

## SCHEDULE 3

### EVIDENCE

#### PART II

#### MODIFICATIONS TO SECTIONS 10 AND 11 OF THE CRIMINAL JUSTICE ACT 1967

**6.** Sections 10 and 11 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.

**7.** In section 10(1), for the words “prosecutor or defendant” there shall be substituted the words “respondent or appellant”.

**8.** In section 10(2)—

- (a) for the words “a defendant”, wherever they appear, there shall be substituted the words “the appellant”;
- (b) for the words “counsel or solicitor”, wherever they appear, there shall be substituted the words “legal representative”; and
- (c) in paragraph (e), for the words “the trial” there shall be substituted the words “the hearing of the appeal”.

**9.** In section 11, for the word “defendant”, wherever it appears, there shall be substituted the word “appellant”.

**10.** In section 11(1), for the words “On a trial on indictment the defendant” there shall be substituted the words “Subject to subsection (1A) below, on the hearing of an appeal under section 83ZE of the Army Act 1955 the appellant”.

**11.** After section 11(1), there shall be inserted—

“(1A) Subsection (1) shall not apply where the appellant adduced evidence of an alibi in the proceedings under section 76B of the Army Act 1955 to which the appeal relates, and the particulars of the alibi raised in those proceedings are substantially the same as those which he would be required to include in the notice of alibi under subsection (1) above.”

**12.** In section 11(2), for the word “trial” there shall be substituted the word “hearing”.

**13.** In section 11(3), for the words from “in accordance with” to the end of the subsection there shall be substituted—

“in accordance with rules made under section 83ZJ of the Army Act 1955 of the requirements of this section”.

**14.** In section 11(5), for the word “solicitor” there shall be substituted the words “legal representative”.

**15.** For section 11(6) there shall be substituted—

“(6) Any notice under this section shall be given in writing to the respondent.”

**16.** Section 11(7) shall be omitted.

**17.** In section 11(8), for the definition of “the prescribed period” there shall be substituted—

**Status:** *This is the original version (as it was originally made).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

““the prescribed period” means the period of 14 days beginning with the date on which the respondent’s papers are served on the appellant in accordance with rules made under section 83ZJ of the Army Act 1955”.