
STATUTORY INSTRUMENTS

2009 No. 1216

**The Armed Forces (Summary Hearing and Activation of
Suspended Sentences of Service Detention) Rules 2009**

PART 2

Summary Hearings

Evidence adduced by the commanding officer

15.—(1) Subject to paragraph (2), the commanding officer may not adduce the evidence of a witness unless—

- (a) that witness has made a written statement;
 - (b) a copy of the statement has been provided to the accused in accordance with rule 8(1)(c)(iii); and
 - (c) where the witness is to produce an exhibit, the commanding officer has complied with rules 8(1)(c)(iv) and (vii).
- (2) Where evidence given or adduced by the accused gives rise to an issue of fact—
- (a) which could not have been foreseen by the commanding officer, and
 - (b) in relation to which no witness whose evidence may be adduced under paragraph (1) can give evidence,

the commanding officer may adduce the evidence of a witness who can give evidence in relation to the issue.

- (3) Where the commanding officer adduces the evidence of a witness—
- (a) if the witness has made a statement it shall be read to the accused by the commanding officer or a person authorised by him;
 - (b) the commanding officer may question the witness before giving the accused an opportunity to do so;
 - (c) the commanding officer shall give the accused an opportunity to question the witness;
 - (d) the commanding officer may question the witness after the accused has had the opportunity to do so.