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STATUTORY INSTRUMENTS

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**2007 No. 3444**

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

**PART 6**

**PRELIMINARY PROCEEDINGS**

**Substance of a preliminary hearing**

**40.**—(1) The parties to the proceedings shall address the judge advocate at the preliminary hearing on such of the matters contained in paragraph (4) as are indicated in the notice listing the hearing.

(2) Paragraph (1) is without prejudice to the right of the judge advocate or any party to the proceedings to raise at the preliminary hearing any other matter.

(3) The judge advocate may at a preliminary hearing make such directions as appear to him to be necessary to secure the proper and efficient management of the case.

(4) At a preliminary hearing the judge advocate may make an order or ruling on—

- (a) such of the matters contained in Schedule 3 to these Rules as are indicated in the notice listing the hearing;
- (b) any question as to the admissibility of evidence;
- (c) any other question of law, practice or procedure relating to the case;
- (d) subject to rule 42, any question as to severance or joinder of charges.

(5) The judge advocate may adjourn a preliminary hearing from time to time.

(6) An order or ruling made under this rule shall have effect throughout the proceedings unless it appears to the judge advocate on application made to him at any stage during the proceedings that the interests of justice require him to vary or discharge it.

(7) The court administration officer shall send a copy of the record of the preliminary hearing to the judge advocate.