
STATUTORY INSTRUMENTS

2009 No. 1216

The Armed Forces (Summary Hearing and Activation of Suspended Sentences of Service Detention) Rules 2009

PART 3

Hearings as Regards the Making of Activation Orders

Preliminary procedures

- 31.**—(1) The offender's commanding officer shall as soon as reasonably practicable—
- (a) inform the offender in writing of—
 - (i) the power to make an order under section 193 of the Act;
 - (ii) his right under rule 33 to representation;
 - (iii) the right of appeal under section 141 of the Act;
 - (iv) his right to make submissions under rule 34(1)(b);
 - (b) provide the offender with—
 - (i) a copy of the written record of the summary hearing, or a copy of any record of the proceedings before the Summary Appeal Court, at which the suspended sentence of service detention was awarded;
 - (ii) such details as are known to the commanding officer of all proven offences committed by the offender during the operational period of the suspended sentence of service detention;
 - (iii) copies of—
 - (aa) the written records of any summary hearings,
 - (bb) the written records of any hearings under Part 3 of these Rules, and
 - (cc) any records of proceedings before any of the Summary Appeal Court, the Court Martial and the Court Martial Appeal Court,at which reasons were given for any decision not to make an order under section 191 or 193 of the Act, in relation to the suspended sentence;
 - (iv) a copy of any disciplinary record of the offender; and
 - (c) in accordance with paragraphs (2) to (4), fix a time for the hearing and give the offender notice in writing of that time.
- (2) In fixing the time for the hearing the commanding officer shall allow the offender a reasonable time to prepare for the hearing.
- (3) If the commanding officer has made an application under rule 30(1) he shall not fix a time for the hearing until he has received notification of the result of the application.
- (4) The time fixed for the hearing shall be not less than 24 hours after the commanding officer has complied with—

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- (a) paragraph (1); and
- (b) where an application under rule 30(1) has been granted, rule 30(3).