

SCHEDULE

Article 2

<i>Section</i>	<i>Modifications</i>
Section 32	<p>In subsection (1), for the words “to which subsection (1A) below applies” there shall be substituted the words “before Service courts”.</p> <p>After subsection (1A) there shall be added the following subsection—</p> <p>“(1B) In this section—</p> <p>“child” means a person who—</p> <p>(a) in the case of an offence to which section 32(2)(a), (b) or (bb) below applies, or which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of such an offence, is under fourteen years of age; or</p> <p>(b) in the case of an offence to which section 32(2)(c) or (cc) below applies, or which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, such an offence, is under seventeen years of age;</p> <p>“Service courts” has the same meaning as in paragraph 1 of Schedule 13 to this Act.”.</p> <p>In subsection (2), after paragraph (b) there shall be added the following paragraph—</p> <p>“(bb) to an offence under the Army Act 1955 (other than section 70), the Air Force Act 1955 (other than section section) and the Naval Discipline Act 1957 (other than section 42) which involves an assault on, or injury or a threat of injury to, a person or cruelty to a person under sixteen years of age;”.</p> <p>In subsection (2), after paragraph (c) there shall be omitted the word “and” and there shall be added the following paragraph—</p> <p>“(cc) to an offence under the Army Act 1955 (other than section 70), the Air Force Act 1955 (other than section 70) and the Naval Discipline Act 1957 (other than section 42)</p>

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which involves sexual or indecent behaviour; and”.

In subsection (2)(d), for the words “paragraph (a), (b) or (c)” there shall be substituted the words “paragraph (a), (b), (bb), (c) or (cc)”.

After subsection (2) there shall be added the following subsections—

“(2A) Where—

(a) the court gives leave for a person to give evidence through a live television link, and

(b) the leave is given by virtue of subsection (1)(b) above,

then, subject to subsection (2B) below, the person concerned may not give evidence otherwise than through a live television link.

(2B) in a case falling within subsection (2A) above the court may give permission for the person to give evidence otherwise than through a live television link if it appears to the court to be in the interests of justice to give such permission.

(2C) Permission may be given under subsection (2B) above—

(a) on an application by a party to the case, or

(b) of the court’s own motion;

but no application may be made under paragraph (a) above unless there has been a material change of circumstances since the leave was given by virtue of subsection (1)(b) above.”.

Section 32A

For subsection (1) there shall be substituted the following subsection—

“(1) This section applies to proceedings before Service courts for any offence to which section 32(2) above applies.”.

In subsection (7)(a), for the words “section 32(2)(a) or (b)” there shall be substituted the words “section 32(2)(a), (b) or (bb)”.

In subsection (7)(b), for the words “section 32(2)(c)” there shall be substituted the words “section 32(2)(c) or (cc)”.

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In subsection (7), after the definition of “child” there shall be added the following definition—
““Service courts” has the same meaning as in paragraph 1 of Schedule 13 to this Act.”.

In subsection (8), for the words “paragraph (a), (b) or (c) of section 32(2)” there shall be substituted the words “paragraph (a), (b), (bb), (c) or (cc) of section 32(2)”.

After subsection (12) there shall be added the following subsection—

“(13) Any reference in this section to section 32(2) (howsoever expressed) shall be to that subsection as modified by an order made under paragraph 8 of that Schedule.”.

Section 34A

After subsection (2) there shall be added the following subsection—

“(3) Any reference in this section—

- (a) to section 32(2) shall be to that subsection as modified by an order made under paragraph 8 of that Schedule; and
 - (b) to section 32A shall be to that section as modified by an order made under paragraph 9 of that Schedule.”.
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