
STATUTORY INSTRUMENTS

2013 No. 1852

The Armed Forces (Retrial for Serious Offences) Order 2013

PART 7

Custody

Provision supplementary to articles 20 and 21

22.—(1) Where a judge advocate authorises the keeping of a person in service custody under article 20(4) or 21(8)—

- (a) section 105(2) to (4) of the 2006 Act,
- (b) section 108(4) of that Act (so far as it relates to section 105(2) to(4)), and
- (c) section 108(1) and (5) to (8) of that Act,

shall apply as they apply to the power of a judge advocate by order under section 105(2) of the 2006 Act to authorise the keeping of an accused in service custody.

(2) Section 107 of the 2006 Act shall apply to an order under article 20(4)(a) or article 21(8)(b) as it applies where, at a hearing under section 105(1) of that Act, a judge advocate does not authorise keeping the accused in service custody.

(3) Rules made under section 112 of the 2006 Act (Custody proceedings rules) shall apply to proceedings under articles 20 and 21 as they apply to proceedings under section 105(1), or to an application under section 107(4), of the 2006 Act.

(4) Paragraphs (1) to (3) are subject to articles 20(7) and 21(2).

(5) Where a person is to appear or be brought before a judge advocate pursuant to article 20 or 21—

- (a) the prosecuting officer must serve notice of the need for such a hearing on the court administration officer; and
- (b) the prosecuting officer must as soon as is practicable provide a copy of the charge sheet and case papers to the court administration officer.

(6) On receipt of the charge sheet and case papers the court administration officer must—

- (a) forward them to the Judge Advocate General and request him to specify a judge advocate for the proceedings; and
- (b) appoint a time and place for the commencement of the proceedings before the judge advocate.

(7) The court administration officer must serve notice of any time or place appointed by him for the commencement of the proceedings on—

- (a) each person to whom the proceedings relate;
- (b) the legal representative (if any) of each person;
- (c) the commanding officer of such person;
- (d) the Director; and

- (e) any such person as the Judge Advocate General may direct.
- (8) The court administration officer must forward to the registrar a copy of any record made in the proceedings.
- (9) In paragraph (5)(b) case papers has the same meaning as in article 7(11).