
STATUTORY INSTRUMENTS

1997 No. 169

The Courts-Martial (Army) Rules 1997

PART IV

PRELIMINARY PROCEEDINGS

Hearing for directions

25.—(1) The judge advocate may direct the court administration officer to convene a hearing for the purpose of giving directions—

- (a) of his own motion; or
- (b) on the application of the prosecutor or accused for such a hearing;

and such a hearing shall be referred to in these Rules as a hearing for directions.

(2) An application for a hearing for directions shall—

- (a) be made to the Judge Advocate General (or his deputy) in the form set out in Schedule 2 to these Rules; and
- (b) specify the reason for which it is made.

(3) Subject to rule 28 below, the applicant shall serve notice of the application in writing on every other party to the proceedings and the court administration officer.

(4) Before directing the court administration officer to convene a hearing for directions, the judge advocate shall afford each party to the proceedings the opportunity of making written representations to him.

(5) Paragraph (4) above shall not oblige the judge advocate to afford any party the opportunity of making representations where it appears to him that it would be impracticable to do so, or would cause unnecessary delay, or where the application is made in accordance with rule 28 below.

(6) On receipt of a direction from the judge advocate under paragraph (1) above, the court administration officer shall—

- (a) appoint the date, time and place at which the hearing for directions will take place;
- (b) issue a notice in writing of the date, time and place appointed;
- (c) list in the notice such of the matters contained in Schedule 4 to these Rules to be addressed at the hearing as the judge advocate may request;
- (d) subject to rule 28 below, serve the notice on the parties to the proceedings; and
- (e) arrange for the attendance at the hearing of a court recorder and, if the judge advocate or any party so requests, an interpreter.

(7) If in advance of the hearing the judge advocate so directs, the prosecutor shall—

- (a) prepare an outline of the prosecution case; and
- (b) serve a copy of that outline on the accused and the judge advocate.