

---

STATUTORY INSTRUMENTS

---

**1997 No. 169**

**The Courts-Martial (Army) Rules 1997**

**PART V**

**PROCEEDINGS AT COURT-MARTIAL**

**Challenges and oaths at a pre-trial hearing**

**38.**—(1) Where a pre-trial hearing takes place, rules 40 and 41 below shall be complied with at the beginning of the pre-trial hearing, except that—

- (a) the accused may not state his objection to any member of the court other than the judge advocate; and
- (b) the judge advocate shall not administer an oath or affirmation to any officer member of the court,

until after the full court has convened.

(2) When paragraph (1) above applies, the application of rules 40 and 41 below in respect of court members not present at the pre-trial hearing shall be modified accordingly.