STATUTORY INSTRUMENTS

1983 No. 716

DEFENCE

The Standing Civilian Courts Order (Amendment) Order 1983

Made - - - -	11*th May* 1983
Laid before Parliament	12*th May* 1983
Coming into Operation in accordance with Article 1	

The Secretary of State in exercise of the powers conferred on him by paragraph 12 of Schedule 3 to the Armed Forces Act 1976(**a**) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Standing Civilian Courts Order (Amendment) Order 1983 and shall come into operation on such date as section 58 of the Criminal Justice Act 1982(**b**) comes into force.

Interpretation

2. In this Order, "the Principal Order" means the Standing Civilian Courts Order 1977(**c**).

3. The Principal Order shall be amended in the manner and to the extent prescribed in the Schedule to this Order.

Michael Heseltine,
Secretary of State for Defence.

Dated this 11th day of May 1983.

(**a**) 1976 c. 52. (**b**) 1982 c. 48.
(**c**) S.I. 1977/88, to which there are amendments not relevant to this Order.

SCHEDULE

AMENDMENTS TO THE STANDING CIVILIAN COURTS ORDER 1977

1. In Article 39 of the Principal Order,

(*a*) there shall be substituted for paragraph (1) the following:—

"(1) After the close of the case for the prosecution, the accused may elect, but is not obliged, to give evidence on oath as a witness. If he does so he shall be liable to be cross-examined by the prosecutor and to be questioned by the court";

(*b*) in paragraph (2) after the word "evidence" there shall be deleted the words "or makes a statement";

(*c*) in paragraph (3) after the words "on oath" there shall be deleted the words "or make a statement without being sworn,";

(*d*) in paragraph 4(*b*)(i) after the words "on oath" there shall be deleted the words "or make a statement without being sworn".

2. In Article 90 of the Principal Order in paragraph (6) there shall be deleted the words appearing in that paragraph after the words "(limitation of time for trial)" and there shall be substituted the words "shall apply where appropriate in relation to Standing Civilian Courts as though reference in those sections to court-martial included reference to Standing Civilian Court".

3. In Article 90 of the Principal Order in paragraph (11) there shall be substituted for the words "Section 198A" the words "Section 198C".

EXPLANATORY NOTE

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

This Order amends the Standing Civilian Courts Order 1977 ("the Principal Order"). It is to come into effect on the same date as section 58 of the Criminal Justice Act 1982.

Paragraph 1 of the Schedule is consequential upon the provisions of section 72 of the Criminal Justice Act 1982, and amends Article 39 of the Principal Order by abolishing the right of an accused being tried by Standing Civilian Court to make a statement without being sworn.

Paragraph 2 of the Schedule amends Article 90(6) of the Principal Order so as to clarify the application to Standing Civilian Courts of sections 132(3) of the Army and Air Force Acts 1955 (c. 18, 19) as amended by section 6 of the Armed Forces Act 1981.

Paragraph 3 of the Schedule is consequential upon the Armed Forces Act 1981 (c. 55) which re-numbered sections 198A of the Army and Air Force Acts 1955.

SI 1983/716
ISBN 0-11-036716-2

