
STATUTORY INSTRUMENTS

2007 No. 3443

The Courts-Martial (Royal Navy) Rules 2007

PART 10

PROCEEDINGS AT TRIAL

Special finding

74.—(1) For the purposes of these Rules a special finding is—

- (a) where the particulars proved or admitted at the trial differ from those alleged in the charge but are sufficient to support a finding of guilty of the like offence as that charged, a finding of guilty subject to exceptions or variations specified in the finding;
- (b) a finding in accordance with section 67 of the Act (power to convict of mitigated offence);
- (c) a finding in accordance with section 68 of the Act (power to convict of alternative offence).

(2) If it appears to the judge advocate that the difference is not so material as to have prejudiced the accused in his defence, the judge advocate may direct the court that a special finding under paragraph (1)(a) is open to them.

(3) In any case the judge advocate may direct the court that a special finding under paragraph (1) (b) or (c) is open to them.

(4) Before directing the court on a special finding, the judge advocate shall allow the prosecuting authority and the accused to address him on the matter.

(5) The court may not reach a special finding unless the judge advocate has directed them that such a finding is open to them.