
STATUTORY INSTRUMENTS

1997 No. 172

The Standing Civilian Courts Order 1997

PART V

SENTENCING

Opportunity for parent to be heard

76.—(1) Where

- (a) the accused is under 17 years of age, or
- (b) the offence with which the accused is charged is alleged to have been committed during a period of parental recognisance,

the court before it deliberates on its sentence, shall, subject to paragraph (2) below, give any service parent or guardian of the accused who is present an opportunity of being heard, and shall in so doing—

- (i) comply with paragraph (4) below, and
- (ii) explain the provisions of paragraph (5) below.

(2) The court need not comply with the provisions of paragraph (1) above where it decides that it will not, in deliberating on its sentence, consider exercising any of its powers to make an order or declaration against a service parent or guardian of the accused.

(3) Any parent or guardian of an accused under 17 years of age who is not given the opportunity of being heard under paragraph (1) above may nonetheless, with the leave of the court, be heard before the court deliberates on its sentence.

(4) Where the court is required under paragraph (1) above to comply with this paragraph, it shall explain to any service parent or guardian of the accused who is present such of its powers to make an order or declaration against him as may be relevant to the case.

(5) A parent or guardian who is to be heard under this article may—

- (a) give evidence on oath, in which case he shall be treated as a witness in the proceedings;
- (b) call witnesses on his behalf, whether or not he gives evidence himself; and
- (c) address the court.