

SCHEDULE 3

EVIDENCE

PART I

MODIFICATIONS TO SECTION 9 OF THE CRIMINAL JUSTICE ACT 1967

1. Section 9 of the Criminal Justice Act 1967 shall have effect in relation to proceedings before the court subject to the modifications specified in the following provisions of this Part of this Schedule.

2. In subsection (2)—

(a) in paragraph (c), after the word “proceedings” there shall be inserted—

“and the court administration officer”; and

(b) in paragraph (d), for the words “solicitors” there shall be substituted the words “legal representatives”.

3. For subsection (5) there shall be substituted—

“(5) An application under subsection (4)(b) above to the summary appeal court may be made before the hearing of the appeal and on any such application the powers of the court shall be exercised by a judge advocate sitting alone.”.

4. For subsection (8) there shall be substituted—

“(8) A document required by this section to be served on any person may be served—

(a) by delivering it to him;

(b) by addressing it to him and leaving it at the address of his unit;

(c) by sending it by post addressed to him at the address of his unit;

(d) in the case of a person bringing an appeal under section 52FK of the Naval Discipline Act 1957, by serving it on—

(i) his legal representative; or

(ii) where he is subject to that Act, his commanding officer,

in any of the ways provided by paragraphs (a) to (c) above.”.

5. After subsection (8), there shall be inserted—

“(9) Where the person to be served is not subject to the Naval Discipline Act 1957, any reference in subsection (8) above to the address of his unit shall have effect as a reference to his usual or last known place of residence.

(10) Where a document is received by the commanding officer of a person bringing an appeal in accordance with subsection (8)(d) above, he shall deliver it (or cause it to be delivered) to that person as soon as practicable.

(11) For the purposes of subsection (2)(d) above, a document served on the commanding officer of a person bringing an appeal under section 52FK of the Naval Discipline Act 1957 shall not be treated as having been served on that person until it is delivered to him by his commanding officer.

(12) In this section—

“commanding officer”, in relation to any person, means the officer in command of the ship, naval establishment or unit to which that person belongs;

Status: This is the original version (as it was originally made).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

“the court administration officer” means the person appointed to that office under section 52FF of the Naval Discipline Act 1957;

“judge advocate” means a judge advocate appointed under section 52FG of the Naval Discipline Act 1957; and

“the summary appeal court” means the summary appeal court established under section 52FF of the Naval Discipline Act 1957.”.