

SCHEDULE 2

TRANSITIONAL AND TRANSITORY PROVISIONS

PART 2

STEPS TAKEN BEFORE COMMENCEMENT

Service of documents

3. Any document served on a person before commencement, which would have been served on him in accordance with any provision of these Rules if that provision had then been in force, is to be treated as having been served on him in accordance with that provision.

Court administration officers

4. Anything done before commencement by a court administration officer within the meaning of the SCCO 1997, which would have been done in accordance with any provision of these Rules if it had been done by the court administration officer within the meaning of the Act and that provision had then been in force, is to be treated as having been done by the court administration officer in accordance with that provision.

Prosecuting officers

5. Anything done before commencement by—
- (a) the prosecuting authority for the Royal Navy, the Army or the Royal Air Force, or
 - (b) a prosecuting officer (within the meaning of any of the SDAs),

which would have been done in accordance with any provision of these Rules if it had been done by the Director and that provision had then been in force, is to be treated for the purpose of these Rules as having been done by the Director in accordance with that provision.

Legal representatives

6.—(1) Anything done before commencement by a person's legal advisor within the meaning of article 21 of the SCCO 1997, which would have been done in accordance with any provision of these Rules if it had been done by the person's legal representative within the meaning of these Rules and that provision had then been in force, is to be treated for the purpose of these Rules as having been done by the person's legal representative in accordance with that provision.

(2) A person who, immediately before commencement, was a person's legal advisor (within the meaning of article 21 of the SCCO 1997) is to be treated as having been appointed as that person's legal representative under rule 26.

Arraignment

7. Where—
- (a) an accused was arraigned on a charge under article 35 of the SCCO 1997, and
 - (b) the accused had not elected court-martial trial,

the accused is to be regarded for the purposes of these Rules as having been a defendant arraigned in proceedings under these Rules.

Status: This is the original version (as it was originally made).

Directions etc

8.—(1) An order or ruling made by the court on an application under article 39 of the SCCO 1997 has effect in related proceedings as if made in preliminary proceedings by the judge advocate for those proceedings.

(2) Proceedings are “related proceedings” in relation to a preliminary hearing if, had the hearing been preliminary proceedings, they would have been related proceedings in relation to those proceedings.

(3) A summons issued under the SCCO 1997 shall have effect as if issued under these Rules.