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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**The Armed Forces (Court Martial) Rules 2009**

**PART 19**

**RESTRICTIONS ON PUBLIC ACCESS AND REPORTING**

**Proceedings in camera**

**152.**—(1) A judge advocate may order that any proceedings, or any part of any proceedings, be held in camera, if satisfied that the order is necessary or expedient in the interests of the administration of justice.

(2) Without prejudice to the generality of paragraph (1), a judge advocate may conclude that it is necessary or expedient in the interests of the administration of justice to make an order under this rule on the ground that, if no order were made, the Director would be—

- (a) likely to abandon the proceedings, or
- (b) unlikely to bring comparable proceedings in future,

lest information useful to an enemy be disclosed, or national security endangered.

(3) An order under this rule may be made only on oral application by a party to the proceedings, and such an application shall be made in camera unless the judge advocate otherwise directs.

(4) Where an order is made under this rule—

- (a) the court administration officer shall immediately cause a copy of the order to be prominently displayed at the place appointed for the proceedings; and
- (b) the proceedings (or the part of the proceedings as respects which the order is made) shall not commence until—
  - (i) at least 24 hours after the making of the order; and
  - (ii) if an application for leave to appeal against the order has been made, the dismissal of the application or the determination or abandonment of the appeal (as the case may be).

(5) Section 158 (open court) shall not apply in relation to—

- (a) any proceedings, or any part of any proceedings, as respects which an order under this rule has been made; or
- (b) unless the judge advocate hearing the application otherwise directs, the hearing of an application for such an order.

**Withholding of matter from the public in proceedings before the court**

**153.** The court may give leave for any name or other matter given in evidence in proceedings to be withheld from the public.

## Appeals

- 154.** A person aggrieved may appeal to the Appeal Court, with the leave of that court, against—
- (a) any order or direction restricting the access of the public to the whole or any part of any proceedings; and
  - (b) any order or direction restricting the publication of any report of the whole or any part of a trial or any such ancillary proceedings.