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STATUTORY INSTRUMENTS

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**2009 No. 1211**

**The Armed Forces (Summary Appeal Court) Rules 2009**

**PART 11**

**EVIDENCE**

**CHAPTER 1**

**General**

**Proof by written statement**

**61.**—(1) Without prejudice to rule 59, section 9 of the 1967 Act (proof by written statement) shall apply, as modified by paragraph (2), in relation to a statement made—

- (a) in the United Kingdom by any person, or
- (b) outside the United Kingdom by a person subject to service law or a civilian subject to service discipline,

as it applies in criminal proceedings in relation to a statement made in the United Kingdom.

(2) In its application by virtue of this rule, section 9 of the 1967 Act shall have effect as if—

- (a) subsection (2)(c) required service of the statement on the court administration officer (as well as each of the other parties to the proceedings);
- (b) in subsection (2)(d), the reference to the parties' solicitors were to their legal representatives;
- (c) subsections (5) and (8) were omitted; and
- (d) in subsection (6), the references to the court were to the judge advocate.

(3) An application to the court under section 9(4)(b) of the 1967 Act—

- (a) may be made in preliminary proceedings; and
- (b) if made in appeal proceedings, shall be determined by the judge advocate.

(4) Section 89 of the 1967 Act (offence of making a false statement tendered in evidence) shall apply in relation to a statement tendered in evidence in proceedings of the court by virtue of section 9 of that Act, wherever made, as it applies in relation to a statement tendered in evidence in criminal proceedings by virtue of that section.

**Changes to legislation:**

There are currently no known outstanding effects for the The Armed Forces (Summary Appeal Court) Rules 2009, Section 61.