
STATUTORY INSTRUMENTS

2000 No. 2368

The Army Custody Rules 2000

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Army Custody Rules 2000 and shall come into force on 2nd October 2000.

Interpretation

2.—(1) In these Rules—

“the accused” means—

- (a) in relation to proceedings under section 75F(1) of the Act, the person who is required to be brought before a judicial officer under section 75F(1) of the Act;
- (b) in relation to proceedings on a review under section 75G(1) of the Act, the person to whom the review relates;

“the Act” means the Army Act 1955;

“application” means the application by the commanding officer to the judicial officer for an extension of custody without charge under section 75C of the Act;

“the commanding officer” means—

- (a) in relation to proceedings on an application under section 75C of the Act—
 - (i) the commanding officer of the person to whom the application relates or,
 - (ii) where the functions of the commanding officer under that section in relation to the application have been delegated to another officer in accordance with regulations made under section 75E of the Act, that officer; and
- (b) subject to paragraph (2), in relation to proceedings under section 75F(1) of the Act or proceedings on a review under section 75G(1) of the Act, the accused’s commanding officer;

“custody” means military custody;

“hearing” means, as the case may be—

- (a) a hearing of an application under section 75C of the Act;
- (b) a hearing under section 75F(1) of the Act; or
- (c) a hearing before a judicial officer conducting a review under section 75G(1) of the Act;

“the relevant court administration officer” means—

- (a) the court administration officer; or

- (b) where the court administration officer has for the time being directed an assistant court administration officer to carry out the functions conferred by these Rules on the relevant court administration officer, that officer;

“the relevant time” means—

- (a) in relation to a person arrested under section 74 of the Act or arrested by a constable, the time of the arrest; and
- (b) in relation to a person delivered into custody following surrender under section 188 of the Act or paragraph 6 of Schedule 2 to the Reserve Forces Act 1996(1), the time of the surrender; and

“a review” means a review conducted by the judicial officer under section 75G(1) of the Act.

- (2) In Parts III, IV and V of these Rules, any reference to the commanding officer in relation to—

- (a) proceedings under section 75F(1) of the Act;
- (b) proceedings on a review under section 75G(1) of the Act,

shall include a reference to any person under his command who has his authority to exercise his functions under these Rules with respect to those proceedings.

(3) Subject to paragraphs (4) and (5), “the judicial officer” means, in relation to the exercise of any function conferred by these Rules in any proceedings, the judicial officer for the time being specified by or on behalf of the Judge Advocate General to exercise that function in those proceedings.

(4) In relation to a review conducted at any time after the commencement of the trial of the accused by court-martial and before the announcement of the court-martial’s finding on the charge or every charge against the accused, references to the judicial officer in these Rules shall have effect as references to the judge advocate.

- (5) Where—

- (a) the commanding officer orders a person’s arrest under section 75K(1) of the Act; and
- (b) at the time the arrest is made the person is already before a judicial officer,

the judicial officer shall immediately carry out the review required by section 75K(7)(b) of the Act; and any reference in these Rules to the judicial officer in relation to such a hearing shall be construed accordingly.

Service of documents

3.—(1) Subject to paragraph (4) and rule 21(2), any notice or other document required by these Rules to be served on a person may be served on that person by—

- (a) delivering it to him;
- (b) leaving it at his proper address;
- (c) sending it by post to his proper address; or
- (d) transmitting it to him by FAX or other means of electronic data transmission in accordance with rule 4.

(2) For the purposes of this rule and rule 4, the reference to a person’s proper address shall be to such address determined in accordance with Schedule 1.

(3) Paragraph (4) applies to the service of any notice or other document on the person to whom the proceedings relate, where that person has appointed a legal adviser to act in connection with the conduct of those proceedings and—

- (a) notice has been served in accordance with rule 19(5); and

- (b) no notice of the revocation of that appointment has been served in accordance with rule 19(6).
- (4) Where this paragraph applies any notice or other document shall be served on the person to whom the proceedings relate by—
 - (a) delivering it to his legal adviser;
 - (b) leaving it at the address notified under rule 19(5);
 - (c) sending it by post to his legal adviser to the address notified under rule 19(5); or
 - (d) transmitting it to his legal adviser by FAX or other means of electronic data transmission in accordance with rule 4.
- (5) Paragraph (6) applies to the service of any notice or other document on the person to whom the proceedings relate in any case not falling within paragraph (3).
- (6) Where this paragraph applies and without prejudice to paragraph (1), any notice or other document may be served on the person to whom the proceedings relate by—
 - (a) delivering it to the commanding officer;
 - (b) leaving it at the commanding officer's proper address;
 - (c) sending it by post to the commanding officer at his proper address; or
 - (d) transmitting it to the commanding officer by FAX or other means of electronic data transmission in accordance with rule 4.
- (7) In these Rules, "FAX" means the making of a facsimile copy of a document by the transmission of electronic signals.

Service by FAX or other means of electronic data transmission

- 4.—(1) A document may be transmitted by FAX to a person if it is transmitted—
 - (a) where the person is the legal adviser of the person to whom the proceedings relate, to the FAX number of any FAX machine at the address notified in accordance with rule 19(5); and
 - (b) in any other case, to the FAX number of any FAX machine at his proper address.
- (2) Paragraph (1) shall not apply if the person concerned has indicated in writing that he is not willing to regard a document as having been duly served on him if it is transmitted to a specified FAX number falling within that paragraph.
- (3) In paragraph (1), the reference to a FAX machine is to any machine which is capable of receiving documents transmitted by FAX.
- (4) A document may be transmitted by FAX where the person to be served has indicated in writing to the person serving the document that he is willing to regard a document as having been duly served on him if it is transmitted to a specified FAX number and the document is transmitted to that number.
- (5) Paragraph (4) shall apply with appropriate modification to a transmission of electronic data other than by FAX as it applies to a transmission by FAX.
- (6) In paragraph (4), the reference to the person to be served is—
 - (a) in a case falling within rule 3(4)(d), a reference to the legal adviser appointed by the person to whom the proceedings relate; and
 - (b) in a case falling within rule 3(6)(d), a reference to the commanding officer.
- (7) Where a document is transmitted by FAX in accordance with this rule, the person to whom the document is addressed shall be specified in the FAX.

Substituted service

5.—(1) Where, in any case not falling within rule 3(3)—

- (a) a notice or other document is required under these Rules to be served by the person to whom the proceedings relate on a person other than the commanding officer; and
- (b) the person to whom the proceedings relate is in military custody,

the requirement shall be satisfied by serving the notice or other document on the commanding officer together with a written request that he serve it on the person on whom under these Rules the document is required to be served.

(2) Where a notice or other document is served on the commanding officer in accordance with paragraph (1), he shall serve that document on the person specified in the written request.

Appointment of court administration officer

6.—(1) There shall be a court administration officer, who shall be a person appointed by the Defence Council for the purpose of discharging such administrative functions as shall be provided under these Rules.

(2) The Defence Council may appoint persons to be assistant court administration officers for the purposes of discharging the functions of the relevant court administration officer when so directed by the court administration officer.

Appointment of court officials

7. The relevant court administration officer may at any time appoint a person or persons to act as—

- (a) court recorder;
- (b) interpreter,

at a hearing.