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STATUTORY INSTRUMENTS

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**2008 No. 635**

**The Criminal Procedure and Investigations Act  
1996 (Application to the Armed Forces) Order 2008**

**Disclosure of material by the prosecutor to the accused by sending it to his commanding officer**

- 5.—(1) This article applies if the accused—
- (a) is subject to military law under the Army Act 1955 or air force law under the Air Force Act 1955, or under the Naval Discipline Act 1957 is subject to that Act; or
  - (b) is treated for any purpose as being so subject under section 131 of the Army Act 1955, section 131 of the Air Force Act 1955 or section 51 of the Naval Discipline Act 1957.
- (2) For the purposes of articles 3 and 4, the prosecutor may send any material or written statement or document to the accused's commanding officer.
- (3) On receipt of any material, written statement or document sent to him in accordance with paragraph (2) above, the accused's commanding officer must—
- (a) ensure that the accused receives it as soon as practicable; and
  - (b) as soon as practicable after the accused has received it, notify the prosecutor in writing of the date on which the accused received it.
- (4) Where the prosecutor acts under paragraph (2) for the purposes of article 3, for the purposes of this Order the date on which the prosecutor complies with that article or purports to comply with it shall be the date on which the accused received from his commanding officer the material disclosed, or the statement or document given, by the prosecutor.
- (5) In this article, "commanding officer" means the commanding officer of the accused as determined by or under section 82 of the Army Act 1955, section 82 of the Air Force Act 1955 or section 52E of the Naval Discipline Act 1957.