STATUTORY INSTRUMENTS

1967 No. 1842

DEFENCE

The Rules of Procedure (Army) (Fourth Amendment) Rules 1967

Made - - -	12*th December* 1967
Laid before Parliament	15*th December* 1967
Coming into Operation	1*st January* 1968

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) (Fourth Amendment) Rules 1967 and shall come into operation on 1st January 1968.

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

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

(2) In Rule 25:—

(*a*) For sub-paragraph (*f*) of paragraph (1) there shall be substituted:

"(*f*) when an accused is served with a copy of a written statement which the prosecutor proposes to hand to the court in accordance with section 9 of the Criminal Justice Act 1967(e) as modified by paragraphs 1 and 2 of the Schedule to the Courts-Martial (Evidence) Regulations 1967(f) he shall be informed of his right under the said section to require that oral evidence shall be given in lieu of such written evidence;"

(*b*) The following sub-paragraph shall be added to paragraph (1) and shall stand as sub-paragraph (*i*):

"(*i*) Where it appears to the accused's commanding officer from the summary or abstract of evidence or otherwise that the accused may at his trial seek to adduce evidence in support of an alibi he will inform the accused at the time he is remanded for trial by court-martial of the requirements of section 11 of the Criminal Justice Act 1967, as modified by the Courts-Martial (Evidence) Regulations 1967".

(a) 1955 c. 18. (b) 1889 c. 63. (c) S.I. 1956/162 (1956 I, p. 213).
(d) The relevant amending instrument is S.I. 1964/1006 (1964 II, p. 2256).
(e) 1967 c. 80. (f) S.I. 1967/1807(1967 III, p. 4830).

(3) For Rule 57 there shall be substituted:

"57. A written statement which is admissible in accordance with the provisions of section 9 of the Criminal Justice Act 1967, as modified by the Courts-Martial (Evidence) Regulations 1967 shall be handed to the court by the prosecutor or the accused, as the case may be, without being produced by a witness."

(4) In Rule 63:

For the words "statutory declaration" there shall be substituted the words "written statement".

(5) In Rule 90:

(*a*) For the words "statutory declaration" in each case where they appear there shall be substituted the words "written statement".

(*b*) For the words "section 99 of the Act" in each case where they appear there shall be substituted the words "section 9 of the Criminal Justice Act 1967, as modified by the Courts-Martial (Evidence) Regulations 1967".

(6) In Rule 102:

For the words "proviso (*c*) of subsection (2) of section 99 of the Act" there shall be substituted the words "subsection (2) (*d*) of section 9 of the Criminal Justice Act 1967, as modified by the Courts-Martial (Evidence) Regulations 1967" and for the words "statutory declaration" there shall be substituted the words "written statement".

(7) In Form (4) in the Fourth Schedule:

For the references to a statutory declaration wherever they appear there shall be substituted references to a written statement.

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

12th December 1967.

EXPLANATORY NOTE

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

These Rules amend the Rules of Procedure (Army) 1956 to take account of (1) the repeal of section 99(2) of the Army Act 1955 by the Criminal Justice Act 1967, and of the provisions of section 9 of the said 1967 Act, as modified by the Courts-Martial (Evidence) Regulations 1967, the effect of which is to substitute written statements for statutory declarations in court-martial proceedings; (2) the provisions of section 11 of the said 1967 Act, which, as modified by the said Regulations, provide for the procedure when an accused in such proceedings seeks to set up an alibi.