

*These notes refer to the Armed Forces Act 2006 (c.52)
which received Royal Assent on 8 November 2006*

ARMED FORCES ACT 2006

EXPLANATORY NOTES

COMMENTARY

First Group of Parts – Discipline

Part 7- Trial by Court Martial

Chapter 2 – Court Martial Proceedings

Section 160: Decisions of Court Martial: finding and sentence

322. This section provides that the finding of the Court Martial on a charge and any sentence passed by it must be determined by a majority of the members of the court. However, the judge advocate is not entitled to vote on the finding but if there is an equality of votes on sentence, he has a casting vote. This provision ensures that (as in the Crown Court) the judge advocate is not involved in the “verdict”, which is a matter for the tribunal of fact, but his expertise in sentencing matters is given weight.
323. If there is an equal vote on finding, the person must be acquitted.