
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules further amend the Rules of Procedure (Army) Rules 1972. In addition to minor and drafting amendments, the amendments contained in the Schedule to the Rules make the following changes of substance.

Paragraph 1 makes provision in respect of the documents to be sent to the president and members of the court and the judge advocate (if any).

Paragraph 2 provides that the court shall satisfy themselves on the nature of the charges brought before them where no judge advocate is appointed.

Paragraph 3 provides that where a judge advocate has been appointed he will distribute copies of the charge-sheet to the president and members of the court before the accused is required to plead to each charge.

Paragraph 4 provides for applications to be made to the court for evidence to be given through live television links by witnesses who are not in the country in which the court is sitting and by child witnesses.

Paragraph 5 provides that Rule 55(1) (reading back of evidence to witnesses) need not be complied with where a person has been appointed to record verbatim the proceedings of the court-martial.

Paragraph 7 amends the list of matters in respect of which the president may direct that the point in issue be determined by a judge advocate sitting alone.

Paragraph 8 enables the prosecutor to interview an alibi witness for the defence without obtaining permission of the convening officer before trial or the president after trial.

Paragraph 10(a) makes provision for amendments to the form for commencement of the charge-sheet in respect of an offence under section 131 of the Army Act 1955.

Paragraphs 10(b) and 11 make amendments to the forms for commencement of charge-sheets and statements of offences, in respect of offences under the Reserve Forces Act 1980, consequential on members of the Ulster Defence Regiment ceasing to be members of that regiment pursuant to the Army Act 1992 but continuing to serve on the same conditions of service until the end of their current term of service.