## STATUTORY INSTRUMENTS

# 1997 No. 170

# **DEFENCE**

# The Courts-Martial (Royal Navy) Rules 1997

Made - - - - 12th February 1997

Laid before Parliament 14th February 1997

Coming into force 1st April 1997

# THE COURTS-MARTIAL (ROYAL NAVY) RULES 1997

#### PART I

# **PRELIMINARY**

- 1. Citation and commencement
- 2. Interpretation
- 3. Service on an accused

## PART II

# PROSECUTION OF OFFENCES

- 4. Referring a case to the prosecuting authority
- 5. Charge sheet
- 6. Charges and joinder
- 7. Notifying the accused's commanding officer
- 8. Notifying the court administration officer
- 9. Appointment of judge advocate
- 10. Notification of trial
- 11. Discontinuing proceedings before trial
- 12. Amending charges and additional charges before trial

# PART III

# **GENERAL MATTERS**

- 13. Conduct of the defence
- 14. Ordering the court
- 15. Ineligibility for membership of courts-martial
- 16. Appointment of court officials
- 17. Delegation of the court administration officer's functions

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- 18. Additional evidence before trial
- 19. Witnesses not called by the prosecutor
- 20. Transcript of interview
- 21. Witness summons

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#### HEARING FOR DIRECTIONS

- 22. Convening a hearing for directions
- 23. Hearing for directions in chambers
- 24. Substance of a hearing for directions

#### PART V

#### PROCEEDINGS AT COURT-MARTIAL

- 25. Pre-trial hearing
- 26. Challenges and oaths at a pre-trial hearing
- 27. Substance of a pre-trial hearing
- 28. President and members
- 29. The judge advocate
- 30. Judge advocate sitting alone
- 31. Challenges by the accused
- 32. Oaths and affirmations
- 33. Administration of oaths and affirmations
- 34. Commencement of the trial
- 35. Severance
- 36. Plea to the charge
- 37. Guilty plea
- 38. Alternative charges
- 39. Additional charges during trial
- 40. Changes to the charge sheet during trial
- 41. Changes to the charge sheet by the court
- 42. Procedure after guilty plea
- 43. Mixed pleas
- 44. Dispute on facts after guilty plea
- 45. Change of plea
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- 47. Additional evidence during trial
- 48. Expert evidence
- 49. Exhibits
- 50. Presence of witnesses
- 51. Evidence through television link
- 52. Video recordings of testimony from child witnesses
- 53. Examination of witnesses
- 54. Questioning by the court
- 55. Recall of witnesses
- 56. Submission of no case to answer
- 57. Finding of not guilty before the conclusion of the defence
- 58. The case for the defence
- 59. Witnesses for the defence
- 60. Further evidence
- 61. Closing addresses
- 62. Summing up

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- 63. Special finding
- 64. Deliberation on finding
- 65. Record of finding

#### PART VI

#### **SENTENCING**

- 66. Pre-sentence report
- 67. Evidence before sentencing
- 68. Evidence on behalf of the accused
- 69. Offences taken into consideration
- 70. Deliberation on sentence
- 71. Postponement of deliberation on sentence
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- 73. Conclusion of the trial

#### PART VII

#### REVIEW OF COURT-MARTIAL FINDING AND SENTENCE

- 74. The petition
- 75. Decision on review

#### PART VIII

## **MISCELLANEOUS**

- 76. Bankers' Books Evidence Act 1879
- 77. Record of proceedings
- 78. Circumstances not provided for
- 79. Revocation and savings Signature

## SCHEDULE 1 — CHARGES AND JOINDER

PART I — RULES

- 1. (1) A charge sheet shall be in the form specified...
- 2. (1) Subject only to the provisions of paragraph 3 of...
- 3. Where the specific offence with which an accused person is...
- 4. Where an offence created by or under an enactment states...
- 5. It shall be sufficient in a charge sheet to describe...
- 6. (1) Subject to sub-paragraphs (2) and (3) below, charges for...

PART II — FORM

SCHEDULE 2 — FORMS

## SCHEDULE 3 — HEARING FOR DIRECTIONS

#### SCHEDULE 4 — OATHS AND AFFIRMATIONS

PART I — MANNER OF ADMINISTERING OATHS AND AFFIRMATIONS

- 1. An oath may be administered by the person swearing the...
- 2. A Scottish oath may be administered by the person swearing...
- 3. A young person making a promise or a person making...

PART II — FORMS OF OATH

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- 4. President and members other than the judge advocate
- 5. Judge advocate
- 6. Clerk of the court and person under instruction
- 7. Interpreter
- 8. Witness
- 9. Form for a young person

PART III — FORM OF SCOTTISH OATHS

- The form of Scottish oath shall in each case be...
   PART IV FORM OF SOLEMN AFFIRMATIONS
- 11. The form of affirmation shall in each case be the...

**Explanatory Note**