



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 11

#### THE SERVICE CIVILIAN COURT

##### *SCC rules*

#### 288 SCC rules

- (1) The Secretary of State may by rules (referred to in this Act as “SCC rules”) make provision with respect to the Service Civilian Court.
- (2) SCC rules may in particular make provision with respect to—
  - (a) sittings of the court, including the place of sitting and changes to the place of sitting;
  - (b) trials and other proceedings of the court;
  - (c) the practice and procedure of the court;
  - (d) evidence, including the admissibility of evidence;
  - (e) the representation of the defendant.
- (3) Without prejudice to the generality of subsections (1) and (2), SCC rules may make provision—
  - (a) as to oaths and affirmations for judge advocates, witnesses and other persons;
  - (b) as to objections to, and the replacement of, judge advocates;
  - (c) for procuring the attendance of witnesses and other persons and the production of documents and other things, including provision about—
    - (i) the payment of expenses to persons summoned to attend the court;
    - (ii) the issue by the court of warrants for the arrest of persons;
  - (d) as to the amendment of charges;
  - (e) for the taking into consideration, when sentencing an offender, of any other service offence committed by him;

*Status: Point in time view as at 13/11/2023.*

*Changes to legislation: Armed Forces Act 2006, Cross Heading: SCC rules is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- [<sup>F1</sup>(ea) for the variation or rescission by the court of a sentence passed by it, or an order under section 193 made by it, in a case where it appears to the court that it had no power to award such a sentence or (as the case may be) to make such an order;]
- (f) for the discharge of a court (including provision as to retrials and rehearings following discharge);
- (g) for the making and retention of records of proceedings of the court;
- (h) for the supply of copies of such records, including provision about the fees payable for the supply of such copies;
- (i) conferring functions in relation to the court on the court administration officer;
- (j) for the delegation by the court administration officer of any of his functions in relation to the court.
- (4) Provision that may be made by the rules by virtue of subsection (2)(d) includes provision applying, with or without modifications, any enactment (whenever passed) creating an offence in respect of statements admitted in evidence.
- (5) Provision that may be made by the rules by virtue of subsection (3)(c)(ii) includes provision—
- (a) conferring powers of arrest;
- (b) requiring any arrested person to be brought before the court;
- (c) authorising the keeping of persons in service custody, and the imposition of requirements on release from service custody (including provision applying section 107(5) and (6) with or without modifications).
- (6) SCC rules must secure that, after arraignment, charges may not be amended—
- (a) in circumstances substantially different from those in which charges may be amended in magistrates' courts in England and Wales; or
- (b) otherwise than subject to conditions which correspond, as nearly as circumstances permit, to those subject to which charges may be so amended.
- [<sup>F2</sup>(6A) Rules made by virtue of subsection (3)(ea) may make provision about the commencement of sentences or orders varied by the court (including provision conferring on the court a power to direct that a sentence is to take effect otherwise than as mentioned in section 289(1)).]
- (7) SCC rules may apply, with or without modifications, any enactment or subordinate legislation (whenever passed or made), including any provision made by or under this Act.

#### Textual Amendments

- F1** S. 288(3)(ea) inserted (1.5.2022 for specified purposes, 13.11.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), **ss. 6(a)**, 24(1); S.I. 2022/471, [reg. 2\(b\)](#); S.I. 2023/1102, [reg. 2](#)
- F2** S. 288(6A) inserted (1.5.2022 for specified purposes, 13.11.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), **ss. 6(b)**, 24(1); S.I. 2022/471, [reg. 2\(b\)](#); S.I. 2023/1102, [reg. 2](#)

#### Commencement Information

- I1** S. 288 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I2** S. 288 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

**Status:**

Point in time view as at 13/11/2023.

**Changes to legislation:**

Armed Forces Act 2006, Cross Heading: SCC rules is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.