STATUTORY INSTRUMENTS

1969 No. 680

DEFENCE

The Rules of Procedure (Army) (Amendment) Rules 1969

Made - - -	*9th May* 1969
Laid before Parliament	*16th May* 1969
Coming into Operation	*1st June* 1969

The Secretary of State in exercise of the powers conferred upon him by sections 103, 104, 105 and 106 of the Army Act 1955(**a**) and of all other powers enabling him in that behalf hereby makes the following Rules :—

Citation and Commencement

1. These Rules may be cited as the Rules of Procedure (Army) (Amendment) Rules 1969 and shall come into operation on 1st June 1969.

Interpretation

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

*Amendment to the Rules of Procedure (Army) 1956(**c**)*

3.—(1) The Rules of Procedure (Army) 1956, as amended (**d**), shall be further amended in accordance with the following provisions of this Rule.

(2) In Rule 5 the words "and a copy thereof shall be sent direct to the Director of Army Legal Services or his representatives" shall be omitted.

(3) In Rule 62 there shall be added and shall stand as paragraph (4) :—

"(4) Where the accused is not represented by a defending officer or counsel, then, whether or not he himself has given evidence, the prosecutor shall not make a closing address unless the accused has called witnesses as to the facts of the case".

(4) In Form (1) of the First Schedule the words "To : Director of Army Legal Services" and footnote 1 shall be omitted. Footnotes 2 and 3 shall be re-numbered 1 and 2 respectively.

(5) In paragraph 5 of the Third Schedule (Record of Proceedings before an Appropriate Superior Authority) there shall be substituted for the words "forfeiture of a sum from pay" the words "a fine".

(**a**) 1955 c.18. (**b**) 1889 c.63.
(**c**) S.I. 1956/162 (1956 I, p.213).
(**d**) The relevant amending instruments are S.I. 1961/2223, S.I. 1964/1006 (1961 III, p.3903; 1964 II, p.2256).

(6) In Form 5 of the Fourth Schedule (Record of Proceedings of a Court-Martial) the Part D 5, being the Proceedings on Plea(s) of Not Guilty (continued), shall be amended as follows :—

In the first paragraph the blank space after the word "The" shall be replaced by the word "prosecutor" and in the second paragraph the blank space after the word "The" shall be replaced by the word "accused".

At the end of the first paragraph and at the end of the second paragraph there shall be added the notation "2".

Denis Healey,
One of Her Majesty's Principal Secretaries of State.

Dated 9th May 1969.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Rules of Procedure (Army) 1956 so as to take account of :—

(*a*) a change in administrative procedure concerning the reports required by sub-section (2) of section 75 of the Army Act 1955. (Rule 3(2) and (4)).

(*b*) the practice in the civil criminal courts where the accused is not represented and calls no witnesses as to fact. In such a case the prosecutor is not permitted to make a closing address. The amendments bring the procedure at courts-martial into line with this practice (Rule 3(3)).

(*c*) the punishment of forfeiture of a sum from pay having been replaced by the punishment of a fine (Rule 3(5)).

(*d*) the amendment by S.I. 1964/1006 of Rule 62(2) which, as amended, provides for an accused in all cases to make his closing address after the closing address by the prosecutor (Rule 3(6)).