
STATUTORY INSTRUMENTS

1993 No. 244

DEFENCE

The Criminal Justice Act 1988 (Application to Service Courts) (Evidence through Television Links) Order 1993

Made - - - - *11th February 1993*
Laid before Parliament *12th February 1993*
Coming into force - - *8th March 1993*

The Secretary of State, in exercise of the powers conferred upon him by paragraph 8 of Schedule 13 to the Criminal Justice Act 1988(1) (the 1988 Act), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Criminal Justice Act 1988 (Application to Service Courts) (Evidence through Television Links) Order 1993 and shall come into force on 8th March 1993.

Application of section 32 of the Criminal Justice Act 1988

2. Sub-sections (1), (2)(a) to (c) and (3) of section 32 of the 1988 Act(2) shall have effect in relation to proceedings before Service courts subject to the modifications for which paragraph 8(2) of Schedule 13 to that Act provides, and to the further modification that in sub-section (1) of section 32, for paragraph (b) there shall be substituted the following paragraph—

“(b) the witness—

- (i) in the case of an offence to which section 32(2)(a) or (b) below applies, or which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within section 32(2)(a) or (b) below, is under fourteen years of age;
- (ii) in the case of an offence to which section 32(2)(c) below applies, or which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within section 32(2)(c) below, is under seventeen years of age.”

(1) 1988 c. 33; by virtue of section 172(7) to (9), Schedule 13 extends to any place to which the Army Act 1955 (c. 18); the Air Force Act 1955 (c. 19); the Naval Discipline Act 1957 (c. 53); the Courts-Martial (Appeals) Act 1968 (c. 20) and the Armed Forces Act 1976 (c. 52) extend.
(2) Section 32 was amended by the Criminal Justice Act 1991 (c. 53), section 55.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

11th February 1993

Malcolm Rifkind
One of Her Majesty's Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Order)

Section 146 of and Schedule 13 to the Criminal Justice Act 1988 (c. 33) (the 1988 Act) deal with evidence before Service courts, which by virtue of paragraph 1 of Schedule 13 means—

- (a) courts-martial constituted under the Army Act 1955 (c. 18) or the Air Force Act 1955 (c. 19);
- (b) courts-martial constituted under the Naval Discipline Act 1957 (c. 53) and disciplinary courts constituted under section 50 of that Act;
- (c) the Courts-Martial Appeal Court; and
- (d) Standing Civilian Courts.

This Order applies to proceedings before Service courts provisions of sub-sections (1) to (3) of section 32 of the 1988 Act, relating to the giving of evidence by witnesses other than the accused through live television links in the circumstances set out in those subsections and with the modifications consequent upon the making of this Order for which sub-paragraph (2) of paragraph 8 of Schedule 13 provides.

Article 2 of this Order further modifies the provisions of sub-section (1) of section 32 to bring the upper age limits for child witnesses into line with those of sub-section (6) of section 32.

Procedural instruments under paragraph 8(5) of Schedule 13 to the 1988 Act will make appropriate rules of procedure for Service courts.