STATUTORY INSTRUMENTS

1982 No. 365

DEFENCE

Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) (Amendment) Regulations 1982

Made - - - - - 10*th March*

Laid before Parliament 18*th March* 1982

Coming into Operation in accordance with Regulation 1

The Secretary of State, in exercise of the powers conferred on him by paragraph 17 of Schedule 5A to the Army Act 1955**(a)**, paragraph 17 of Schedule 5A to the Air Force Act 1955**(b)** and paragraph 17 of Schedule 4A to the Naval Discipline Act 1957**(c)** and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) (Amendment) Regulations 1982 and shall come into operation on such date as section 10 of the Armed Forces Act 1981**(d)** comes into force.

Amendment

2. The Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977**(e)** shall be amended as follows:

a. Regulation 6 shall be deleted and the following shall be substituted therefor—

"6. A person who makes a report by virtue of either of the last two preceding Regulations shall sign it and send a copy of it to the appropriate officer, and in the case of a report made by virtue of Regulation 4 above he shall ensure, before the commencement of the trial, that the accused has a copy of it."

b. Regulation 16 shall be deleted.

Trenchard,
Minister of State,
Ministry of Defence.

Dated this 10th day of March 1982.

(a) 1955 c. 18; schedule 5A was inserted by the Armed Forces Act 1976 (c. 52).
(b) 1955 c. 19; schedule 5A was inserted by the Armed Forces Act 1976 (c. 52).
(c) 1957 c. 53; schedule 4A was inserted by the Armed Forces Act 1976 (c. 52).
(d) 1981 c. 55.
(e) SI 1977/87.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977, and are consequential upon the passing of the Armed Forces Act 1981.

Regulation 2(a) amends Regulation 6, following paragraph 3(2) of Schedule 1 to the Armed Forces Act 1981 to the extent that an accused person under the age of 17 years will not receive before his trial a copy of the social enquiry, medical or other report required by Regulation 5.

Regulation 2(b) deletes Regulation 16 which has become otiose in consequence of paragraph 3(6) of Schedule 1 to the Armed Forces Act 1981, which provides an express statutory right for a parent or guardian, upon whom a fine or compensation order has been imposed by a Standing Civilian Court in respect of an offence committed by his child, to appeal to a court-martial.

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