
STATUTORY INSTRUMENTS

2007 No. 3444

The Courts-Martial (Royal Air Force) Rules 2007

PART 1

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Courts-Martial (Royal Air Force) Rules 2007 and shall come into force on 1st January 2008.

Interpretation

2.—(1) In these Rules—

“the Act” means the Air Force Act 1955;

“the 2003 Act” means the Criminal Justice Act 2003;

“the board” means those members of the court-martial other than the judge advocate;

“commanding officer”, in relation to an accused, means such officer having powers of command over that person as may be determined by or under regulations of the Defence Council made under section 82(1) of the Act;

“commencement of the trial” shall be construed in accordance with rule 60;

“formal preliminary examination” shall be construed in accordance with rule 6;

“the judge advocate”—

(i) in relation to a court-martial, means the judge advocate appointed by or on behalf of the Judge Advocate General to be a member of the court-martial;

(ii) in relation to a preliminary hearing, means the judge advocate appointed by or on behalf of the Judge Advocate General to conduct any such proceedings;

“legal representative” means a person appointed to represent an accused at a formal preliminary examination and at any proceedings before a court-martial, providing he is—

(i) a person who has a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990(1);

(ii) an advocate or a solicitor in Scotland;

(iii) a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland; or

(iv) a person having in any of the Channel Islands, the Isle of Man, a Commonwealth country or British overseas territory rights and duties similar to those of a barrister or solicitor in England and Wales, and subject to punishment or disability for breach of professional rules;

“live television link” means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during a hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded);

“preliminary charge” has the same meaning as in section 83B(3) of the Act;

“preliminary hearing” shall be construed in accordance with rule 36;

“the president of the board” shall be construed in accordance with rule 55;

“the prosecuting authority” means the prosecuting authority or any prosecuting officer or other person appearing on his behalf;

“prosecution papers” shall be construed in accordance with rule 11; and

“special finding” shall be construed in accordance with rule 77.

Service on an accused

3.—(1) Unless the context otherwise requires, where under these Rules any document or notice is to be served on an accused by the court administration officer or the prosecuting authority, it may be served—

- (a) by sending it to the commanding officer of the accused;
- (b) by delivering it to the accused personally;
- (c) by leaving it for the accused with a person at the accused’s usual place of abode; or
- (d) by post in a letter addressed to the accused at his last known or usual place of abode.

(2) Where a document or notice is received by the commanding officer in accordance with paragraph (1)(a), he shall serve it on the accused as soon as is practicable.