

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Armed Forces (Court Martial) Rules 2009 (S.I. 2009/2041) (“the Court Martial Rules”) to take account of amendments made to section 155 of the Armed Forces Act 2006 (c. 52) by the Armed Forces Act 2021 (c. 35).

Rule 29 of the Court Martial Rules is amended to prescribe those proceedings required by section 155(1) (as amended) to have six, rather than three, lay members. A new rule 30 is substituted for the existing rule 30 to set out when a judge advocate can make a direction under section 155(2A) that there should be four, rather than three, lay members. A new rule 30A is also inserted for the purposes of section 155(6A) which will allow a judge advocate to direct that a Court Martial is to remain validly constituted in certain circumstances despite a reduction in the number of lay members. Rule 31 is amended to prescribe for the purposes of section 155(3)(a) the number of lay members of the Court Martial who may be warrant officers or OR-7s rather than officers. Other minor amendments are also being made to the Court Martial Rules in consequence of these changes.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.