
STATUTORY INSTRUMENTS

2009 No. 1098

DEFENCE

The Armed Forces (Custody Proceedings) Rules 2009

Made - - - - - *28th April 2009*
Laid before Parliament *30th April 2009*
Coming into force *31st October 2009*

THE ARMED FORCES (CUSTODY PROCEEDINGS) RULES 2009

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

SERVICE OF DOCUMENTS

3. Interpretation of Part 2
4. Service on a person to whom proceedings relate
5. Service on the court administration officer
6. Service on the Director
7. Service on other individuals
8. Service by another method
9. Service by commanding officer
10. Service by fax or electronic means
11. Date of service
12. Proof of service

PART 3

PROCEEDINGS: GENERAL

13. The court administration officer
14. Arranging a hearing
15. Notification of proceedings
16. Live links
17. Proceedings in absence of a person to whom the proceedings relate

Status: This is the original version (as it was originally made).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

18. Legal representation
19. Witnesses
20. Interpreters
21. Oaths and affirmations
22. Record of proceedings
23. Circumstances not provided for

PART 4

NOTIFICATIONS

24. Notification of application for an extension of custody without charge
25. Notification that accused is being kept in custody after charge
26. Notification that accused has been arrested and taken into custody after charge
27. Request by the commanding officer for a review
28. Written notification
29. Application for variation or discharge of a requirement imposed under section 107(3)

PART 5

REVIEWS

30. Review dates
31. Requirement for a hearing
32. Written representations
33. Notification of hearing for the purposes of carrying out a review
34. Decisions on reviews carried out without a hearing

PART 6

HEARINGS

35. Procedure at the hearing
36. Adjournments
37. Presence of witnesses
38. Privileges and immunities
39. Decision of the judge advocate

PART 7

TRANSITORY AND TRANSITIONAL PROVISIONS

40. Supreme Court of Northern Ireland
41. Transitional
Signature

SCHEDULE 1 — WITNESSES AND SUMMONSES

1. Notification of witnesses
2. Issue of witness summons on application to a judge advocate
3. Application for witness summons to produce a document, etc: judge advocate's assessment of relevance and confidentiality
4. Issue of witness summons of judge advocate's own motion
5. Application to withdraw a witness summons

6. Oral applications

SCHEDULE 2 — OATHS AND AFFIRMATIONS

SCHEDULE 3 — TRANSITIONAL PROVISIONS

PART 1 — GENERAL

1. Interpretation
 2. Record of custody proceedings
- PART 2 — STEPS TAKEN BEFORE COMMENCEMENT
3. Service of documents
 4. Notifications
 5. Court administration officers
 6. Legal representatives
 7. Directions etc

Explanatory Note