STATUTORY INSTRUMENTS

1967 No. 1807

DEFENCE

The Courts-Martial (Evidence) Regulations 1967

Made - - - -	*6th December* 1967
Laid before Parliament	*13th December* 1967
Coming into Operation	*1st January* 1968

The Secretary of State in exercise of the powers conferred upon him by section 12 of the Criminal Justice Act 1967(a) and of all other powers enabling him in that behalf hereby makes the following regulations:—

Citation, interpretation and commencement

1.—(1) These regulations may be cited as the Courts-Martial (Evidence) Regulations 1967 and shall come into operation on the 1st January 1968.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) "The Act of 1967" means the Criminal Justice Act 1967.

2. Sections 9 to 11 of the Act of 1967 shall, in their application to courts-martial proceedings, be construed subject to the modifications specified in relation thereto in the Schedule to these Regulations, being modifications appearing to the Secretary of State to be necessary or proper for the operation of those sections in relation to proceedings before courts-martial.

Dated 6th December 1967.

Denis Healey,

One of Her Majesty's Principal Secretaries of State.

REGULATION 2 SCHEDULE

MODIFICATIONS TO SECTION 9 TO 11 OF THE ACT OF 1967

1. For subsections 9(2)(*c*) and (*d*) there shall be substituted the following:—

"(*c*) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the prosecution, on the accused, or as the case may be, by or on behalf of the defence, on the commanding officer of the accused; and

(*d*) in any case, neither the accused nor the commanding officer within seven days from the service of the copy of the statement serves a notice on the accused or the commanding officer, as the case may be, objecting to the statement being tendered in evidence under this section:".

(a) 1967 c. 80. (b) 1889 c. 63.

2. For subsection 9(5) there shall be substituted the following:—
"(5) An application under paragraph (*b*) of the last foregoing subsection to the court-martial may be made before the hearing and on any such application the powers of the court-martial shall be exercisable, in the case of a naval court-martial, by the President or any other officer appointed a member of the court-martial, and, in the case of an army or air force court-martial, by the convening officer. In this subsection the expression "convening officer" shall have the same meaning as that assigned to it in section 143 of the Army Act 1955 and the Air Force Act 1955.".

3. For subsection 9(8) there shall be substituted the following:—
"(8) In this section and in section 11 of this Act "commanding officer" in relation to an army or air force court-martial has the same meaning as that assigned to it in section 82 of the Army Act 1955 and the Air Force Act 1955 and in relation to a naval court-martial means the commanding officer of the ship or establishment in which the accused is for the time being serving or detained.".

4. In section 10 there shall be added the following subsection:—
"(5) In this section and in section 11 the expression "the prosecutor" means an officer or counsel appointed to prosecute at a court-martial or to assist such an officer or counsel, the expression "defendant" means the accused, and the expression "counsel" or "solicitor" includes any officer appointed to defend an accused.".

5. In subsection 11(1) for the words "On a trial on indictment" there shall be substituted the words "In any proceedings before a court-martial".

6. For subsection 11(3) there shall be substituted the following:—
"(3) The court-martial shall not refuse leave under this section if it appears to the court-martial that the accused was not informed by his commanding officer of the requirements of this section at the time he was remanded for trial by court-martial.".

7. For subsection 11(6) there shall be substituted the following:—
"(6) A notice under this section shall be given in writing to the commanding officer of the accused.".

8. Subsection 11(7) shall be omitted.

9. In subsection 11(8) the following shall be substituted for the definition of "the prescribed period":—
" "the prescribed period" means the period of fourteen days from the date the accused was remanded for a trial by court-martial.".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into operation on 1st January 1968, prescribe modifications to Sections 9, 10 and 11 of the Criminal Justice Act 1967 (which deal respectively with the admissibility of written statements, proof by formal admission and restrictions on adducing evidence in support of alibi) in their application to courts-martial.