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STATUTORY INSTRUMENTS

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**2007 No. 3444**

**The Courts-Martial (Royal Air Force) Rules 2007**

**PART 6**

**PRELIMINARY PROCEEDINGS**

**Preliminary hearing without notice to the accused**

**38.**—(1) Where in the public interest it is desirable to seek a direction from the judge advocate without giving notice to the accused, the prosecuting authority may apply for a preliminary hearing in accordance with this rule.

(2) Where the prosecuting authority applies for a preliminary hearing under this rule, the judge advocate shall determine whether in the interests of justice such a hearing is necessary.

(3) Where the judge advocate grants the prosecuting authority's application under this rule, he shall direct that the preliminary hearing shall proceed without notice to the accused and without the participation of the accused.

(4) A preliminary hearing under this rule shall be before the judge advocate in chambers.