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STATUTORY INSTRUMENTS

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**2002 No. 231**

**DEFENCE**

**The Courts-Martial (Royal Navy) (Amendment) Rules 2002**

*Made* - - - - *5th February 2002*  
*Laid before Parliament* *7th February 2002*  
*Coming into force* - - *28th February 2002*

The Secretary of State, in exercise of the powers conferred on him by section 58 of the Naval Discipline Act 1957(1), hereby makes the following Rules:—

**Citation and commencement**

1. These Rules may be cited as the Courts-Martial (Royal Navy) (Amendment) Rules 2002 and shall come into force on 28th February 2002.

**Amendment to Rules**

2.—(1) The Courts-Martial (Royal Navy) Rules 1997(2) are amended in accordance with the provisions of this rule.

(2) In paragraphs (2)(b) and (3)(b) of rule 14 (ordering the court), after “officer members of the court,” there is inserted “any warrant officer members of the court,”.

(3) In rule 15 (ineligibility for membership of courts-martial), after “An officer” there is inserted “or warrant officer”.

(4) In rule 28(3) (president and members), for “A member” there is inserted “An officer member”.

(5) In rule 31(2)(a) (challenges by the accused), after “officer” there is inserted “or warrant officer”.

(6) In rule 33(4)(e) (administration of oaths and affirmations), after “officer” there is inserted “, warrant officer”.

(7) In Schedule 2, Form 1 (form of summons to a witness not subject to the Act), after “documents” in each place where it occurs there is inserted “or things”.

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(1) 1957 c. 53; section 58 was substituted by the Armed Forces Act 1996 (c. 46), Schedule 1, paragraph 57.  
(2) S.I. 1997/170, to which there are amendments not relevant to these Rules.

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**Status:** This is the original version (as it was originally made).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

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5th February 2002

*Adam Ingram*  
Minister of State, Ministry of Defence

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Courts-Martial (Royal Navy) Rules 1997 (“the 1997 Rules”). The amendments are consequential on the provisions of the Armed Forces Act 2001 making warrant officers eligible in certain circumstances to sit as members of courts-martial and enabling courts-martial to require witnesses to produce things as well as documents.

Rules 2(2), 2(3), 2(5) and 2(6) amend rules 14, 15, 31 and 33 of the 1997 Rules, which specify the procedure for ordering courts-martial, set out conditions disqualifying officers from being members of courts-martial, and provide for the procedure for challenging the membership of courts-martial and for administering oaths and affirmations. By virtue of the amendments, warrant officer members of the court are subject to the same conditions and procedures as officer members of the court.

Rule 2(4) amends rule 28(3) of the 1997 Rules, which provides for the order in which members of the court who hold acting rank shall sit. By virtue of this amendment, rule 28(3) applies only to officer members because, by virtue of section 54(7) of the Naval Discipline Act 1957 (“the 1957 Act”), acting warrant officers are not eligible to sit on courts-martial.

Rule 2(7) amends Form 1 in Schedule 2 to the 1997 Rules, which is the form of summons to a witness not subject to the 1957 Act by which a witness can be summonsed to attend, and to produce documents to, the court. By virtue of this amendment, such a witness can also be summonsed to produce things to the court.