STATUTORY INSTRUMENTS

2007 No. 2397

DEFENCE

The Courts-Martial (Army) (Amendment) Rules 2007

Made - - - -	*10th August 2007*
Laid before Parliament	*16th August 2007*
Coming into force - -	*7th September 2007*

The Secretary of State makes the following Rules in exercise of the powers conferred by section 103 of the Army Act 1955(**a**):

Citation and commencement

1.—(1) These Rules may be cited as the Courts-Martial (Army) (Amendment) Rules 2007 and shall come into force on 7th September 2007.

Amendment to the Rules

2.—(1) The Courts-Martial (Army) Rules 1997(**b**) are amended in accordance with the provisions of this rule.

(2) In rule 84, after paragraph (2) there is inserted—

"(3) Where a person to be tried by court-martial is a person to whom Part II of the Act is applied by section 209 of the Act, the court administration officer may appoint under section 84D(1)(a) and (c) and (2)(a) and (c) of the Act as a member of the court-martial any person who is not subject to military law, air force law or the Naval Discipline Act 1957.

(4) Where paragraph (3) applies, any reference in these Rules to—

(a) an officer or warrant officer member of the court, or

(b) the president,

shall be construed as meaning any person appointed as a member of the court under paragraph (3)."

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

Date 10th August 2007

(**a**) 1955 c. 18; section 103 was substituted by section 5 of and paragraph 30 of Schedule 1 to the Armed Forces Act 1996 (c. 46) and to which there are amendments not relevant to these Rules.
(**b**) S.I. 1997/169, to which there are amendments not relevant to these Rules.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Courts-Martial (Army) Rules 1997 to provide that where a civilian accused is to be tried by Army court-martial (by virtue of being a person to whom Part II of the Army Act 1955 applies), the court administration officer can appoint as a lay member of the court-martial any person who is not subject to military law, air force law or the Naval Discipline Act 1957. However, this would not preclude a civilian subject to Part II of the Army Act 1955 from being appointed as a member of the court.

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