

SCHEDULE 6

CIVILIANS

PART II

ADDITIONAL RULES FOR CIVILIANS

Prosecution of civilians

1.—(1) This rule applies where an accused has elected court-martial trial under article 16 of the Standing Civilian Courts Order 1997(1), or is to be treated under article 17 of that Order as if he had elected court-martial trial.

(2) On receipt of notice of the election, the prosecutor shall determine whether the charge is to be tried by general court-martial or district court-martial.

(3) Subject to paragraph (4) below, an accused shall be treated for the purposes of these Rules as if had been notified by his commanding officer that he is to be tried by court-martial under rule 11 above.

(4) The prosecutor shall serve on the accused and the court administration officer a charge sheet appropriate for the court-martial trial.

Accused's parent or guardian

2.—(1) This rule applies where—

- (a) an accused is under the age of 17 years, or
- (b) the offence with which the accused is charged is alleged to have been committed during a period of parental recognisance.

(2) Where the prosecutor or the court administration officer is required to serve any document on the accused under these Rules, he shall as soon as is practicable serve a copy of that document on a parent or guardian of the accused who is a service parent or guardian.

(3) Where the accused has not appointed a legal adviser, any parent or guardian of the accused may exercise on behalf of the accused the rights granted to the accused in rule 6(2) above and may represent the accused during the court-martial and any preliminary proceedings in such manner and to such extent as the judge advocate thinks fit.

(4) The court administration officer shall issue a witness summons in accordance with rule 23 above in respect of any parent or guardian on whom a document has been served in accordance with paragraph (2) above to attend the court-martial.

(5) Any parent or guardian of the accused may, if present—

- (a) give evidence on oath and call witnesses; and
- (b) address the court.

(1) S.I.1997/172.