
STATUTORY INSTRUMENTS

2007 No. 3444

DEFENCE

The Courts-Martial (Royal Air Force) Rules 2007

Made - - - - 6th December 2007

Laid before Parliament 10th December 2007

Coming into force 1st January 2008

THE COURTS-MARTIAL (ROYAL AIR FORCE) RULES 2007

PART 1

1. Citation and commencement
2. Interpretation
3. Service on an accused

PART 2

4. Referring a case to the prosecuting authority
5. Withdrawal of election in a multiple charge case
6. Formal preliminary examination
7. Conduct of formal preliminary examination
8. Referring back in a multiple charge case before charges are preferred
9. Charge sheet
10. Charges and joinder
11. Notifying the accused's commanding officer
12. Notifying the court administration officer
13. Notification of proceedings
14. Discontinuing proceedings before arraignment
15. Description of the court-martial
16. Referring back in a multiple charge case after charges already preferred
17. Amending charges and additional charges before arraignment

PART 3

18. Delegation of the court administration officer's functions
19. Appointment of court officials
20. Notification of time and place for hearing of the proceedings

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

21. Ineligibility for membership of courts-martial

PART 4

22. Notification of witnesses
23. Witness not called by the prosecuting authority
24. Issue of witness summons on application to a judge advocate
25. Application for witness summons to produce a document, etc: special rules
26. Application for witness summons to produce a document, etc: judge advocate's assessment of relevance and confidentiality
27. Power to require advance production
28. Issue of witness summons of the judge advocate's own motion
29. Witness summons no longer needed
30. Application to withdraw a witness summons
31. Issue of witness summons and variation of requirements
32. Service of witness summonses

PART 5

33. Procedure for the admission of evidence of bad character
34. Procedure for the admission of hearsay evidence
35. Additional evidence

PART 6

36. Preliminary hearing
37. Preliminary hearing in open court
38. Preliminary hearing without notice to the accused
39. Challenges and oaths at a preliminary hearing
40. Substance of a preliminary hearing

PART 7

41. Arraignment
42. Severance
43. Guilty plea
44. Alternative charges
45. Procedure after not guilty plea
46. Procedure after guilty plea
47. Pleas of guilty and not guilty on one charge sheet

PART 8

48. Dispute on facts after plea of guilty
49. Change of plea
50. Additional charges after arraignment
51. Changes to the charge sheet after arraignment
52. Changes to the charge sheet by the judge advocate

PART 9

53. Conduct of the defence
54. The judge advocate

55. The president of the board
56. Sittings and adjournments
57. Record of proceedings
58. Challenges by the accused
59. Oaths and affirmations

PART 10

60. Commencement of the trial
61. Judge advocate sitting alone
62. Opening address
63. Additional evidence during trial
64. Expert evidence
65. Exhibits
66. Presence of witnesses
67. Evidence through live television
68. Examination of witnesses
69. Submission of no case to answer
70. Finding of not guilty before conclusion of the defence
71. The case for the defence
72. Witnesses for the defence
73. Further evidence
74. Closing addresses
75. Summing up
76. Deliberation on finding
77. Special finding
78. Record of finding
79. Offences taken into consideration

PART 11

80. Sentencing procedure after guilty plea
81. Pre-sentence report and previous convictions
82. Evidence before sentencing
83. Evidence on behalf of the accused
84. Deliberation on sentence
85. Postponement of deliberation on sentence
86. Announcement of sentence
87. Conclusion of the proceedings

PART 12

88. The petition
89. Reasons

PART 13

90. Appeal to the Courts-Martial Appeal Court
91. Application of the rules to civilians
92. Bankers' Books Evidence Act 1879
93. Custody of the record
94. Circumstances not provided for
95. Revocations and transitional proceedings

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signature

SCHEDULE 1 — CHARGES AND JOINDER

PART 1 — RULES

1. (1) A charge sheet shall be in the form specified...
2. More than one incident of the commission of the offence...
3. (1) An charge sheet may contain more than one charge...
4. The charges must be numbered consecutively
5. Where an offence created by or under an enactment states...
6. It shall be sufficient in a charge sheet to describe...
7. Where the offence charged is one which can be committed...
8. Where the offence charged is one which may render the...

PART 2 — FORM

SCHEDULE 2 — FORMS

SCHEDULE 3 — PRELIMINARY HEARING

SCHEDULE 4 — OATHS AND AFFIRMATIONS

PART 1 — MANNER OF ADMINISTERING OATHS AND AFFIRMATIONS

1. The person taking the oath shall hold the New Testament,...
2. If any person to whom an oath is administered desires...
3. If none of the forms of oath provided in this...
4. A person making a solemn affirmation instead of taking an...

PART 2 — FORMS OF OATH

5. President of the board and members other than the judge advocate
6. Persons under instruction
7. Interpreter
8. Witness aged 18 years or over
9. Witness under the age of 18 years

PART 3 — FORM OF SCOTTISH OATHS

10. The form of Scottish oath shall in each case be...

PART 4 — FORM OF SOLEMN AFFIRMATIONS

11. The form of affirmation shall in each case be the...

SCHEDULE 5 — GUIDANCE FOR PETITIONERS

1. The petition should be settled with sufficient particularity to enable...
2. The petition should not contain grounds of appeal unless it...
3. The petition should not contain any factual inaccuracy.
4. Any allegation of fact in the petition should be based...
5. The petition should not contain a suggestion that a person...
6. Any proposition of law should be supported by references to...

SCHEDULE 6 — CIVILIANS

PART 1 — MODIFICATIONS FOR CIVILIANS

PART 2 — ADDITIONAL RULES FOR CIVILIANS

1. Prosecution of civilians
2. Accused's parent or guardian

PART 3 — APPEALS FROM STANDING CIVILIAN COURTS

3. Forwarding an appeal to the prosecuting authority
4. Charge sheet on appeal

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. Appeal against sentence alone
6. Sentencing on appeal
7. Appeal by parent or guardian of an accused
8. Abandonment of appeal

SCHEDULE 7 — REVOCATIONS

Explanatory Note