

can adequately be dealt with by a court of summary jurisdiction.

- (4) If it is determined that the case is not to be proceeded with, the alleged offender, if in custody, shall (unless he is detained on some other charge) forthwith be released.
- (5) If it is determined that the case is to be proceeded with, but that the offence is of such a minor character as aforesaid, the offender may be tried by a court of summary jurisdiction and not otherwise.
- (6) If it is determined that the case is to be proceeded with and that the offence is not of such a minor character as aforesaid, then—

(a) if the offender is a British subject and is not a person subject to the Naval Discipline Act or to military law, and he claims, in the manner hereinafter provided, to be tried by a civil court with a jury instead of being tried by a court-martial, the case shall be handed over, for the purposes of trial, to the civil authority ;

(b) if the offender, being a British subject, does not make any such claim, or if the offender is not a British subject or is a person subject to the Naval Discipline Act or to military law, the competent naval or military authority shall, subject to any general or special instructions given by the Admiralty or Army Council, order the case to be tried by court-martial, or, where in pursuance of such instructions the case is not to be tried by court-martial, shall order it to be handed over, for purposes of trial, to the civil authority.

- (7) Any case which is handed over to the civil authority may be tried by a civil court with a jury :

Provided that if on further investigation it appears to the prosecution that a case so handed over to the civil authority is of such a character as can be adequately dealt with by a court of summary jurisdiction it may, if the Admiralty or Army Council consent, or in Scotland if the Lord Advocate after consultation with the Admiralty or Army Council so directs, be so dealt with.

- (8) For the purpose of enabling such a claim as aforesaid to be made, the competent naval or military authority shall, as soon as practicable after his arrest, give to the alleged offender notice in writing, in the form set out in Part I. of the Schedule to these Regulations, of the general nature of the charge and of his right (if he is a British subject and not a person subject to the Naval Discipline Act or to military law) to claim to be tried by a civil court with a jury instead of being tried by court-martial :

Provided that it shall not be necessary to give such a notice if the offence is an offence which is by these Regulations declared to be a summary offence or it has been determined that the

offence is an offence of such a minor character as aforesaid.

- (9) A person to whom such a notice has been given may if he is a British subject and not a person subject to the Naval Discipline Act or to military law, within six clear days from the date when it was so given to him claim to be tried by a civil court with a jury instead of being tried by court-martial by giving notice in writing to that effect to the competent naval or military authority in the form set out in Part II. of the Schedule to these Regulations.
- (10) If the alleged offender is in custody he shall, if he is to be tried by court-martial, be kept in or handed over to military custody, and, if he is to be tried otherwise than by court-martial, be kept in or handed over to civil custody.
- (11) In England and Ireland offences against these Regulations shall not be prosecuted before a civil court with a jury except by or with the consent of the Attorney-General for England or Ireland, as the case may be, nor before a court of summary jurisdiction by any person, other than the competent naval or military authority or a person authorised by him, or an officer of police, an officer of customs and excise, or an aliens officer, except with the consent of the Attorney-General for England or Ireland, as the case may be.
- (12) For the purposes of this Regulation the expression "British subject" includes a woman who has married an alien but who before marriage was a British subject.

10. After Regulation 56 the following Regulation shall be inserted :—

56A. Any offence tried by a civil court with a jury shall be deemed to be a felony, and on conviction of the offender he shall be liable to such punishment as might have been inflicted under Regulation 57 if the case had been tried by a general court martial.

Where sentence of death is passed by such a civil court, the court may order the sentence to be executed in any manner in which a court martial may order a sentence of death to be executed. If the manner in which the sentence is to be executed is by shooting, the court may direct that the offender be handed over to the military authority, and in such case the sentence shall be executed as if it had been passed by a court martial, but in England shall not be carried into execution until after such time as is allowed by the Criminal Appeal Act, 1907, for giving notice of appeal or notice of application for leave to appeal under that Act, nor pending such appeal or application ; or in Scotland until after such date as may be specified in the sentence.

In England and Ireland a court of quarter sessions shall not have jurisdiction to try such a felony.

In Scotland the court having jurisdiction to try such a felony shall be the High Court of Justiciary.