STATUTORY INSTRUMENTS

1967 No. 743

DEFENCE

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

Made - - - -	12*th May* 1967
Laid before Parliament	18*th May* 1967
Coming into Operation	12*th June* 1967

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) (Second Amendment) Rules 1967 and shall come into operation on 12th June 1967.

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) For Rule 16 there shall be substituted:

" 16.—(1) Any number of accused may be charged in the same charge-sheet with offences alleged to have been committed by them separately if the acts on which the charges are founded are so connected that it is in the interests of justice that they be tried together.

(2) (*a*) Any number of accused may be charged jointly in one charge for an offence alleged to have been committed by them jointly.

(*b*) Where so charged any one or more of such accused may at the same time be charged in the same charge-sheet with any other offence alleged to have been committed by him or them individually or jointly, provided that such charges could, if the accused to whom they relate had been tried separately, have been included under Rule 14(1) in the same charge-sheet as the other charges against him."

(3) For Rule 39 there shall be substituted:

" 39. Where two or more accused are charged jointly or are charged in the same charge-sheet with offences alleged to have been committed by them separately, any one of the accused may, before pleading to the charge or charges, apply to the court to be tried separately on the ground that he would be prejudiced in his defence if he were not tried separately. If the accused makes such an application the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's

(**a**) 1955 c. 18. (**b**) 1889 c. 63. (**c**) S.I. 1956/162 (1956 I, p. 213).
(**d**) There are no relevant amending instruments.

address. If the court are of the opinion that the interests of justice so require they shall allow the application and try separately the accused who made it."

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

12th May 1967.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Rules of Procedure (Army) 1956:—

(*a*) by allowing any number of accused to be charged in one charge sheet with offences alleged to have been committed by them separately provided that the charges are connected (Rule 3(2));

(*b*) by making provision for an accused to apply to the court to be tried separately (Rule 3(3)).