

## SCHEDULES

### SCHEDULE 2

Section 11.

#### MINOR AMENDMENTS AND REPEALS RELATING TO PROCEDURE AND EVIDENCE

##### *Election for trial by court-martial after investigation by commanding officer*

- 1 In section 78(5) of the Army Act 1955 and the Air Force Act 1955 (commanding officer who has determined that accused is guilty to afford opportunity of court-martial in certain circumstances) for " has determined " there shall be substituted " considers ".

##### *Election for trial by court-martial after investigation by appropriate superior authority*

- 2 In section 79(6) of the Army Act 1955 and the Air Force Act 1955 (appropriate superior authority who has determined that accused is guilty to afford opportunity of court-martial in certain circumstances) for "has determined" there shall be substituted " considers " and in section 209(3)(d) of those Acts (corresponding provision for civilians) for " has been determined " there shall be substituted " is considered ".

##### *Appropriate superior authorities*

- 3 In section 82(2)(b) of the Army Act 1955 and the Air Force Act 1955 (under which, in special circumstances, colonels or other officers of corresponding rank can be designated appropriate superior authorities) the words "in special circumstances " shall be omitted.

##### *Places for sitting of courts-martial*

- 4 In section 91(1) of the Army Act 1955 and the Air Force Act 1955 (court-martial to sit at place specified in convening order, which may be outside the limits of the command of the convening officer), for the words following " convene it to sit " there shall be substituted the words " at any place, whether or not, in the case of an officer having a command, within the limits of his command ".

##### *Persons under instruction at courts-martial*

- 5 (1) In section 93(1) of the Army Act 1955 and the Air Force Act 1955 (persons at courts-martial to whom an oath is to be administered), after die word " officer " there shall be inserted the words " or other person ".
- (2) In section 104(2)(b) of the Army Act 1955 and the Air Force Act 1955 (exercise of judge advocate's functions in absence of members of court and officers under instruction), after the word " officers " there shall be inserted the words " or other persons ".

---

*Status: This is the original version (as it was originally enacted).*

---

(3) Accordingly, in section 209(3) of each of those Acts paragraph (fb) shall be omitted.

*Written evidence at courts-martial: repeal of unnecessary provision*

6 Section 99(2) of the Army Act 1955 and the Air Force Act 1955 (which makes statutory declarations admissible in evidence at courts-martial) shall, so far as it remains part of the law of any part of the United Kingdom or of any colony, cease to have effect.

*Correction of wrong cross-reference in provision for making rules of procedure*

7 In section 103(2)(i) of the Army Act 1955 and the Air Force Act 1955 (the reference in which to "the four last foregoing sections " is rendered incorrect by the insertion of a section 99A by the Armed Forces Act 1976) for " the four last foregoing sections " there shall be substituted " sections 99 to 102 above ".

*Correction of wrong cross-reference in provision about maintenance orders*

8 In section 151(2) of the Army Act 1955 and the Air Force Act 1955 (the reference in which to " the last foregoing subsection " is rendered incorrect by the insertion of a subsection (1A) by the Armed Forces Act 1976) for " the last foregoing subsection " there shall be substituted " subsection (1) of this section ".

*Evidence in sexual offences cases: application to judge advocate in court's absence*

9 In section 3(3) of the Sexual Offences (Amendment) Act 1976 (application to courts-martial of provisions restricting evidence at trials for rape, etc.). in paragraph (a) (omission of reference to jury in provision about applying to judge in jury's absence for leave to adduce evidence), after " omitted " there shall be inserted " or (in the case of a trial by court-martial for which a judge advocate is appointed) were substituted by the words ' in the absence of the court' "