

## SCHEDULES

### SCHEDULE 2

Section 26.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Removal of offender to United Kingdom before confirmation of sentence*

- 1 In section 71AA(2) of each of the 1955 Acts (young service offenders: custodial orders) and in section 127(2) of each of those Acts (country in which sentence of imprisonment or detention to be served) the words “after the confirmation of the sentence is completed” shall be omitted.

##### *Power to impose imprisonment for default in payment of fines*

- 2 In section 71B of each of the 1955 Acts and in section 43B of the 1957 Act (power to impose imprisonment for default in payment of fines), in subsection (2) (which refers to the Table in section 31(3A) of the Powers of Criminal Courts Act 1973) for the words from “from time to time” to “the Magistrates' Courts Act 1980” there shall be substituted “for the time being in force”.

##### *Evidence of child of tender years*

- 3 (1) In section 93 of each of the 1955 Acts (administration of oaths)—
- (a) in the proviso to subsection (2) (which relates to the evidence of a child of tender years and the corroboration thereof) the words from “so however” to the end of the proviso shall be omitted; and
  - (b) after subsection (2) there shall be inserted the following subsection—

“(2A) Unsworn evidence admitted by virtue of the proviso to subsection (2) above may corroborate evidence (sworn or unsworn) given by any other person.”
- (2) In section 60 of the 1957 Act (administration of oaths)—
- (a) the proviso to subsection (3) (which relates to the corroboration of evidence given by a child of tender years) shall be omitted; and
  - (b) after that subsection there shall be inserted the following subsection—

“(3A) Unsworn evidence admitted by virtue of subsection (3) above may corroborate evidence (sworn or unsworn) given by any other person.”

##### *Rules of evidence*

- 4 (1) In section 99 of each of the 1955 Acts (rules of evidence), in subsection (1) after the words “subject to section 99A below” there shall be inserted “to Schedule 13 to the Criminal Justice Act 1988 (evidence before courts-martial etc.)”.

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- (2) In the Armed Forces Act 1976, in Schedule 3 (Standing Civilian Courts), in paragraph 11 (rules of evidence) after the words “paragraph 12 below” there shall be inserted “and to Schedule 13 to the Criminal Justice Act 1988 (evidence before courts-martial etc.)”.

*Finality of trials*

- 5 (1) Each of the 1955 Acts shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 133 (jurisdiction of civil courts), in subsection (1) for the words “an offence substantially the same as that offence” there shall be substituted “the same, or substantially the same offence”.
- (3) In section 134 (persons not to be tried under those Acts for offences already disposed of), in subsection (1) for the words “that offence” there shall be substituted “the same, or substantially the same offence”.

*Enactments requiring fiat of Attorney General etc. in connection with proceedings*

- 6 (1) In section 204A of each of the 1955 Acts (fiat of Attorney General etc. not required in connection with proceedings under the Act, other than subsections (1) and (3) of section 132) for the words “subsections (1) and (3)” there shall be substituted “subsection (3A)”.
- (2) In section 129A of the 1957 Act (fiat of Attorney General etc. not required in connection with proceedings under the Act, other than section 52(3)(b)) for the words “section 52(3)(b)” there shall be substituted “section 52(3)”.

*Recognizance by parent or guardian on conviction of civilian under 17*

- 7 In Schedule 4A to the 1957 Act (powers of court on trial of civilian) in paragraph 14(1) (order requiring parent or guardian to enter into a recognizance in respect of person under 17 found guilty of an offence) for the amount specified as the maximum amount of the recognizance there shall be substituted “£1,000”.

*Power of Courts-Martial Appeal Court to order retrial*

- 8 In section 19 of the Courts-Martial (Appeals) Act 1968 (power to authorise retrial in certain cases), in subsection (1) the words from “the appeal against conviction” to “and” shall be omitted.

*Compensation orders*

- 9 (1) In section 38 of the Powers of Criminal Courts Act 1973 (effect of compensation order on subsequent award of damages in civil proceedings)—
- (a) in subsection (1) after the words “compensation order” there shall be inserted “or a service compensation order or award”;
- (b) in subsection (2) after the word “order” there shall be inserted “or award”;
- and
- (c) at the end of the section there shall be added the following subsection—
- “(3) In this section a “service compensation order or award” means—

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- (a) an order requiring the payment of compensation under paragraph 11 of Schedule 5A to the Army Act 1955, of Schedule 5A to the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957; or
  - (b) an award of stoppages payable by way of compensation under any of those Acts.”
- (2) In section 67 of the Criminal Justice (Scotland) Act 1980 (effect of compensation order on subsequent award of damages in civil proceedings)—
  - (a) in subsection (1) after the words “compensation order” there shall be inserted “or a service compensation order or award”;
  - (b) in subsections (2) and (3) after the word “order”, in every place where it occurs, there shall be inserted “or award”; and
  - (c) at the end of the section there shall be added the following subsection—
    - “(4) In this section a “service compensation order or award” means—
      - (a) an order requiring the payment of compensation under paragraph 11 of Schedule 5A to the Army Act 1955, of Schedule 5A to the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957; or
      - (b) an award of stoppages payable by way of compensation under any of those Acts.”
- (3) In Article 5 of the Criminal Justice (Northern Ireland) Order 1980 (effect of compensation order on subsequent award of damages in civil proceedings)—
  - (a) in paragraph (1) after the words “compensation order” there shall be inserted “or a service compensation order or award”;
  - (b) in paragraphs (2) and (3) after the word “order”, in every place where it occurs, there shall be inserted “or award”; and
  - (c) at the end of the Article there shall be added the following paragraph—
    - “(4) In this Article a “service compensation order or award” means—
      - (a) an order requiring the payment of compensation under paragraph 11 of Schedule 5A to the Army Act 1955, of Schedule 5A to the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957; or
      - (b) an award of stoppages payable by way of compensation under any of those Acts.”
- (4) In Schedule 7 to the Criminal Justice Act 1988 (compensation payable by Criminal Injuries Compensation Board), in paragraph 13 (reduction of compensation by reference to damages etc.) at the end of sub-paragraph (b) there shall be inserted—
  - “ or
  - (c) any order under paragraph 11 (compensation orders) of Schedule 5A to the Army Act 1955, of Schedule 5A to the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957; or
  - (d) any award of stoppages under any of the Acts referred to in sub-paragraph (c) above”.

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*Powers of Standing Civilian Courts*

- 10 In section 8 of the Armed Forces Act 1976 (powers of Standing Civilian Courts in relation to civilians), in subsection (1) for the words “and to section 71A” there shall be substituted “and to the restrictions imposed by section 71A”.

*Removal or amendment of spent or obsolete expressions*

- 11 (1) In section 131 of each of the 1955 Acts (trial and punishment of service offences notwithstanding offender ceasing to be subject to military or air-force law), in subsection (1) the word “reconsideration” shall be omitted.
- (2) In section 145 of each of the 1955 Acts (forfeiture of pay for absence from duty), in subsection (1), in paragraph (b)—
- (a) the words “corrective training, preventive detention” shall be omitted; and
  - (b) for the words from “an order or sentence” to the end of the paragraph there shall be substituted—
    - “(i) an order or sentence of a civil court;
    - (ii) a revocation of a licence under section 62 of the Criminal Justice Act 1967; or
    - (iii) an order of recall under section 23 of the Prison Act (Northern Ireland) 1953.”
- (3) In the 1957 Act, in section 129 (jurisdiction of civil courts), in subsection (2) the words “corrective training, preventive detention” shall be omitted.
- (4) In the Reserve Forces Act 1980, in Schedule 6 (general provisions as to evidence in proceedings under Parts IV and V of that Act) paragraph 1(7A) shall be omitted.