
STATUTORY INSTRUMENTS

1997 No. 169

The Courts-Martial (Army) Rules 1997

PART V

PROCEEDINGS AT COURT-MARTIAL

Challenges by the accused

40.—(1) This rule applies subject to rule 38 above.

(2) When the full court has assembled, the order convening the court-martial (including the name of any officer specified therein) and the names of the judge advocate and any interpreter shall be read to the accused.

(3) The accused may object to any person whose name is read out and to any interpreter appointed after the commencement of the trial.

(4) If more than one person is objected to, the objection to each shall be considered in the following order—

- (a) the judge advocate;
- (b) the president;
- (c) the other members of the court;
- (d) any waiting member; and
- (e) any interpreter.

(5) The determination of the judge advocate on any objection shall be announced in open court.

(6) If an objection to an officer member other than the president is allowed, any waiting member in respect of whom no objection has been made or allowed shall take his place.

(7) Where a court-martial is convened to try two or more accused separately and one accused objects to the president or to any other member of the court, the judge advocate may, if he thinks fit, adjourn the trial of that accused and proceed with the trial of the other accused only.