
STATUTORY INSTRUMENTS

2007 No. 3444

The Courts-Martial (Royal Air Force) Rules 2007

PART 4

WITNESSES

Issue of witness summons on application to a judge advocate

- 24.—**(1) This rule applies where a judge advocate is satisfied that—
- (a) a person is likely to be able to give evidence likely to be material evidence, or produce any document or thing likely to be material evidence, for the purpose of any proceedings before a court-martial, and
 - (b) it is in the interests of justice to issue a witness summons under this rule to secure the attendance of that person to give evidence or to produce the document or thing.
- (2) In such a case, the judge advocate shall, subject to the following provisions of this rule, issue a witness summons directed to the person concerned and require him to—
- (a) attend before a court-martial at the time and place stated in the witness summons, and
 - (b) give the evidence or produce the document or thing.
- (3) A witness summons may only be issued under this rule on an application; and the judge advocate may refuse to issue the witness summons if any requirement relating to the application is not fulfilled.
- (4) A party who wants the judge advocate to issue a witness summons must apply as soon as practicable after becoming aware of the grounds for doing so.
- (5) The party applying must—
- (a) identify the proposed witness;
 - (b) explain—
 - (i) what evidence the proposed witness can give or produce,
 - (ii) why it is likely to be material evidence, and
 - (iii) why it would be in the interests of justice to issue a witness summons.
- (6) The application may be made orally unless—
- (a) rule 25 applies; or
 - (b) the judge advocate otherwise directs.
- (7) An application in writing must be in the form set out in Schedule 2, containing the same declaration of truth as a witness statement.
- (8) The party applying must serve the application—
- (a) in every case, on the court administration officer and as directed by the judge advocate; and
 - (b) as required by rule 25, if that rule applies.