

1989 No. 2127

DEFENCE

**The Rules of Procedure (Army) (Amendment) Rules
1989**

<i>Made</i> - - - -	<i>17th November 1989</i>
<i>Laid before Parliament</i>	<i>21st November 1989</i>
<i>Coming into force</i>	<i>1st January 1990</i>

The Secretary of State in exercise of the powers conferred on him by sections 103 and 209 of the Army Act 1955(a), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Rules of Procedure (Army) (Amendment) Rules 1989 and shall come into force on 1st January 1990.

Interpretation

2. In these Rules, "the Principal Rules" means the Rules of Procedure (Army) 1972(b).

Amendment

3.—(1) The Principal Rules shall be amended as follows:

(2) In Rule 25 after subparagraph (1)(h) there shall be inserted the following:—

"(i) when an interview with an accused by the service police has been recorded on tape he may, before trial, apply by written notice to the convening officer for a transcript of such tape recorded interview or any part thereof. In such cases the convening officer shall, if he is of the opinion that the interests of justice so require, direct that such a transcript, or such parts thereof as he considers necessary, be supplied to the accused as soon as practicable and in any case not less than twenty four hours before the trial."

(3) After Rule 57 there shall be inserted the following:—

"57A. Whether or not an application has previously been made to the convening officer under paragraph (1)(i) of Rule 25 above, the accused may at any time during the trial apply to the court for a transcript of any tape recording made by the service police of an interview with him. If the accused makes such an application, the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address. If the court are of the opinion that the interests of justice so require they may direct that such a transcript or such parts thereof as they consider necessary shall be supplied to the accused."

(4) In Rule 79(2) the number "57A," shall be inserted after the number "47."

(5) In Rule 81(1) for the letter "(g)" there shall be substituted the letter "(h)".

(a) 1955 c. 19; section 209 was amended by the Armed Forces Act 1976 (c. 52), Schedule 9 paragraph 5.

(b) S.I. 1972/316; relevant amending instruments are S.I. 1974/761, 1977/92, 1981/1220, 1982/369, 1983/719, 1984/1670 and 1986/2126.

(6) In Rule 81(1), after subparagraph (f) there shall be inserted the following subparagraph:-

“(g) an application is made by an accused for a transcript of a tape recording of an interview with him by the service police; or”.

Dated this 17th day of November 1989

Tom King
Secretary of State for Defence

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Rules of Procedure (Army) 1972 to enable an accused to apply to the convening officer before trial by court-martial or to the court during his trial for a transcript of any tape recording made by the service police of an interview with him.

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