

2008 No. 1699

DEFENCE

The Courts-Martial (Amendment) Rules 2008

Made - - - - - *27th June 2008*

Laid before Parliament *1st July 2008*

Coming into force - - - *21st July 2008*

The Secretary of State, in exercise of the powers conferred by section 103 of the Army Act 1955(a), section 103 of the Air Force Act 1955(b) and section 58 of the Naval Discipline Act 1957(c), makes the following Rules:

1. These Rules may be cited as the Courts-Martial (Amendment) Rules 2008 and shall come into force on 21st July 2008.
2. In the Courts-Martial (Army) Rules 2007(d) omit rules 8 and 16.
3. In the Courts-Martial (Royal Air Force) Rules 2007(e) omit rules 8 and 16.
4. In the Courts-Martial (Royal Navy) Rules 2007(f) omit rules 6 and 13.

27th June 2008

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

(a) 1955 c. 18.
(b) 1955 c. 19.
(c) 1957 c. 53.
(d) S.I. 2007/3442.
(e) S.I. 2007/3444.
(f) S.I. 2007/3443.

EXPLANATORY NOTE

(This note is not part of the Rules)

Where a person charged with an offence elects to be tried by court-martial, under section 83BB(1) of the Army Act 1955, section 83BB(1) of the Air Force Act 1955 or section 52II(1) of the Naval Discipline Act 1957 (as the case may be) the prosecuting authority may refer a different charge back to the accused's commanding officer. Court-martial rules modify those subsections in cases where the accused elected on more than one charge. Those subsections are repealed by the Armed Forces (Alignment of Service Discipline Acts) Order 2008 (S.I. 2008/1694), and the rules that modify them are revoked by these Rules.

£3.00

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E2653 7/2008 182653T 19585