
STATUTORY INSTRUMENTS

2009 No. 1216

DEFENCE

**The Armed Forces (Summary Hearing and Activation of
Suspended Sentences of Service Detention) Rules 2009**

Made - - - - - *7th May 2009*
Laid before Parliament *14th May 2009*
Coming into force *31st October 2009*

**THE ARMED FORCES (SUMMARY HEARING
AND ACTIVATION OF SUSPENDED SENTENCES
OF SERVICE DETENTION) RULES 2009**

PART 1

1. Citation and commencement
2. Interpretation
3. Delegation and subordinate commanders

PART 2

4. Application of Part 2
5. Applications to hear charges summarily
6. Applications for extended powers in relation to punishment
7. Applications for extended powers in relation to activation orders
8. Preliminary procedures
9. Changing the time fixed for a hearing
10. Representation
11. Co-accused and multiple charges
12. Election and starting a summary hearing
13. Order of evidence
14. Oaths and affirmations
15. Evidence adduced by the commanding officer
16. Evidence given by the accused
17. Evidence adduced by the accused
18. Further questioning of witnesses
19. Equivocal admissions

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20. Procedure at the conclusion of the evidence
21. Determination of facts on admission of all charges
22. Sentencing
23. Activation of suspended sentences of service detention
24. Adjournments
25. Rectification of errors
26. Effect of provisions where charges are amended, substituted or added
27. Written record
28. Notification to court administration officer

PART 3

29. Application of Part 3
30. Applications for extended powers where Part 3 applies
31. Preliminary procedures
32. Changing the time of a hearing
33. Representation
34. The hearing
35. Adjournments
36. Written record

PART 4

37. Transitional provisions
38. Transitory provision
Signature

SCHEDULE 1 — PUNISHMENTS THAT MAY NOT BE AWARDED BY SUBORDINATE COMMANDERS OF PARTICULAR RANKS

SCHEDULE 2 — TRANSITIONAL PROVISIONS

PART 1 — General

1. Interpretation
 2. Proven offences
 3. Charges
 4. Charges which may be heard summarily only with permission or by senior officer
 5. Delegation and subordinate commanders
 6. Preliminary steps taken before commencement
- ##### PART 2 — Activation of naval suspended sentence
7. Approval by higher authority
 8. Preliminary procedures
 9. Activation following finding that a charge has been proved
 10. (1) Rule 23 applies, with the following modifications.
 11. Rule 27(2) is to be read as requiring the written...
 12. Notification of finding to court administration officer
 13. Part 3 hearings
 14. (1) Rule 31(1)(b) is modified as follows.
 15. (1) Rule 34 is modified as follows.
 16. Rule 36(1)(c) and (d) are to be read as requiring...

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Explanatory Note