

1984 No. 1671
DEFENCE
The Standing Civilian Courts Order (Amendment) Order 1984

<i>Made - - - -</i>	<i>17th October 1984</i>
<i>Laid before Parliament</i>	<i>29th October 1984</i>
<i>Coming into Operation</i>	<i>20th November 1984</i>

The Secretary of State, in exercise of the powers conferred on him by paragraph 12 of Schedule 3 to the Armed Forces Act 1976(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Standing Civilian Courts Order (Amendment) Order 1984 and shall come into operation on 20th November 1984.

Interpretation

2. In this Order the Principal Order means the Standing Civilian Courts Order 1977(b).

Amendment

3. The principal Order shall be further amended(c) by the substitution for Article 51(5) of the Principal Order of the following:—

“(5) A parent or guardian who is to be heard under this Article may—

- (a) give evidence on oath, in which case he shall be liable to be cross-examined by the prosecutor and to have questions put to him by the court, and otherwise to be treated as a witness in accordance with the provisions of the Act of 1976 and this Order;
- (b) call witnesses on his behalf, whether or not he gives evidence himself; and
- (c) address the court.”.

Dated this 17th day of October 1984

Michael Heseltine,
Secretary of State for Defence.

(a) 1976 c. 52. (b) S.I. 1977/88.
(c) The relevant amending instrument is S.I. 1983/716.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The amendment to Article 51 of the Principal Order abolishes the right of a service parent or guardian to make a statement without being sworn when being heard by a Standing Civilian Court which is considering exercising any of its powers to make an order or declaration against such parent or guardian under paragraphs 13 and 14 of Schedule 5A to both the Army Act 1955 (c. 18) and the Air Force Act 1955 (c. 19). This amendment to the Principal Order reflects, although it is not directly consequential upon, Section 72 of the Criminal Justice Act 1982 (c. 48) which took away a similar right of an accused to make an unsworn statement.

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