STATUTORY INSTRUMENTS

# 1987 No. 1999

# DEFENCE

# Courts Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) (Amendment) Regulations 1987

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| *Made - - - -* | *23rd November 1987* |
| *Laid before Parliament* | *27th November 1987* |
| *Coming into force* | *1st January 1988* |

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), 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 1987 and shall come into force on 1st January 1988.

**Interpretation**

**2.** In these Regulations, "the Principal Regulations" means the Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977(d).

3. The Principal Regulations shall be amended as follows:

(a) In Part II, after Regulation 5, there shall be inserted the following Regulation:

"Preparation of reports where sentence has been deferred.

5A. In the case of an accused who has been found guilty by a Standing Civilian Court, and where the Court has deferred the award of sentence against him, it shall be the duty of the appropriate officer to direct that a report relating to the accused's conduct during the period of deferment is made by a suitable person on behalf of the Secretary of State".

(b) In Part II, for Regulation 6 and the heading thereto, there shall be substituted the following Regulation:

"Action before trial or deferred sentence by a person who makes a report.

6. A person who makes a report by virtue of any of the last three preceding Regulations shall:

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(a) 1955 c.18; Schedule 5A was inserted by Armed Forces Act 1976 (c.52), Schedule 4, paragraph 1, and was amended by Armed Forces Act 1986 (c.21), section 9. (b) 1955 c.19; Schedule 5A was inserted by Armed Forces Act 1976 (c.52), Schedule 4, paragraph 1, and was amended by Armed Forces Act 1986 (c.21), section 9. (c) 1957 c.53; Schedule 4A was inserted by Armed Forces Act 1976 (c.52), Schedule 4, paragraph 3, and was amended by Armed Forces Act 1986 (c.21), section 9. (d) S.I 1977/87, amended by S.I 1982/365.

(a) sign it and send a copy of it to the appropriate officer;

(b) before the commencement of the trial or the hearing relating to sentence, as the case may be, ensure that an accused or offender who has attained the age of 17 years has a copy of it".

(c) In Part II of Schedule 2 to the Principal Regulations, in column 1 thereof, there shall be inserted the following entry:

"9. Order that sentence is deferred"

(d) In Part II of Schedule 2 to the Principal Regulations, in column 2 thereof, there shall be inserted the following:

"9. The offender, the parent or guardian of the offender if the offender was under 17 years of age when the order was made, the Commanding Officer of the offender, and the Directing Officer."

*George Younger*
Secretary of State for Defence

Dated this 23rd day of November 1987

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These amending Regulations are made under paragraph 17 of Schedule 5A to the Army Act 1955 and the Air Force Act 1955 and under paragraph 17 of Schedule 4A to the Naval Discipline Act 1957. The Regulations generally make provision for matters which are supplementary and incidental to the additional powers inserted by Schedule 4 to the Armed Forces Act 1976. These Regulations take account of the coming into force of section 9 of the Armed Forces Act 1986 which introduces the power of Standing Civilian Courts to defer sentence and provides for the determination of a deferred sentence by such a Court, or by an Army or Air Force Court-Martial on conviction of a further offence, by amending Schedule 5A to the Army Act 1955 and the Air Force Act 1955.

Regulation 5A requires the Appropriate Officer to have a report prepared for consideration by the Court in determining sentence at the end of the period of deferment where an offender has had sentence deferred. Regulation 6 and the additions to Schedule 2 of the Courts-Martial and Standing Civilian Courts (Additional Powers on Trial of Civilians) Regulations 1977 provide for the distribution of that report, which in respect of civilian offenders under the age of 17 years, is applicable to all Service Courts.

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