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STATUTORY INSTRUMENTS

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**1997 No. 579**

**The Courts-Martial and Standing Civilian  
Courts (Army and Royal Air Force) (Additional  
Powers on Trial of Civilians) Regulations 1997**

**PART II**

**COMMUNITY SUPERVISION ORDERS**

**Nomination of supervisors**

4.—(1) An officer appointed by the Defence Council for the purposes of this regulation shall draw up and maintain a list of persons, which may include a specified class of persons, who are in his opinion fit to be specified as supervisors under paragraph 4 of Schedule 5A to the 1955 Act<sup>(1)</sup> by reason of their experience, occupation, training or other qualification.

(2) The list drawn up under paragraph (1) above may be maintained in different sections for different purposes or for different areas.

**Specifying a supervisor**

5.—(1) Where the court has found an accused guilty, the prosecutor shall, if the court so requests, supply it with a copy of the list maintained under regulation 4 above or a relevant section of it.

(2) The court shall specify in any community supervision order a named person from the list to act as supervisor in relation to that order.

(3) Where the list maintained under regulation 4 above includes a specified class of persons, the court may specify any person who falls within that class to act as supervisor.

(4) The court shall not specify a person to act as a supervisor unless it is satisfied that the person consents so to act.

**General duty of a supervisor**

6. It shall be the general duty of a supervisor to advise an offender under his supervision and to assist in his rehabilitation.

**Prescribed requirements**

7. Subject to regulation 8 below, the requirements with which the court may direct an offender who is to be subject to a community supervision order to comply, in accordance with paragraph 4(3) of Schedule 5A to the 1955 Act, are—

- (a) where an offender is under the age of 17 years at the date on which the order is made, any requirement set out in Part I of Schedule 1 to these Regulations; and

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(1) Paragraph 4 was amended by the Armed Forces Act 1996, section 10 and Schedule 3.

- (b) in any other case, any requirement set out in that Schedule.

**Limitations on requirements**

8.—(1) The court may not include in a community supervision order the requirement set out in paragraph 6 of Schedule 1 to these Regulations unless it is satisfied, on the evidence of a duly qualified medical practitioner, that the mental condition of the offender is such as requires and may be susceptible to treatment.

(2) The court may not include in a community supervision order the requirement set out in paragraph 7 of Schedule 1 to these Regulations unless it is satisfied that—

- (a) the offender is dependent on drugs or alcohol;
- (b) his dependency caused or contributed to the offence in respect of which the order is being made; and
- (c) his dependency is such as requires and may be susceptible to treatment.

(3) The court may not include in a community supervision order both of the requirements set out in paragraphs 8 and 9 of Schedule 1 to these Regulations.

(4) No requirement directed by the court or a supervisor shall operate such as to conflict with any religious belief or observance of the person under supervision, or interfere with the times, if any, at which he normally works or attends an educational establishment.

**Calculation of periods specified**

9. For the purpose of calculating any period or number of days in respect of a requirement directed by the court or a supervisor, a direction given in respect of one or more parts of a day shall be treated as given in respect of the whole of that day.