
STATUTORY INSTRUMENTS

2007 No. 3443

DEFENCE

The Courts-Martial (Royal Navy) Rules 2007

Made - - - - 6th December 2007

Laid before Parliament 10th December 2007

Coming into force 1st January 2008

THE COURTS-MARTIAL (ROYAL NAVY) RULES 2007

PART 1

1. Citation and commencement
2. Interpretation
3. Service on an accused

PART 2

4. Referring a case to the prosecuting authority
5. Withdrawal of election in a multiple charge case
6. Referring back in a multiple charge case before charges are preferred
7. Charge sheet
8. Charges and joinder
9. Notifying the accused's commanding officer
10. Notifying the court administration officer
11. Notification of proceedings
12. Discontinuing proceedings before arraignment
13. Referring back in a multiple charge case after charges already preferred
14. Amending charges and additional charges before arraignment

PART 3

15. Delegation of the court administration officer's functions
16. Appointment of court officials
17. Notification of time and place for hearing of the proceedings
18. Ineligibility for membership of courts-martial

Status: This is the original version (as it was originally made).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

PART 4

19. Notification of witnesses
20. Witness not called by the prosecuting authority
21. Issue of witness summons on application to a judge advocate
22. Application for witness summons to produce a document, etc: special rules
23. Application for witness summons to produce a document, etc: judge advocate's assessment of relevance and confidentiality
24. Power to require advance production
25. Issue of witness summons of the judge advocate's own motion
26. Witness summons no longer needed
27. Application to withdraw a witness summons
28. Issue etc of witness summons and variation of requirements
29. Service of witness summonses

PART 5

30. Procedure for the admission of evidence of bad character
31. Procedure for the admission of hearsay evidence
32. Additional evidence

PART 6

33. Preliminary hearing
34. Preliminary hearing in open court
35. Preliminary hearing without notice to the accused
36. Challenges and oaths at a preliminary hearing
37. Substance of a preliminary hearing

PART 7

38. Arraignment
39. Severance
40. Guilty plea
41. Alternative charges
42. Procedure after not guilty plea
43. Procedure after guilty plea
44. Pleas of guilty and not guilty on one charge sheet

PART 8

45. Dispute on facts after plea of guilty
46. Change of plea
47. Additional charges after arraignment
48. Changes to the charge sheet after arraignment
49. Changes to the charge sheet by the judge advocate

PART 9

50. Conduct of the defence
51. The judge advocate
52. The president of the board and members

- 53. Sittings and adjournments
- 54. Record of proceedings
- 55. Challenges by the accused
- 56. Oaths and affirmations

PART 10

- 57. Commencement of the trial
- 58. Judge advocate sitting alone
- 59. Opening address
- 60. Additional evidence during trial
- 61. Expert evidence
- 62. Exhibits
- 63. Presence of witnesses
- 64. Evidence through live television
- 65. Examination of witnesses
- 66. Submission of no case to answer
- 67. Finding of not guilty before conclusion of the defence
- 68. The case for the defence
- 69. Witnesses for the defence
- 70. Further evidence
- 71. Closing addresses
- 72. Summing up
- 73. Deliberation on finding
- 74. Special finding
- 75. Record of finding
- 76. Offences taken into consideration

PART 11

- 77. Sentencing procedure after guilty plea
- 78. Pre-sentence report and previous convictions
- 79. Evidence before sentencing
- 80. Evidence on behalf of the accused
- 81. Deliberation on sentence
- 82. Postponement of deliberation on sentence
- 83. Announcement of sentence
- 84. Conclusion of the proceedings

PART 12

- 85. The petition
- 86. Reasons

PART 13

- 87. Appeal to the Courts-Martial Appeal Court
 - 88. Application of the rules to civilians
 - 89. Bankers' Books Evidence Act 1879
 - 90. Circumstances not provided for
 - 91. Revocations and transitional proceedings
- Signature

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

SCHEDULE 1 — CHARGES AND JOINDER

PART 1 — RULES

1. (1) A charge sheet shall be in the form specified...
2. More than one incident of the commission of the offence...
3. (1) An charge sheet may contain more than one charge...
4. The charges must be numbered consecutively
5. Where an offence created by or under an enactment states...
6. It shall be sufficient in a charge sheet to describe...
7. Where the offence charged is one which can be committed...
8. Where the offence charged is one which may render the...

PART 2 — FORM

SCHEDULE 2 — FORMS

SCHEDULE 3 — PRELIMINARY HEARING

SCHEDULE 4 — OATHS AND AFFIRMATIONS

PART 1 — MANNER OF ADMINISTERING OATHS AND AFFIRMATIONS

1. The person taking the oath shall hold the New Testament,...
2. If any person to whom an oath is administered desires...
3. If none of the forms of oath provided in this...
4. A person making a solemn affirmation instead of taking an...

PART 2 — FORMS OF OATH

5. President of the board and members other than the judge advocate
6. Persons under instruction
7. Interpreter
8. Witness aged 18 years or over
9. Witness under the age of 18 years

PART 3 — FORM OF SCOTTISH OATHS

10. The form of Scottish oath shall in each case be...

PART 4 — FORM OF SOLEMN AFFIRMATIONS

11. The form of affirmation shall in each case be the...

SCHEDULE 5 — CIVILIANS

PART 1 — MODIFICATIONS FOR CIVILIANS

PART 2 — ADDITIONAL RULES FOR CIVILIANS

1. Accused's parent or guardian

SCHEDULE 6 — REVOCATIONS

Explanatory Note