

SCHEDULE

Regulation 2

MODIFICATIONS TO SECTIONS 9 TO 11 OF THE CRIMINAL JUSTICE ACT 1967

In section 9(2)(c), after the word “proceedings” there shall be inserted—

“and the court administration officer.”

In section 9(2)(d), for the word “solicitors” there shall be substituted the words “legal representatives”.

For section 9(5) there shall be substituted—

“An application under subsection (4)(b) above to a court-martial may be made before the hearing and on any such application the powers of the court shall be exercisable by the judge advocate appointed to conduct any proceedings preliminary to a court-martial.”.

For section 9(8) there shall be substituted—

“A document required by this section to be served on an accused may be served by sending it to the commanding officer of the accused; and, where a document is received by the commanding officer in accordance with this subsection, he shall serve it on the accused as soon as is practicable.”.

After section 9(8) there shall be added—

“(9) In this section and in section 11 below—

“the 1957 Act” means the Naval Discipline Act 1957;

“commanding officer” means—

- (a) where the accused is subject to the 1957 Act, the officer who is for the time being in immediate command of the ship or naval establishment to which the accused belongs;
- (b) where the accused is subject to the Army Act 1955, such officer having powers of command over that person as may be determined by or under regulations of the Defence Council made under section 82(1) of that Act;
- (c) where the accused is subject to the Air Force Act 1955, such officer having powers of command over that person as may be determined by or under regulations of the Defence Council made under section 82(1) of that Act;
- (d) where the accused is a person to whom Part I of the 1957 Act or Part II of the Army Act 1955 or Part II of the Air Force Act 1955 applies, such officer as may be determined by or under regulations of the Defence Council made under paragraph 4 of Schedule 4 to the 1957 Act or section 209(3)(f) of the Army Act 1955 or section 209(3)(f) of the Air Force Act 1955, as the case may be; and

“court administration officer” has the meaning assigned to it by section 53 of the 1957 Act or section 84A of the Army Act 1955 or section 84A of the Air Force Act 1955, as the case may be.”.

In section 10(1), for the word “defendant” there shall be substituted the word “accused”.

In section 10(2)—

for the words “a defendant” wherever they occur there shall be substituted the words “an accused”; and

for the words “counsel or solicitor” wherever they occur there shall be substituted the words “legal representative”.

In section 11, for the word “defendant” wherever it occurs there shall be substituted the word “accused”.

In section 11(1), for the words “on indictment” there shall be substituted the words “by court-martial”.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

In section 11(3), for the words after the word “informed” there shall be substituted the words “of the requirements of this section at the time he was notified by his commanding officer that he is to be tried by court-martial.”.

In section 11(5), for the word “solicitor” there shall be substituted the words “legal representative”.

For section 11(6) there shall be substituted—

“Any notice under this section shall be given in writing to the prosecutor.”.

Section 11(7) shall be omitted.

In section 11(8), for the definition of “the prescribed period” there shall be substituted—

““the prescribed period” means the period of 14 days from the date on which the accused was notified by his commanding officer that he is to be tried by court-martial.”.