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STATUTORY INSTRUMENTS

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**1997 No. 172**

**The Standing Civilian Courts Order 1997**

**PART VII**

**MISCELLANEOUS**

**Re-trial following adjournment**

**87.**—(1) Where the court administration officer directs a re-trial by virtue of paragraph 8 of Schedule 3 to the 1976 Act, he shall after consulting with the magistrate, or the Judge Advocate General (or his deputy), send notice of the date, time and place of the re-trial to—

- (a) the accused; and
- (b) the prosecutor.

(2) A person who sat in the court of trial, whether as magistrate, member of the court or assessor, shall not sit in the court of re-trial.

(3) Subject to paragraph (4) below, where the court of trial has recorded a finding of guilty but has not announced sentence, the court of re-trial shall proceed to sentence in accordance with the provisions of this Order as if it had recorded that finding of guilty.

(4) The court of re-trial may inform itself of the facts relating to the charge in respect of which the finding of guilty was made, by—

- (a) reading the note of proceedings of the court of trial, or
- (b) calling on the prosecutor to address the court on the facts.