
STATUTORY INSTRUMENTS

2009 No. 2055

The Armed Forces (Part 5 of the Armed Forces Act 2006) Regulations 2009

PART 3

PROVISIONS RELATING TO CHARGING

Procedure for bringing a charge

11.—(1) The procedure for bringing a charge against a person (“A”) under section 120(2) or 122(1) shall be as follows—

- (a) a charge sheet must be prepared in accordance with the Schedule;
- (b) the commanding officer of A must sign the charge sheet; and
- (c) a copy of the signed charge sheet must be served by hand on A either by the commanding officer or by a person authorised by him.

(2) When a charge is brought under section 122(1), the DSP must provide a copy of the charge sheet to the court administration officer as soon as practicable after service of the charge sheet on the accused.

Direction under section 121(2): provision of charge sheet

12. When a direction under section 121(2) to bring a charge against a person is given by the DSP to a commanding officer—

- (a) the DSP must send the charge sheet to the commanding officer; and
- (b) the commanding officer must return the charge sheet to the DSP as soon as reasonably practicable after bringing the charge.

Amendment, substitution and addition of charges by a CO

13. Regulation 11(1) shall apply to the amending, substituting or adding of a charge under section 123(2) as it applies to the bringing of a charge under section 120(2) or 122(1).

Amendment, substitution and addition of charges by the DSP

14.—(1) This regulation applies to the amendment, substitution or addition of a charge by the DSP—

- (a) under section 125(2) before the arraignment of an accused by the Court Martial; or
- (b) under section 126(2) before the arraignment of an accused by the Service Civilian Court.

(2) The procedure for the DSP to amend, substitute or add a charge shall be as follows—

- (a) a charge sheet must be prepared in accordance with the Schedule;
- (b) the DSP must sign the charge sheet; and

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- (c) the DSP must ensure that a copy of the signed charge sheet is served by hand on the accused.
- (3) As soon as practicable after service of the charge sheet on the accused, the DSP must provide a copy of the charge sheet to the court administration officer.
- (4) Where the earliest time at which it will be practicable to provide a copy of the charge sheet to the court administration officer is less than 24 hours before the time appointed for a hearing in relation to the accused, the DSP must also provide as soon as practicable a copy of the charge sheet to the judge advocate appointed to conduct the hearing.
- (5) This regulation does not apply to the amendment of charges by order of a judge advocate in preliminary proceedings within the meaning of the Court Martial rules.