
STATUTORY INSTRUMENTS

1997 No. 172

The Standing Civilian Courts Order 1997

PART I
PRELIMINARY

Citation and commencement

1. This Order may be cited as the Standing Civilian Courts Order 1997 and shall come into force on 1st April 1997.

Interpretation

2. In this Order—

“the 1976 Act” means the Armed Forces Act 1976;

“the 1955 Act” means—

(a) where the accused is being prosecuted under the Army Act 1955(1), that Act,

(b) where the accused is being prosecuted under the Air Force Act 1955(2), that Act;

“commanding officer”, in relation to an accused, means the officer determined by or under regulations of the Defence Council under section 209(3)(f) of the 1955 Act for the purposes of investigation of offences;

“courts-martial rules” means—

(a) where the accused is being prosecuted under the Army Act 1955, the Courts-Martial (Army) Rules 1997(3);

(b) where the accused is being prosecuted under the Air Force Act 1955, the Courts-Martial (Royal Air Force) Rules 1997(4);

“magistrate” means the magistrate for any sitting or succession of sittings of a Standing Civilian Court specified by or on behalf of the Judge Advocate General;

“period of parental recognisance” means a period specified in an order made against the accused’s parent or guardian under paragraph 14(1) of Schedule 5A to the Army Act 1955, of Schedule 5A to the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957(5), in respect of an offence previously committed by that accused;

“the prosecution papers” has the meaning assigned to it in article 9(2);

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

(1) 1955 c. 18.
(2) 1955 c. 19.
(3) S.I.1997/169.
(4) S.I. 1997/171.
(5) 1957 c. 53.

Status: This is the original version (as it was originally made).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

“a service parent or guardian” shall be construed in accordance with paragraph 2(2) of Schedule 5A to the 1955 Act;

“special finding” shall be construed in accordance with article 70.

Delegation of the court administration officer’s functions

3. The court administration officer may delegate any of his functions to persons appointed to act as court administration officers under his direction.

Service

4.—(1) Unless the context otherwise requires, where under this Order any document is to be served on any person, the document may be served—

- (a) by sending the document to the commanding officer of that person;
- (b) by personal delivery; or
- (c) by post in a letter addressed to that person at his last known or usual place of work or abode.

(2) Where a document is received by the commanding officer in accordance with paragraph (1) (a) above, the commanding officer or a person on his behalf shall deliver it to the person on whom the document is to be served as soon as is practicable.