

SCHEDULE 1

Article 2(1)

Application and Modification of the Act

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions applied</i>	<i>Modifications</i>
In section 16— subsection (1)	For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.  In paragraph (b), for the word “court” there shall be substituted the word “magistrate”.
subsection (2)	
subsections (3) and (4)	For the word “court” wherever it appears there shall be substituted the word “magistrate”.
subsection (5)	
In section 17— subsection (1)	For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.  For the word “court” there shall be substituted the word “magistrate”.
subsections (2)–(4)	For the word “court” wherever it appears there shall be substituted the word “magistrate”.
In section 18— subsection (1)	The words “but this subsection has effect subject to subsection (2)” shall be omitted.
In section 19— subsection (1)	For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.  In paragraph (a), for the word “court” there shall be substituted the word “magistrate”.  In paragraph (b), for the words “court of its” there shall be substituted the words “magistrate of his”.
subsection (2)	For the words “court determines that the witness is eligible for assistance by virtue of section 16 or 17, the court” there shall be substituted the words “magistrate determines that the witness is eligible for assistance by virtue of section 16 or 17, he”.  In paragraphs (a) and (b), for the word “its” wherever it appears there shall be substituted the word “his”.
subsection (3)	For the word “court” there shall be substituted the word “magistrate”.

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subsections (4) and (5)

subsection (6) For the word “court” there shall be substituted the word “magistrate”.

For the words “its inherent jurisdiction or otherwise” there shall be substituted the words “any powers as may be provided for in legislation”.

In section 20—

subsection (1)

subsection (2)

For the words “The court may discharge or vary (or further vary) a special measures direction if it appears to the court” there shall be substituted the words “The magistrate may discharge or vary (or further vary) a special measures direction if it appears to him”.

In paragraph (b), for the word “its” there shall be substituted the word “his”.

subsection (3)

subsection (4)

For the word “court” there shall be substituted the word “magistrate”.

subsection (5)

For the words “The court must state in open court its” there shall be substituted the words “The magistrate must state in open court his”.

For the words “and, if it is a magistrates’ court, must cause them to be entered in the register of its proceedings” there shall be substituted the words “and the magistrate must cause them to be entered in the note of the proceedings”.

subsection (6)

For the words “Criminal Procedure Rules” there shall be substituted the words “Rules of court”.

In paragraph (a), for the word “court” there shall be substituted the word “magistrate”.

In section 21—

subsection (1)

In paragraph (a), for the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.

In paragraph (b)—

After the words “relate is” there shall be inserted the words “an offence under either section 70 of the Army Act 1955 or of the Air Force Act 1955, or section 42 of the Naval Discipline Act 1957, of which the corresponding civil offence (within the meaning of those Acts) is”(1).

subsection (2)

For the word “court” wherever it appears there shall be substituted the word “magistrate”.

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(1) Army Act 1955 (c. 18); Air Force Act 1955 (c. 19); Naval Discipline Act 1957 (c. 53).

- For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.
- subsections (3) and (4) For the word “court” wherever it appears there shall be substituted the word “magistrate”.
- subsection (5)
- subsections (6) and (7) For the word “court” wherever it appears there shall be substituted the word “magistrate”.
- subsections (8) and (9)
- In section 22—
- subsection (1) In paragraph (a), for the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.
- In paragraph (b)—
- After the words “relate is” there shall be inserted the words “an offence under either section 70 of the Army Act 1955 or of the Air Force Act 1955, or section 42 of the Naval Discipline Act 1957, of which the corresponding civil offence (within the meaning of those Acts) is”.
- subsection (2)
- In section 23—
- subsection (1)
- subsection (2) For paragraph (a) there shall be substituted the following paragraph:  
“(a) the magistrate and other members of the court (if any);”.
- subsection (3)
- In section 24—
- subsection (1)
- subsection (2) For the word “court” there shall be substituted the word “magistrate”.
- subsection (3) For the words “court may give permission for the purposes of subsection (2) if it appears to the court” there shall be substituted the words “magistrate may give permission for the purposes of subsection (2) if it appears to him”.
- In paragraph (b), for the word “its” there shall be substituted the word “his”.
- subsection (4)
- subsection (8)
- In section 25—
- subsections (1) and (2)
- subsections (3) and (4) For the word “court” wherever it appears there shall be substituted the word “magistrate”.

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subsection (5)

Section 26

In section 27—

subsection (1)

subsections (2) and (3)

For the word “court” wherever it appears there shall be substituted the word “magistrate”.

subsection (4)

For the words “court may nevertheless” there shall be substituted the words “magistrate may nevertheless”.

In paragraph (a), for the words “the court” there shall be substituted the word “him”.

In paragraph (b), for the words “Criminal Procedure Rules” there shall be substituted the words “rules of court”.

In paragraph (b), for the words “the court” there shall be substituted the words “the magistrate”.

subsection (5)

In paragraph (b), for the word “court” wherever it appears there shall be substituted the word “magistrate”.

subsection (6)

subsection (7)

For the words “The court” there shall be substituted the words “The magistrate”.

For the words “appears to the court” there shall be substituted the words “appears to him”.

In paragraph (b), for the word “its” there shall be substituted the word “his”.

subsection (8)

subsection (9)

For the word “court” wherever it appears there shall be substituted the word “magistrate”.

subsection (11)

In section 29—

subsection (1)

For the word “court” there shall be substituted the word “magistrate”.

subsection (2)

subsection (3)

For the words “Criminal Procedure Rules” there shall be substituted the words “rules of court”.

In paragraph (a), for the words “judge or justices (or both)” there shall be substituted the word “magistrate”.

In paragraph (b), for the words “the jury (if there is one)” there shall be substituted the words “the other members of the court (if any)”.

subsection (4)

- subsection (5) For the words “Criminal Procedure Rules” there shall be substituted the words “rules of court”.
- subsection (6) In paragraph (b), for the word “court’s” there shall be substituted the word “magistrate’s”.
- subsection (7)
- Section 30 For the words “the court” there shall be substituted the words “the magistrate”.
- In section 31—
- subsection (1) For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.
- subsections (2)–(4)
- subsection (5) For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.
- subsections (6)–(8)
- Section 32 The words “on a trial on indictment with a jury” shall be omitted.
- For the word “judge” wherever it appears there shall be substituted the word “magistrate”.
- For the word “jury” there shall be substituted the words “other members of the court (if any)”.
- In section 33—
- subsections (1)–(3)
- subsection (4) For the word “court” wherever it appears there shall be substituted the word “magistrate”.
- Section 34 For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.
- In section 35—
- subsection (1) For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.
- subsection (2)
- subsection (3) For the words “The offences to which this section applies are—” there shall be substituted the words “This section applies to any offence under either section 70 of the Army Act 1955 or of the Air Force Act 1955, or section 42 of the Naval Discipline Act 1957, of which the corresponding civil offence (within the meaning of those Acts) is—”.
- In paragraph (a), for the word “any” there shall be substituted the word “an”.
- subsections (4) and (5)
- In section 36—

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- subsection (1) For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.
- In paragraph (a), for the word “court” there shall be substituted the word “magistrate”.
- In paragraph (b), for the words “court of its” there shall be substituted the words “magistrate of his”.
- subsections (2) and (3) For the word “court” wherever it appears there shall be substituted the word “magistrate”.
- subsection (4)
- In section 37—
- subsection (1)
- subsection (2) For the words “court may discharge a direction if it appears to the court” there shall be substituted the words “magistrate may discharge a direction if it appears to him”.
- In paragraph (b), for the word “its” there shall be substituted the word “his”.
- subsection (3)
- subsection (4) For the words “The court must state in open court its” there shall be substituted the words “The magistrate must state in open court his”.
- For the words “and, if it is a magistrates’ court, must cause them to be entered in the register of its proceedings” there shall be substituted the words “and the magistrate must cause them to be entered in the note of the proceedings”.
- subsection (5) For the words “Criminal Procedure Rules” there shall be substituted the words “rules of court”.
- In paragraph (a), for the word “court” there shall be substituted the word “magistrate”.
- In section 38—
- subsection (1)
- subsection (2) For the words “court that this section applies, it” there shall be substituted the words “magistrate that this section applies, he”.
- subsection (3) In paragraph (b), for the words “appears to the court” there shall be substituted the words “appears to the magistrate”.
- For the words “court must consider” there shall be substituted the words “magistrate must consider”.
- subsection (4) For the word “court” wherever it appears there shall be substituted the word “magistrate”.
- The word “qualified” shall be omitted.

subsection (5)

subsections (6) and (7) For the words “Criminal Procedure Rules” wherever they appear there shall be substituted the words “Rules of court”.

subsection (8) In paragraph (a), the word “and” shall be omitted.

Omit paragraph (b).

In section 39—

subsection (1) The words “on a trial on indictment with a jury” shall be omitted.

For the word “judge” wherever it appears there shall be substituted the word “magistrate”.

For the word “jury” there shall be substituted the words “other members of the court (if any)”.

subsection (2)

In section 41—

subsection (1) For the word “court” there shall be substituted the word “magistrate”.

subsection (2) For the words “court may give” there shall be substituted the words “magistrate may give”.

For the word “it” there shall be substituted the word “he”.

In paragraph (b), the words “the jury or (as the case may be)” shall be omitted.

subsection (3)

subsections (4) and (5) For the word “court” wherever it appears there shall be substituted the word “magistrate”.

subsections (6)–(8)

In section 42—

subsection (1)

subsection (3) Paragraphs (a), (b), (c) and (e) shall be omitted.

In paragraph (d) after the words “dealt with,” the word “and” shall be omitted.

In section 43—

subsection (1)

subsection (2) For the words “court must state in open court (but in the absence of the jury, if there is one)” there shall be substituted the words “magistrate must state in open court (but in the absence of the other members of the court (if any))”.

In paragraph (a), for the word “its” there shall be substituted the word “his”.

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In paragraph (b), for the word “it” there shall be substituted the word “he”.

For the words “and, if it is a magistrates’ court, must cause them to be entered in the register of its proceedings” there shall be substituted the words “and the magistrate must cause them to be entered in the note of the proceedings”.

subsection (3) For the words “Criminal Procedure Rules” there shall be substituted the words “Rules of court”.

In paragraph (b), for the words “court to request a party to the proceedings to provide the court with information which it considers would assist it” there shall be substituted the words “magistrate to request a party to the proceedings to provide such information as he considers would assist him”.

In section 53—

subsection (1) For the words “criminal proceedings” wherever they appear there shall be substituted the words “proceedings before a Standing Civilian Court”.

subsection (2)

subsection (3) For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.

For the word “court” there shall be substituted the word “magistrate”.

subsections (4) and (5) For the words “criminal proceedings” wherever they appear there shall be substituted the words “proceedings before a Standing Civilian Court”.

In section 54—

subsection (1) For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.

In paragraph (b), for the words “court of its” there shall be substituted the words “magistrate of his”.

For the words “court in accordance” there shall be substituted the words “magistrate in accordance”.

subsections (2) and (3) For the word “court” wherever it appears there shall be substituted the word “magistrate”.

subsection (4) For the words “jury (if there is one)” there shall be substituted the words “other members of the court (if any)”.

subsection (5)

subsection (6) For the word “court” wherever it appears there shall be substituted the word “magistrate”.

In section 55—

subsection (1) For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.



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In paragraph (b), for the words “court of its” there shall be substituted the words “magistrate of his”.

For the words “court in accordance” there shall be substituted the words “magistrate in accordance”.

subsections (2) and (3)

subsection (4)

For the word “court” there shall be substituted the word “magistrate”.

subsection (5)

For the words “jury (if there is one)” there shall be substituted the words “other members of the court (if any)”.

subsection (6)

subsection (7)

For the word “court” wherever it appears there shall be substituted the word “magistrate”.

subsection (8)

In section 56—

subsections (1)–(3)

For the words “criminal proceedings” wherever they appear there shall be substituted the words “proceedings before a Standing Civilian Court”.

subsection (4)

For the words “A court in criminal proceedings” there shall be substituted the words “A Standing Civilian Court”.

subsection (5)

For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.

For the words “any of sections 2(1), 13(1) and 16(1) of the Criminal Appeal Act 1968” there shall be substituted the words “section 12(1) of the Courts-Martial (Appeals) Act 1968”(2).

For the words “Court of Appeal” there shall be substituted the words “Courts-Martial Appeal Court”.

In section 57—

subsection (1)

For the words “criminal proceedings” there shall be substituted the words “proceedings before a Standing Civilian Court”.

subsections (2) and (3)

In section 62—

subsection (1)

After the word “any” there shall be inserted the words “offence under either section 70 of the Army Act 1955 or of the Air Force Act 1955, or section 42 of the Naval Discipline Act 1957, of which the corresponding civil offence (within the meaning of those Acts) is an”.

subsection (2)

In section 63—

subsection (1)

For the words “criminal proceedings” wherever they appear there shall be substituted the words “proceedings before a Standing Civilian Court”.

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(2) 1968 c. 20.

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For the definition of “court” there shall be substituted the following definition—

““court” means a Standing Civilian Court;”.

For the definition of “legal representative” shall be substituted the following definition—

““legal representative” means any person who—

- (i) is an authorised advocate or authorised litigator (as defined by section 119(1) of the Courts and Legal Services Act 1990);
- (ii) is an advocate or solicitor in Scotland;
- (iii) is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland; or
- (iv) has in any Commonwealth country rights and duties similar to those of a barrister or solicitor in England and Wales, and is subject to punishment or disability for breach of professional rules;”.

subsection (2) For the words “court to exclude evidence at its” there shall be substituted the words “magistrate to exclude evidence at his”.

In section 65—

subsection (1) For the words “Criminal Procedure Rules” there shall be substituted the words “Rules of court”.

subsection (2) For subsection (2) there shall be inserted the following subsection—

“(2) In this Act “rules of court” means rules made under paragraph 12 of Schedule 3 of the Armed Forces Act 1976 or as otherwise provided for in this Act.”(3).

subsection (3)

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(3) 1976 c. 52; Schedule 3 was amended by section 5 of, and Schedule 1 to, the Armed Forces Act 1996 (c. 46).