**179 Procedure**.— (1) The court shall be guided by the written instructions of the authority who assembled the court. The instructions shall be full and specific and shall state the general character of the information required. They shall also state whether a report is required or not.

(2) The officer who assembled the court shall, when the court is held on a returned prisoner of war or on a prisoner of war who is still absent, direct the court to record its opinion whether the person concerned was taken prisoner through his own willful neglect of duty, or whether he served with or under, or aided the enemy; he shall also direct the court to record its opinion in the case of a returned prisoner of war; whether he returned as soon as possible to the service and in the case of a prisoner of war still absent whether he failed to return to the service when it was possible for him to do so. The officer who assembled the court shall also record his own opinion on these points.

(3) Previous notice should be given of the time and place of the meeting of a court of inquiry, and of all adjournments of the court, to all persons concerned in the inquiry except a prisoner of war who is still absent.

(4) The count may put such questions to a witness as it thinks desirable for testing the truth or accuracy of any evidence he has given and otherwise for eliciting the truth.

(5) The court may be re-assembled as often as the officer who assembled the court may direct, for the purpose of examining additional witnesses, or further examining any witness, or recording further information.

(5A) Any witness may be summoned to attend by order under the hand of the officer assembling the Court. The summons shall be in the Form provided in Appendix III.]1

(6) The whole of the proceedings of a court of inquiry shall be forwarded by the presiding officer to the officer who assembled the court.

### NOTES

*1. As to the authorities who can remit the forfeiture of pay and allowances incurred by absence as a prisoner of war,* [*see AR 195(c*](file:///F:\work_on_nlp\CHAPTER~7\358.htm#AR195)*). If the officer who assembles the court is not one of these authorities, he should forward the proceedings with his recommendation, to one of these authorities. A court of inquiry on a prisoner of war who is still absent may be assembled in order to assist the authorities prescribed in* [*AR 195(c)*](file:///F:\work_on_nlp\CHAPTER~7\358.htm#AR195) *and* [*196*](file:///F:\work_on_nlp\CHAPTER~7\358.htm#AR196)*, in determining what remission of forfeiture of pay and allowances shall be ordered and what provision in terms of* [*AA.ss.98*](file:///F:\ARMY_ACT_1950_WITH_NOTES\CHAPTER-08\197.htm#AA98) *and* [*99*](file:///F:\ARMY_ACT_1950_WITH_NOTES\CHAPTER-08\197.htm#AA99) *shall be made for the dependants of such prisoner of war. A second court of inquiry must be assembled as soon as possible after the return of the prisoner of war. See* [*Regs Army para.522*](file:///F:\DSR_VOLUME_1\CHAPTER_12\180.htm#bookmark)*.*

*2. For form of oath and affirmation see* [*AR 140*](file:///F:\work_on_nlp\CHAPTER~5\Index.htm#AR140).