
STATUTORY INSTRUMENTS

1989 No. 2130

DEFENCE

The Standing Civilian Courts (Amendment) Order 1989

Made - - - - *17th November 1989*

Laid before Parliament *21st November 1989*

Coming into force - - *1st January 1990*

The Secretary of State in exercise of the powers conferred on him by paragraph 12 of Schedule 3 to the Armed Forces Act 1976⁽¹⁾, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Standing Civilian Courts (Amendment) Order 1989 and shall come into force on 1st January 1990.

Interpretation

2. In this Order “the Principal Order” means the Standing Civilian Courts Order 1977⁽²⁾.

Amendment

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

(2) In Article 4 after paragraph (2) there shall be inserted the following:—

“(3) 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 directing officer for a transcript of such tape recorded interview or any part thereof. In such cases the directing 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 article 37 there shall be inserted the following:—

“Application by an accused at trial for transcript of service police interview

37A. Whether or not an application has previously been made to the directing officer under paragraph (3) of Article 4 above, the accused may at any time during the trial apply to the court

(1) 1976 c. 52; paragraph 12 of Schedule 3 was amended by the Armed Forces Act 1986 (c. 21) section 9(3).

(2) S.I.1977/88, to which there are amendments not relevant to this Order.

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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."

Dated this 17th day of November 1989

Tom King
Secretary of State for Defence

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EXPLANATORY NOTE

(This note is not part of the Rules)

This Order amends the Standing Civilian Courts Order 1977 to enable an accused to apply to the directing officer before trial by Standing Civilian Court or to the court during his trial for a transcript of any tape recording made by the service police of an interview with him.