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STATUTORY INSTRUMENTS

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**2007 No. 3444**

**The Courts-Martial (Royal Air Force) Rules 2007**

**PART 4**

**WITNESSES**

**Witness not called by the prosecuting authority**

- 23.**—(1) This rule applies where the prosecuting authority does not intend to call as a witness—
- (a) any person whose statement or record of evidence has been served on the accused as part of the evidence for the prosecution; or
  - (b) any person in respect of whose evidence he has served notice under rule 63.
- (2) Where this rule applies, unless the accused waives the requirement, the prosecuting authority shall—
- (a) serve notice in writing on the accused that he does not intend to call that person; or
  - (b) tender that person at trial for cross-examination by the accused.