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STATUTORY INSTRUMENTS

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**1997 No. 171**

**The Courts-Martial (Royal Air Force) Rules 1997**

**PART VIII**

**MISCELLANEOUS**

**Application of the rules to civilians**

**84.**—(1) In their application to any person to whom Part II of the Act is applied by section 209 of the Act, these Rules shall have effect subject to the modifications specified in Part I and the additional rules specified in Part II of Schedule 6 to these Rules.

(2) Part III of Schedule 6 to these Rules shall have effect in respect of the hearing by courts-martial of appeals against findings and sentences of Standing Civilian Courts.

**Periodic review of arrest**

**85.**—(1) In this rule, the “8 day report” means a report made in accordance with section 75(2) of the Act and this rule.

(2) The 8 day report on the necessity for further delay under section 75(2) shall be made to the person immediately superior in command on disciplinary matters to the commanding officer making the report.

(3) The 8 day report shall be made in writing and shall contain the following particulars—

- (a) the name, service number, rank and unit of the person under arrest;
- (b) the date upon which he was taken into arrest;
- (c) whether he is in open or close arrest;
- (d) the allegations against him which are being investigated;
- (e) the reason why it is considered necessary to retain him in arrest;
- (f) the reason why it is considered necessary to delay the convening of the court-martial for his trial; and
- (g) where an allegation against him has been reported in the form of a charge to his commanding officer, the date on which that charge was reported.

**Bankers' Books Evidence Act 1879**

**86.**—(1) The power to make an order conferred by section 7 of the Bankers' Books Evidence Act 1879(1) may be exercised for the purposes of a court-martial—

- (a) during investigation of any offence and before the accused is notified that he is to be tried by court-martial, by the commanding officer of the accused; and
- (b) at preliminary proceedings and during the court-martial, by the judge advocate.

(2) The order shall be in the form set out in Schedule 2 to these Rules.

### **Custody of the record**

**87.** The period during which the record of the proceedings of a court-martial shall be kept in the custody of the Judge Advocate General shall be six years from the conclusion of the trial.

### **Imprisonment in default; manner of payment of fine**

**88.** For the purposes of section 71B of the Act, the manner in which a fine or part of a fine shall be paid or recovered is—

- (a) where the offender is a person to whose pay section 144 of the Act applies, by deduction in accordance with that section from his pay or from any balance (whether or not representing pay) which may be due to him; or
- (b) by payment by or on behalf of the offender to—
  - (i) the governor of the prison in the United Kingdom where the offender is confined; or
  - (ii) the Deputy Director Personnel Management Agency (P1) (Royal Air Force) or an officer authorised by him.

### **Circumstances not provided for**

**89.** In any circumstances not provided for by the Act or these Rules such course shall be adopted as appears best calculated to do justice.

### **Revocations and savings**

**90.**—(1) Subject to paragraph (2) below, the Rules set out in Schedule 7 to these Rules are hereby revoked.

(2) The Rules set out in Schedule 7 shall continue to apply in relation to any trial by a court-martial which commenced before 1st April 1997 until the conclusion of that trial.

(3) The revocations shall not affect the validity of anything done under those Rules in relation to any proceedings pending at the commencement of these Rules.