
STATUTORY INSTRUMENTS

2007 No. 3444

The Courts-Martial (Royal Air Force) Rules 2007

PART 13

MISCELLANEOUS

Appeal to the Courts-Martial Appeal Court

- 90.**—(1) The Courts-Martial Appeal Court shall have the jurisdiction⁽¹⁾ to hear appeals against—
- (a) orders or rulings made at a preliminary hearing;
 - (b) any orders or directions of a court-martial prohibiting or restricting the publication of any matter or excluding the public from any proceedings.
- (2) An appeal under this rule shall be made only with leave of the Courts-Martial Appeal Court.

Application of the rules to civilians

91.—(1) In their application to any person to whom Part II of the Act is applied by section 209 of the Act, these Rules shall have effect subject to the modifications specified in Part 1 and the additional rules specified in Part 2 of Schedule 6 to these Rules.

(2) Part 3 of Schedule 6 to these Rules shall have effect in respect of the hearing by courts-martial of appeals against findings and sentences by Standing Civilian Courts.

(3) Where a person to be tried by court-martial is a person to whom Part II of the Act is applied by section 209 of the Act, the court administration officer may appoint under section 84D(1)(a) and (c) or (2)(a) and (c) of the Act as a member of the court-martial—

- (a) any person not subject to military law, air force law or the Naval Discipline Act 1957;
- (b) any person to whom Part II of the Act is applied by section 209 of the Act;
- (c) any person to whom Part II of the Army Act 1955⁽²⁾ is applied by section 209 of that Act;
- (d) any person to whom Part II of the Naval Discipline Act 1957 is applied by section 118 of that Act.

(4) Where paragraph (3) applies, any reference in these Rules to an officer or warrant officer member of the court shall be construed as meaning any person appointed as a member of the court under paragraph (3).

Bankers' Books Evidence Act 1879

92.—(1) The power to make an order conferred by section 7 of the Bankers' Books Evidence Act 1879⁽³⁾ may be exercised for the purposes of a court-martial—

(1) Section 103(2A) of the Act as amended by section 378(1) and paragraph 24 of Schedule 16 to the Armed Forces Act 2006.
(2) 1955 c.18
(3) 1879 c. 11

- (a) during the investigation of any offence and before the accused is notified that he is to be tried by court-martial, by the commanding officer of the accused;
 - (b) at any preliminary proceedings and during the court-martial, by a judge advocate.
- (2) The order shall be in the form set out in Schedule 2 to these Rules.

Custody of the record

93. The period during which the record of the proceedings of a court-martial shall be kept in the custody of the Judge Advocate General shall be six years from the conclusion of the proceedings.

Circumstances not provided for

94. In any circumstance not provided for by the Act or these Rules such course shall be adopted as appears to the judge advocate best calculated to do justice.

Revocations and transitional proceedings

95.—(1) Subject to paragraph (2), the Rules set out in Schedule 7 to these Rules are hereby revoked.

(2) The rules set out in Schedule 7 shall continue to apply in relation to any trial that commenced before 1st January 2008 until the court is dissolved.

(3) The revocations shall not affect the validity of anything done under those Rules in relation to any proceedings pending at the commencement of these Rules.