
STATUTORY INSTRUMENTS

2023 No. 209

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

PART 2

AMENDMENT OF SERVICE COURT RULES

CHAPTER 1

Amendment of the Armed Forces (Service Civilian Court) Rules 2009

Amendment of the Armed Forces (Service Civilian Court) Rules 2009

12. The Armed Forces (Service Civilian Court) Rules 2009 are amended as follows.

Proceedings in absence of defendant

13. 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

14. After rule 108 (certification of contempt of court), insert—

“Chapter 3

Driving Disqualification Orders

Application to remove a disqualification

108A.—(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.

- 108B.**—(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.”

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.”