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STATUTORY INSTRUMENTS

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**2023 No. 209**

**The Armed Forces (Driving  
Disqualification Orders) Regulations 2023**

**PART 2**

**AMENDMENT OF SERVICE COURT RULES**

**CHAPTER 2**

**Amendment of the Armed Forces (Court Martial) Rules 2009**

**Amendment of the Armed Forces (Court Martial) Rules 2009**

**15.** The Armed Forces (Court Martial) Rules 2009 are amended as follows.

**Proceedings in absence of defendant**

**16.** After rule 19(2) (proceedings in absence of defendant etc), insert—

“(3) The court may not impose a driving disqualification order in the absence of an offender, unless the court is satisfied that the offender was informed prior to the hearing that the court was considering disqualification.”

**Ancillary Proceedings**

**17.** After rule 151A (certification of failure to comply with production order), insert—

“Chapter 3

Driving Disqualification Orders

**Application to remove a disqualification**

**151B.**—(1) This rule applies where under regulation 8 of the Armed Forces (Driving Disqualification Orders) Regulations 2023 (the “Driving Disqualification Order Regulations”), on application by the offender, the court can remove a driving disqualification order.

(2) An offender who wants the court to exercise that power must—

- (a) apply in writing, no earlier than the date prescribed by regulation 8(4) of the Driving Disqualification Order Regulations,
- (b) serve the application on the court administration officer,
- (c) in the application set out—
  - (i) the date on which the driving disqualification order was made and the disqualification period,
  - (ii) the offence for which it was imposed, and

- (iii) the reasons the offender seeks removal of the driving disqualification order.
- (3) The court administration officer must serve a copy of the application on the Director.
- (4) A hearing must be held to determine the application.

**Information to be supplied on order for disqualification, etc.**

- 151C.**—(1) This rule applies where the court—
- (a) disqualifies the offender from driving, or
  - (b) suspends or removes a driving disqualification order.
- (2) The court administration officer must, as soon as reasonably practicable, serve on the Secretary of State notice that includes details of—
- (a) where paragraph (1)(a) applies—
    - (i) the date on which the driving disqualification order was made and the disqualification period;
    - (ii) the power exercised by the court;
  - (b) where paragraph (1)(b) applies—
    - (i) the date on which the driving disqualification order was made and the disqualification period;
    - (ii) the date and terms of the order for its suspension or removal;
    - (iii) the power exercised by the court;
    - (iv) where the court suspends the disqualification pending appeal, the court to which the offender has appealed.”