
STATUTORY INSTRUMENTS

2000 No. 2367

The Naval Custody Rules 2000

PART II

NOTIFICATIONS

Notification of application for an extension of custody without charge

8.—(1) Where the commanding officer proposes to make an application he, or someone acting on his behalf, shall—

- (a) notify the relevant court administration officer of that fact and the necessary information; and
 - (b) inform the person to whom the application relates in writing of that fact and of the information specified under paragraph (2)(f), (g) and (h) and, if the person to whom the application relates has not appointed a legal adviser, of the entitlement to legal representation at the hearing of the application.
- (2) The necessary information to be notified under paragraph (1)(a) is—
- (a) the name, rank, appointment and location of the commanding officer;
 - (b) the name, date of birth and location of the person to whom the application relates and, where applicable, his rank or rate, service number and ship or unit;
 - (c) the name and address of the legal adviser appointed by the person to whom the application relates, if known;
 - (d) the nature of the offence for which the person to whom the application relates has been arrested;
 - (e) the relevant time;
 - (f) the general nature of the evidence on which the person to whom the application relates was arrested;
 - (g) what inquiries relating to the offence have been made and what further inquiries are proposed; and
 - (h) the commanding officer's reasons for believing the continued keeping of the person to whom the application relates in custody is justified.

Notification that accused is being kept in custody after charge

9.—(1) Subject to rule 10, where the accused is kept in custody after being charged, the commanding officer, or someone acting on his behalf, shall as soon as practicable—

- (a) notify the relevant court administration officer of that fact and the necessary information; and
- (b) inform the accused in writing that he is to be brought before a judicial officer as soon as practicable and of the information specified under paragraph (2)(f).

- (2) The necessary information to be notified under paragraph (1)(a) is—
- (a) the name, rank, appointment and location of the commanding officer;
 - (b) the name, date of birth and location of the accused and, where applicable, his rank or rate, service number and ship or unit;
 - (c) the name and address of the accused’s legal adviser, if known;
 - (d) the charge;
 - (e) the date and time that the accused was charged; and
 - (f) the commanding officer’s reasons for believing that the continued keeping of the accused in custody is justified.

(3) For the purposes of paragraph (1), a person is to be treated as charged with an offence if he is to be so treated by virtue of section 47A(4) of the Act.

Notification that accused has been arrested and taken into custody

10.—(1) Subject to paragraph (3), where the accused is arrested under subsection (1) or subsection (3) of section 47L of the Act and taken into custody, the commanding officer, or someone acting on his behalf, shall as soon as practicable—

- (a) notify the relevant court administration officer of that fact and the necessary information; and
 - (b) inform the accused in writing that he shall be brought before a judicial officer as soon as practicable and, if the accused has been arrested under section 47L(1) of the Act, the information specified under paragraph (2)(f).
- (2) The necessary information to be notified under paragraph (1)(a) is:
- (a) the name, rank, appointment and location of the commanding officer;
 - (b) the name, date of birth and location of the accused and, where applicable, his rank or rate, service number and ship or unit;
 - (c) the name and address of the accused’s legal adviser, if known;
 - (d) the charge;
 - (e) the date and time that the accused was arrested pursuant to the order or direction; and
 - (f) if the arrest is made under section 47L(1) of the Act, the commanding officer’s reasons for believing that the keeping of the accused in custody is justified.
- (3) Paragraph (1) shall not apply—
- (a) in relation to an arrest under section 47L(1) of the Act, where the arrest takes place in circumstances falling within rule 2(5);
 - (b) in relation to an arrest under section 47L(3) of the Act, where the accused is already before the judge advocate when the arrest is made.

Request by the commanding officer for a review

11.—(1) Subject to paragraph (3), a request for a review under section 47H(2)(b) of the Act shall be made by the commanding officer to the relevant court administration officer and be supported by the following information—

- (a) the name, rank, appointment and location of the commanding officer;
- (b) the name, date of birth and location of the accused and, where applicable, his rank or rate, service number and ship or unit;
- (c) the name and address of the accused’s legal adviser, if known;

- (d) the charge;
- (e) the date on which the extant order under section 47G(2) was made and the period of custody authorised by it;
- (f) the circumstances which have caused the commanding officer to consider that the grounds on which that order was made have ceased to exist; and
- (g) if it appears to the commanding officer that requirements should be imposed by the judicial officer under section 47K(2)(b) of the Act, the suggested requirements.

(2) Where a request is made under paragraph (1), the commanding officer, or someone acting on his behalf, shall inform the accused of that fact in writing and of the information specified under paragraph (1)(f) and (g).

(3) Where the commanding officer requests a review under section 47H(2)(b) of the Act after the commencement of the accused's trial by court-martial and on a day when that court-martial is sitting, the request shall be made to the judge advocate.

Written notification

12. Where—

- (a) a notification required to be given to the relevant court administration officer under paragraph (1)(a) of rule 8, 9 or 10 is given orally; or
- (b) a request under rule 11(1) is made orally,

the commanding officer shall ensure that a notice containing the information so notified or given in support of the request is served on the court administration officer as soon as practicable thereafter.