

SCHEDULES

SCHEDULE 3

STANDING CIVILIAN COURTS

Procedure etc. of court

- 12 (1) The Secretary of State may by order made by statutory instrument make provision with respect to all or any of the following matters, namely—
- (a) the trial of offences by Standing Civilian Courts ;
 - (b) the awarding of sentences by such courts ;
 - (c) the review of findings and sentences of such courts ; and
 - (d) appeals from such courts,
- and to such other matters relating to Standing Civilian Courts as he considers necessary or expedient.
- (2) An order under this paragraph shall confer a right on a person charged to elect to be tried by court-martial instead of by a Standing Civilian Court.
- (3) Any such order may apply, with or without exceptions or modifications, any provision of the Army Act 1955 or the Air Force Act 1955, and any enactment not contained in either of those Acts but relating to courts-martial.
- (4) Without prejudice to the generality of sub-paragraphs (1) and (3) above, an order under this paragraph may make provision with respect to all or any of the following matters, namely—
- (a) the procedure to be observed in the bringing of charges before a Standing Civilian Court (including the manner of election for trial by court-martial) ;
 - (b) requiring any person appointed a magistrate under subsection (4) of section 6 above or a member of a panel under subsection (6) or (8) of that section to take an oath upon his appointment in a prescribed form and manner;
 - (c) the exercise of their functions by assessors and their rights in relation to trials at which they sit;
 - (d) the sittings of Standing Civilian Courts ;
 - (e) the procedure to be observed in trials before them ;
 - (f) the representation of the accused at such trials;
 - (g) procuring the attendance of witnesses;
 - (h) empowering the court and the directing officer in such cases and to such extent as may be prescribed to amend a charge which is being tried by the court;
 - (j) empowering the court, where the particulars proved or admitted at a trial differ from those alleged in the charge but are sufficient to support a finding of guilty of the like offence as that charged, to make a finding of guilty subject to exceptions or variations specified in the finding if it appears to the

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- court that the difference is not so material as to have prejudiced the accused in his defence ;
- (k) determining the cases in which and the extent to which the court, in sentencing any person for an offence, may take into consideration at his request other offences against the Army Act 1955 or the Air Force Act 1955 committed by him ;
 - (l) applying section 99A of the Army Act 1955 (proof at courts-martial by written statement), section 1AAA of the Perjury Act (Northern Ireland) 1946 (false written statements at courts-martial) and sections 10 and 11 of the Criminal Justice Act 1967 (formal admission and notice of alibi) subject to any exceptions or modifications that appear to the Secretary of State to be necessary or proper for the purpose of the operation of those sections in relation to proceedings before Standing Civilian Courts ;
 - (m) directing that the powers conferred by section 7 of the Bankers' Books Evidence Act 1879 (which enables orders to be made for the inspection of bankers' books for the purposes of legal proceedings) may be exercised, for the purposes of any trial before a Standing Civilian Court, either by the court or the directing officer ;
 - (n) the transfer of cases to courts-martial;
 - (o) the procedure to be observed in bringing appeals from Standing Civilian Courts ;
 - (p) the forms of orders and other documents to be made for the purposes of any provision of this Schedule or of the order ; and
 - (q) any matter which by this Schedule is required or authorised to be prescribed.
- (5) The Secretary of State shall secure that any power to amend charges conferred by an order under this paragraph shall not be exercisable in circumstances substantially different from those in which charges which are being tried by court-martial may be amended.
- (6) The power to make an order conferred by this paragraph includes power to make provision for specified cases or classes of cases, and to make different provision for different classes of cases, and for the purposes of any such order classes of cases may be defined by reference to any circumstances specified in the order.
- (7) An order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.