
STATUTORY INSTRUMENTS

2009 No. 1110

**The Armed Forces (Warrants of Arrest
for Service Offences) Rules 2009**

PART 4

PROCEEDINGS: GENERAL

Specification of judge advocate

10. As soon as practicable after receipt of an application, the court administration officer shall request the Judge Advocate General to specify a judge advocate to conduct proceedings in relation to that application.

Requirement for a hearing

- 11.**—(1) An application under section 313 shall be determined at a hearing.
(2) An application under section 317 may be determined at a hearing.

Notification of proceedings

12. The court administration officer must serve notice of any time and place appointed for the commencement or resumption of any proceedings on—

- (a) the applicant;
- (b) any person whose details have been given in accordance with rule [8\(2\)\(b\)](#); and
- (c) any such other person as the Judge Advocate General or the judge advocate may direct.

Live links

13.—(1) Any person may (and, if in service custody, must) attend any proceedings by live link, if a judge advocate so directs.

(2) A person who attends proceedings by live link, and could give oral evidence in the proceedings if he were in the place where the proceedings are being held, may give evidence by live link.

(3) A direction under this rule may be given by any judge advocate.

(4) Where a direction is given under this rule in relation to a witness, the witness may not give evidence otherwise than by live link without the leave of the judge advocate.

(5) A judge advocate may give a direction under this rule, or give permission for the purposes of paragraph [\(4\)](#)—

- (a) on an application by a party to the proceedings; or
- (b) of his own motion.

Record of proceedings

14.—(1) The relevant information shall be retained by the court administration officer for six years from—

- (a) the date of execution of the warrant, or
- (b) the final determination of any related proceedings before an officer or service court,

whichever is the later.

(2) For the purposes of this rule—

- (a) “relevant information” means a copy of—
 - (i) the information provided in writing in accordance with rule 8;
 - (ii) the record of any hearing or, where one has been made, a transcription of the hearing;
 - (iii) the written record of the decision made by the judge advocate with respect to the application and the reasons for that decision;
 - (iv) any warrant issued; and
 - (v) any notification that a warrant has been executed; and
- (b) “related proceedings” means any proceedings before an officer or service court arising from an allegation which indicates, or circumstances which indicate, that the relevant person has or may have committed a service offence to which the application referred.

Interpreters

15.—(1) The court administration officer may appoint a person to act as interpreter for the purposes of any proceedings.

(2) Before an interpreter begins to act, an oath must be administered to him.

(3) Before an interpreter is sworn, his name must be read out and any party to the proceedings may object to him on any reasonable ground, and, if the judge advocate upholds any such objection, the interpreter shall not be sworn.

Oaths and affirmations

16.—(1) This rule applies where under these Rules an oath is required to be administered to a person.

(2) Sections 1 and 3 to 6 of the Oaths Act 1978(1) shall apply, as modified by paragraph (3), as they would apply if the person were required to take an oath in England and Wales.

(3) Where section 1 or 6 of that Act applies by virtue of this rule, the reference in that section to the words of the oath prescribed by law is to be read as a reference to the words prescribed by Schedule 1 for a person of the class to which the person belongs.

Legal representation

17.—(1) The applicant shall have the right to be legally represented at a hearing.

(2) If the applicant requires a legal representative, he shall be represented by the Director.

Circumstances not provided for

18. Subject to any other enactment (including any other provision of these Rules), the judge advocate shall ensure that proceedings are conducted—

(1) 1978 c. 19.

- (a) in such a way as appears to him most closely to resemble the way in which comparable proceedings of a magistrates' court in England and Wales would be conducted in comparable circumstances; and
- (b) if he is unable to determine how comparable proceedings of a magistrates' court in England and Wales would be conducted in comparable circumstances, in such a way as appears to him to be in the interests of justice.