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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision with respect to the prosecution and trial of offences by Standing Civilian Courts, the review of findings and sentences of, and appeals from, such courts. It revokes and replaces the Standing Civilian Courts Order 1977 (S.I.1977/88) and gives effect to changes to the Armed Forces Act 1976 (c. 52) made by the Armed Forces Act 1996 (c. 46).

Civilians to whom Part II of the Army Act 1955 (c. 18) or Part II of the Air Force Act 1955 (c. 19) applies may be prosecuted under those Acts before a Standing Civilian Court if they commit an offence under those Acts while they are accompanying the armed forces abroad.

The Order makes the procedural rules under which the prosecuting authority is responsible for the conduct of the proceedings against the accused. The Order stipulates the rules under which the court administration officer will be responsible for serving the summons on the accused, arranging the attendance of witnesses, the appointment of members and assessors to sit with the magistrate and the date, time and venue of the court.

The Order provides for the summoning of a parent of accuseds under the age of 17.

Provision is also made for the accused to elect trial by court-martial and, in certain circumstances, to withdraw such an election.

The Order makes new provision for the court to resolve disputed issues of fact where it is necessary to do so before deciding what sentence is to be passed. New provision is also made relating to the admission of evidence via closed circuit television link and by video recordings of testimony from child witnesses.