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STATUTORY INSTRUMENTS

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**2023 No. 209**

**The Armed Forces (Driving  
Disqualification Orders) Regulations 2023**

**PART 1**

**DRIVING DISQUALIFICATION ORDERS**

**Power of appellate court to suspend disqualification pending appeal**

7.—(1) Where an offender subject to a driving disqualification order appeals or applies for leave to appeal to the Court Martial against their conviction or sentence under section 285 (right of appeal from SCC) of the Act, the Court Martial may suspend the disqualification.

(2) Where an offender subject to a driving disqualification order appeals or applies for leave to appeal to the Court Martial Appeal Court against their conviction or sentence under sections 8 (right of appeal) and 9 (application for leave to appeal) of the Court Martial Appeals Act 1968<sup>(1)</sup>, the Court Martial Appeal Court may suspend the disqualification.

(3) Where an offender subject to a driving disqualification order appeals or applies for leave to appeal to the Supreme Court under sections 39 (right of appeal)<sup>(2)</sup> and 40 (application for leave to appeal)<sup>(3)</sup> of the Court Martial Appeals Act 1968, the Court Martial Appeal Court may suspend the disqualification.

(4) Any power of the Court Martial or Court Martial Appeal Court under paragraphs (1) to (3) to suspend the disqualification of any offender is a power to do so on such terms as it considers appropriate.

(5) Where, by virtue of this regulation, the Court Martial or Court Martial Appeal Court suspends the disqualification of any offender, it must send notice of the suspension to the Secretary of State.

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(1) 1968 c. 20, section 8 was amended by section 17(2)(a) of the Armed Forces Act 1996 (c. 46) and paragraph 7 of Schedule 8 to the Armed Forces Act 2006 (c. 52); there are other amendments not relevant to these Regulations.

(2) Section 39 was amended by paragraphs 17(3)(a) and (b) of Schedule 9 to the Constitutional Reform Act 2005 (c. 4), paragraph 42 of Schedule 8 to the Armed Forces Act 2006, article 9(2) of the Court Martial (Prosecution Appeals) Order (S.I. 2009/2044) and article 15(2) and (3) of the Armed Forces (Retrial for Serious Offences) Order (S.I. 2013/1852).

(3) Section 40 was amended by paragraphs 17(3)(a) and (b) of Schedule 9 to the Constitutional Reform Act 2005, section 91 of the Courts Act 2003 (c. 39) and article 15(4) of the Armed Forces (Retrial for Serious Offences) Order (S.I. 2013/1852).