

SCHEDULES

SCHEDULE 5

Section 11.

PROOF AT COURTS-MARTIAL BY WRITTEN STATEMENT

1 After section 99 of the Army Act 1955 (rules of evidence at courts-martial) there shall be inserted the following section:—

“99A Proof at courts-martial by written statement.

- (1) Section 9 of the Criminal Justice Act 1967 (proof by written statement) shall apply subject to subsection (2) below and to service modifications, for the purposes of proceedings before courts-martial (whether held in the United Kingdom or not) as it applies to proceedings on indictment.
- (2) The statements rendered admissible by this section are statements made—
 - (a) in the United Kingdom by any person, and
 - (b) outside the United Kingdom by any person who at the time of making the statement was—
 - (i) a person subject to service law, or
 - (ii) a person to whom Part II of this Act or Part II of the Air Force Act 1955 is applied by section 208A or section 209 of this Act or that Act respectively, or to whom Parts I and II of the Naval Discipline Act 1957 are applied by section 117 or section 118 of that Act;and the persons mentioned in this paragraph include persons to whom section 131 of this Act, section 131 of the Air Force Act 1955 or section 119 of the Naval Discipline Act 1957 apply.
- (3) In subsection (1) above " service modifications" means—
 - (a) modifications made by any regulations under section 12 of the Criminal Justice Act 1967 in force on the coming into force of this section, and
 - (b) such modifications in the said section 9, as applied by subsection (1) above, as the Secretary of State may by regulations made by statutory instrument prescribe thereafter, being modifications which appear to him to be necessary or proper for the purpose of the operation of that section in relation to proceedings before a court-martial.
- (4) Regulations under subsection (3)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Section 89 of the said Act of 1967 (punishment of making false statements tendered under section 9) shall apply to any statement rendered admissible by this section.”.

Status: This is the original version (as it was originally enacted).

2 The said section shall also be inserted after section 99 of the Air Force Act 1955, but with the substitution throughout of the word " Army " for the words " Air Force ".

3 Accordingly—

(a) in section 99(1) of the Army Act 1955 and section 99(1) of the Air Force Act 1955 (rules of evidence) after the word " shall", in the first place where it occurs, there shall be inserted the words " , subject to section 99A below, "; and

(b) in section 12 of the Criminal Justice Act 1967 (application of provisions about evidence to courts-martial) for the words " the three last foregoing sections shall apply to such proceedings " there shall be substituted the following paragraphs :—

“(a) sections 10 and 11 above shall, apply to proceedings before courts-martial under the Army Act 1955 and the Air Force Act 1955, and

(b) sections 9 to 11 above shall apply to proceedings before courts-martial under the Naval Discipline Act 1957.”.