
STATUTORY INSTRUMENTS

1997 No. 169

The Courts-Martial (Army) Rules 1997

PART V

PROCEEDINGS AT COURT-MARTIAL

Video recordings of testimony from child witnesses

61.—(1) Any application by the prosecutor or an accused for leave under section 32A of the Criminal Justice Act 1988⁽¹⁾ for evidence to be given by a witness by means of a video recording shall be made as soon as is practicable after the commencement of the trial.

(2) An application may not be made under paragraph (1) above without the leave of the judge advocate unless not less than 28 days before the date appointed for the trial the party making the application has served a notice in the form set out in Schedule 2 to these Rules together with a copy of the video recording to which the application relates on every other party, the court administration officer and the Judge Advocate General (or his deputy) stating—

- (a) the grounds of the application;
- (b) where the witness is under the age of 18, the date of birth of the witness;
- (c) the name of the witness;
- (d) the date on which the video recording was made;
- (e) that in the opinion of the applicant the witness is willing and able to attend the court-martial for cross-examination; and
- (f) the circumstances in which the video recording was made.

⁽¹⁾ Section 32A was inserted by the Criminal Justice Act 1991 (c. 53), section 54. Section 32A applies to proceedings before courts-martial by virtue of the Criminal Justice Act 1988 (Application to Service Courts) (Evidence) Order 1996 subject to the modifications specified therein.