

## 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 83ZE of the Army Act 1955, by serving it on—

(i) his legal representative; or

(ii) where he is subject to military law otherwise than by virtue of section 131 of 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 military law or is subject to military law only by virtue of section 131 of the Army Act 1955, 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 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 such officer as would be determined by regulations of the Defence Council under section 82(1) of the Army

**Status:** This is the original version (as it was originally made).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

Act 1955 as the commanding officer of that person if that person were charged with an offence under that Act;

“the court administration officer” means the person appointed to that office under section 83ZA of the Army Act 1955;

“judge advocate” means a judge advocate appointed under section 83ZB of the Army Act 1955; and

“the summary appeal court” means the summary appeal court established under section 83ZA of the Army Act 1955.”.