

---

STATUTORY INSTRUMENTS

---

**1997 No. 169**

**The Courts-Martial (Army) Rules 1997**

**PART I**

**PRELIMINARY**

**Citation and commencement**

1. These Rules may be cited as the Courts-Martial (Army) Rules 1997 and shall come into force on 1st April 1997.

**Interpretation**

2. In these Rules—

“the Act” means the Army Act 1955;

“commanding officer”, in relation to an accused, means such officer having powers of command over that person as may be determined by or under regulations of the Defence Council made under section 82(1) of the Act;

“commencement of the trial” shall be construed in accordance with rule 42;

“formal preliminary examination” shall be construed in accordance with rule 5;

“hearing for directions” shall be construed in accordance with rule 25;

“the judge advocate”—

(i) in relation to a court-martial, means the judge advocate appointed by or on behalf of the Judge Advocate General to be a member of the court-martial;

(ii) in relation to preliminary proceedings, means the judge advocate appointed by or on behalf of the Judge Advocate General to conduct any preliminary proceedings;

“preliminary proceedings” includes a hearing for directions and a preparatory hearing but does not include a formal preliminary examination;

“preparatory hearing” shall be construed in accordance with rule 29;

“pre-trial hearing” shall be construed in accordance with rule 37;

“the prosecutor” means the prosecuting authority or any prosecuting officer appointed by the prosecuting authority;

“prosecution papers” has the meaning assigned to it in rule 9; and

“special finding” shall be construed in accordance with rule 71.

**Service on an accused**

3.—(1) Unless the context otherwise requires, where under these Rules any document or notice is to be served on an accused by the court administration officer or the prosecutor, it may be served by sending it to the commanding officer of the accused.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

(2) Where a document or notice is received by the commanding officer in accordance with paragraph (1) above, the commanding officer or a person on his behalf shall serve it on the accused as soon as is practicable.