

SCHEDULE

Article 2

Application and Modification of the Act

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions applied</i>	<i>Modifications</i>
In section 16— subsection (1)	For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
subsections (2)–(5)	
In section 17— subsection (1)	For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
subsections (2)–(4)	
Section 18	
In section 19— subsection (1)	For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
subsections (2)–(6)	
In section 20— subsections (1)–(4)	
subsection (5)	The words “and, if it is a magistrates’ court, must cause them to be entered in the register of its proceedings” shall be omitted.
subsection (6)	For the words “Criminal Procedure Rules” there shall be substituted the words “Rules of court”.
In section 21— subsection (1)	In paragraph (a), for the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
	In paragraph (b)— After the words “relate is” there shall be inserted the words “an offence under either section 70 of the Army Act 1955 or of the Air Force Act 1955, or section 42 of the Naval Discipline Act 1957, of which the corresponding civil offence (within the meaning of those Acts) is”(1).
subsection (2)	For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.

(1) Army Act 1955 (c. 18); Air Force Act 1955 (c. 19); Naval Discipline Act 1957 (c. 53).

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subsections (3)–(9)

In section 22—

subsection (1)

In paragraph (a), for the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.

In paragraph (b)—

After the words “relate is” there shall be inserted the words “an offence under either section 70 of the Army Act 1955 or of the Air Force Act 1955, or section 42 of the Naval Discipline Act 1957, of which the corresponding civil offence (within the meaning of those Acts) is”.

subsection (2)

In section 23—

subsection (1)

subsection (2)

For paragraph (a) there shall be substituted the following paragraph:

“(a) the judges;”.

subsection (3)

In section 24—

subsections (1)–(4)

subsection (8)

Section 25

Section 26

In section 27—

subsections (1)–(3)

subsection (4)

In paragraph (b), for the words “Criminal Procedure Rules” there shall be substituted the words “rules of court”.

subsections (5)–(9)

subsection (11)

In section 29—

subsections (1) and (2)

subsection (3)

For the words “Criminal Procedure Rules” there shall be substituted the words “rules of court”.

In paragraph (a), for the words “judge or justices (or both)” there shall be substituted the word “judges”.

In paragraph (a), the word “and” shall be omitted.

Paragraph (b) shall be omitted.

subsection (4)

subsection (5)

For the words “Criminal Procedure Rules” there shall be substituted the words “rules of court”.

subsections (6) and (7)

Section 30

In section 31—

subsection (1)

For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.

subsections (2)–(4)

subsection (5)

For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.

subsections (6)–(8)

Section 33

Section 34

For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.

In section 35—

subsection (1)

For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.

subsection (2)

subsection (3)

For the words “The offences to which this section applies are—” there shall be substituted the words “This section applies to any offence under either section 70 of the Army Act 1955 or of the Air Force Act 1955, or section 42 of the Naval Discipline Act 1957, of which the corresponding civil offence (within the meaning of those Acts) is—”.

In paragraph (a), for the word “any” there shall be substituted the word “an”.

subsections (4) and (5)

In section 36—

subsection (1)

For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.

subsections (2)–(4)

In section 37—

subsections (1)–(3)

subsection (4)

The words “and, if it is a magistrates’ court, must cause them to be entered in the register of its proceedings” shall be omitted.

subsection (5)

For the words “Criminal Procedure Rules” there shall be substituted the words “rules of court”.

In section 38—

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- subsections (1)–(3)
- subsection (4) The word “qualified” shall be omitted.
- subsection (5)
- subsections (6) and (7) For the words “Criminal Procedure Rules” there shall be substituted the words “Rules of court”.
- subsection (8) In paragraph (a), the word “and” shall be omitted.
- Paragraph (b) shall be omitted.
- In section 41—
- subsection (1)
- subsection (2) In paragraph (b), the words “the jury or (as the case may be)” shall be omitted.
- subsections (3)–(8)
- In section 42—
- subsection (1)
- subsection (3) Paragraphs (a), (b) and (c) shall be omitted.
- In section 43—
- subsection (1)
- subsection (2) The words “(but in the absence of the jury, if there is one)” shall be omitted.
- The words “and, if it is a magistrates’ court, must cause those matters to be entered in the register of its proceedings” shall be omitted.
- subsection (3) For the words “Criminal Procedure Rules” there shall be substituted the words “Rules of court”.
- Section 53 For the words “criminal proceedings” wherever they appear there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
- In section 54—
- subsection (1) For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
- subsections (2) and (3)
- subsection (5)
- In section 55—
- subsection (1) For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
- subsections (2)–(4)
- subsections (6)–(8)
- In section 56—

- subsections (1)–(3) For the words “criminal proceedings” wherever they appear there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
- subsection (4) For the words “A court in criminal proceedings” there shall be substituted the words “The Courts-Martial Appeal Court”.
- In section 57—
- subsection (1) For the words “criminal proceedings” there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
- subsections (2) and (3)
- In section 62—
- subsection (1) After the word “any” there shall be inserted the words “offence under either section 70 of the Army Act 1955 or of the Air Force Act 1955, or section 42 of the Naval Discipline Act 1957, of which the corresponding civil offence (within the meaning of those Acts) is an”.
- subsection (2)
- In section 63—
- subsection (1) For the words “criminal proceedings” wherever they appear there shall be substituted the words “proceedings before the Courts-Martial Appeal Court”.
- For the definition of “court” there shall be substituted the following definition—
- ““court” means the Courts-Martial Appeal Court;”.
- For the definition of “legal representative” shall be substituted the following definition—
- ““legal representative” means any person who—
- (i) is an authorised advocate or authorised litigator (as defined by section 119(1) of the Courts and Legal Services Act 1990);
 - (ii) is an advocate or solicitor in Scotland;
 - (iii) is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland; or
 - (iv) has in any Commonwealth country rights and duties similar to those of a barrister or solicitor in England and Wales, and is subject to punishment or disability for breach of professional rules;”.
- subsection (2)
- In section 65—
- subsection (1) For the words “Criminal Procedure Rules” there shall be substituted the words “Rules of court”.
- subsection (2) For subsection (2) there shall be inserted the following subsection—
- “(2) In this Act “rules of court” means rules made under section 49 of the Courts-Martial (Appeals) Act 1968 or as otherwise provided for in this Act.”.

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subsection (3)