When dealing with relevant civilians the CO of the ship should, wherever possible, consult with the employer of the civilian to examine whether they wish to take employer's action against their employee for the alleged misconduct. Other than where operational circumstances prevent it (*e.g.* a deployed SSBN) the CO of the ship should consult the FLC.

Two rank rule

25. For the purposes of summary hearing matters, see [Chapter 9](#) (Summary hearing and activation of suspended sentences of Service detention), a person's CO is the same officer as for all other purposes if that officer is their superior by at least two ranks. If that officer is not their superior by at least two ranks, their CO for summary hearing matters is the next officer in the disciplinary chain of command who is their superior by at least two ranks or another officer³⁰ where a specific appointment is made.³¹

²⁹ For example where another state has ceded jurisdiction over a member of an embarked force for an offence committed in its territory solely on the understanding that the ship's CO only would deal with the offence.

³⁰ This officer should also be superior by at least two ranks see single-Service instructions on disciplinary chains of command. RN PLAGO, Army LF/Org/1/3/3/2/3 27 Jan 09, RAF QR 994.

³¹ See paragraph 7 for appointment of a CO for disciplinary matters in specific cases.

Former Service personnel

26. **Persons who have ceased to be members of the regular or reserve forces.** If a person has left the regular or reserve forces but needs a CO to exercise powers under the Act in relation to a matter arising before he left, their CO for all purposes is the officer in command of the last unit of which he was a member unless a bespoke appointment is made.

27. **Persons who are members of the ex regular reserve force.** If a member of an ex regular reserve force has been subject to an additional duties commitment and has ceased to be subject to that commitment, but still needs a CO to exercise powers under the Act in relation to a matter arising while he was subject to the commitment, their CO is the officer in command of the last unit of which he was a member before he ceased to be subject to the commitment, unless a bespoke appointment is made.

28. **Service custody or detention.** If a person who falls within either paragraph 26 or 27 above is for the time being held in Service custody or Service detention at MCTC their CO for all purposes is the officer in command of MCTC.

29. **Specific appointments.**³² A CO may be specifically appointed for a Service person (falling under paragraph 26 or 27) by the appropriate authority in each single-Service (where such an appointment is made, it overrides the arrangements described in paragraphs 26, 27 or 28 above).

Civilians subject to Service discipline³³

30. **General.** It is essential that any officer who is, or thinks he may be, the CO of a relevant civilian reads and understands, [Chapter 3](#), (Jurisdiction and time limits) which describes the categories of civilians who are subject to Service discipline. The Defence Council regulations automatically identify the CO of certain civilians subject to Service discipline. If a civilian falls within more than one paragraph of Part 1 of Schedule 15 to the Act and neither of those paragraphs is paragraph 3, the Defence Council regulations do not automatically identify a CO. In such a case a specific appointment of a CO should be made for that person.

31. **Persons in one of Her Majesty's aircraft in flight.** If a person (A), is in one of Her Majesty's aircraft in flight, and a relevant civilian by virtue only of that fact, and a person (B) is in command of the aircraft, B's CO for general purposes is also A's CO³⁴.

32. **Persons in one of Her Majesty's ships, afloat**³⁵. The CO of a person who is relevant civilian by virtue only of being in one of Her Majesty's ships afloat is the CO of that ship.

33. **Persons in Service custody.** There are a number of possibilities that can exist for a civilian who finds himself in Service custody and these are:

- a. If the civilian is also subject to Service discipline for some other reason³⁶ (because, for example, they reside with a Service person stationed in Germany), by

³² See paragraph 7.

³³ For Service discipline definitions see Schedule 15 and section 370 of the Act, The Armed Forces (Meaning of "Commanding Officer") Regulations 2009 and [Chapter 3](#) (Jurisdiction and time limits).

³⁴ The Armed Forces (Meaning of "Commanding Officer") Regulations 2009, regulation 7(4).

³⁵ As defined in Schedule 15 paragraph 2(3) of the Act 'Afloat' means not on shore.

³⁶ By virtue of falling within another of the paragraphs in Part 1 of Schedule 15 to the Act.

virtue of which they have a CO, their CO does not change because they have been placed in custody³⁷.

b. The CO of a civilian in custody³⁸ who was but is no longer subject to Service discipline³⁹ for some other reason, will be the officer who was their CO when he was last subject to Service discipline. For example, a civilian who was in one of Her Majesty's ships and is suspected of having committed an offence whilst in that ship, but has now disembarked. If the civilian is placed in custody for that suspected offence, their CO is the officer who was their CO when he was last subject to Service discipline.

c. A CO should be specifically appointed if a civilian finds himself subject to Service discipline⁴⁰ because he has been mistakenly arrested and placed in Service custody (e.g. he may never have been subject to Service discipline), but whilst in custody he commits a Service offence so that he cannot simply be released.

34. Crown servants in designated areas⁴¹ working in support of Her Majesty's forces. The CO of a person in this category⁴² is, if the person is or was working in support of a particular unit, the CO of that unit. If it is not completely clear that the person is or was working in support of a particular unit, a CO should be specifically appointed.

35. Persons working for specified military organisations⁴³. If a civilian falls within this category, for example as a member of NATO, a CO should be specifically appointed.

36. Persons in designated areas who are members or employees of other specified organisations. If a civilian falls within this category, for example as a member of NAAFI, SCE, the Services Sound and Vision Corporation and SSAFA Forces Help, a CO should be specifically appointed.

37. Persons designated by or on behalf of the Defence Council⁴⁴. The CO of a person in this category is, if the civilian is or was working in support of a particular unit, the CO of that unit. If it is not completely clear that the person is or was working in support of a particular unit, a CO should be specifically appointed by the chain of command. If a person is designated for the purposes of this paragraph, he should be informed who their CO is.

38. Persons residing, or staying with a person who is subject to Service law in a designated area⁴⁵. The CO of a civilian who is subject to Service discipline by virtue of residing or staying with a Service person in a designated area is the officer in command of the unit of which that Service person is a member. If that Service person is attached to another unit (and therefore now has a new CO) then, unless a bespoke appointment is made for that civilian, the CO of that civilian will remain as the CO of the parent unit of the Service person.

³⁷ And therefore falls into paragraph 3 of Part 1 of Schedule 15 to the Act.

³⁸ And therefore falls into paragraph 3 of Part 1 of Schedule 15 to the Act.

³⁹ By virtue of falling within one paragraph in Part 1 of Schedule 15 to the Act other than paragraph 3.

⁴⁰ By virtue of paragraph 3 of Part 1 of Schedule 15 to the Act.

⁴¹ For a description of designated areas see paragraph 12 of Schedule 15 of the Act and [Chapter 3](#) (Jurisdiction and time limits).

⁴² See Paragraph 4 of Schedule 15 to the Act.

⁴³ See paragraph 5 of Schedule 15 of the Act and for more detail on specified military organisations read [Chapter 3](#) (Jurisdiction and time limits).

⁴⁴ See paragraph 7 of Schedule 15 of the Act and for more detail on designated persons read [Chapter 3](#) (Jurisdiction and time limits).

⁴⁵ See regulation 7(9) of the Armed Forces (Meaning of "Commanding Officer") Regulations 2009.

39. **Persons residing or staying with persons falling within paragraphs 36 or 37 above in a designated area⁴⁶.** The CO of a person in this category is the CO of the relevant civilian with whom the person is residing or staying.

40. **Persons residing or staying with persons falling within paragraph 35⁴⁷.** The CO of a person in this category is the CO of the relevant civilian with whom the person is residing or staying.

41. **Service custody or detention.** If a civilian subject to Service discipline is for the time being held in Service custody or Service detention at MCTC their CO for all purposes is the officer in command of MCTC (and the paragraphs 31-40 above do not apply).

⁴⁶ See regulation 7(10) of the Armed Forces (Meaning of "Commanding Officer") Regulations 2009.

⁴⁷ See regulation 7(11) of the Armed Forces (Meaning of "Commanding Officer") Regulations 2009.