



Armed Forces Act 2006

2006 CHAPTER 52

PART 7

TRIAL BY COURT MARTIAL

CHAPTER 1

THE COURT MARTIAL

155 Constitution of the Court Martial

- (1) In the case of any proceedings, the Court Martial is to consist of—
 - (a) a judge advocate; and
 - (b) [^{F1}three or, in the case of proceedings of a prescribed description, six] other persons (“lay members”).
- (2) But Court Martial rules may provide that, in the case of proceedings of a prescribed description, there are to be—
 - ^{F2}(a)
 - (b) no lay members.

[^{F3}(2A) In the case of proceedings where the number of lay members would (but for this subsection) be three, a judge advocate may, in accordance with Court Martial rules, direct that the number of lay members is to be four.]

- (3) In the case of proceedings where the Court Martial consists of a judge advocate and lay members—
 - (a) a prescribed number of the lay members must be officers [^{F4}, warrant officers or OR-7 ranks] qualified for membership under section 156 and not ineligible by virtue of section 157; and
 - (b) the rest must be officers so qualified and not so ineligible.
- (4) Subsection (3) is subject to any provision made by Court Martial rules.

Changes to legislation: Armed Forces Act 2006, Section 155 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) The judge advocate for any proceedings is to be specified by or on behalf of the Judge Advocate General.
- (6) The lay members for any proceedings are to be specified by or on behalf of the court administration officer.
- [^{F5}(6A) Court Martial rules may provide that in prescribed circumstances the Court Martial is to remain validly constituted despite the reduction of the number of lay members—
- (a) from six to five, or
 - (b) where a direction has been made under subsection (2A), from four to three, if a judge advocate gives a direction to that effect.]
- ^{F6}(7)
- ^{F6}(8)
- [^{F7}(9) In this section—
- “OR-7 rank” means any of the following—
 - (a) chief petty officer;
 - (b) staff corporal;
 - (c) staff sergeant;
 - (d) colour sergeant, Royal Marines;
 - (e) flight sergeant;
 - (f) chief technician;
- “prescribed” means prescribed by Court Martial rules.]

Textual Amendments

- F1** Words in s. 155(1)(b) substituted (1.5.2022 for specified purposes, 1.1.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 1 para. 1(2)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2
- F2** S. 155(2)(a) omitted (1.5.2022 for specified purposes, 1.1.2023 in so far as not already in force) by virtue of Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 1 para. 1(3)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2
- F3** S. 155(2A) inserted (1.5.2022 for specified purposes, 1.1.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 1 para. 1(4)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2
- F4** Words in s. 155(3)(a) substituted (1.5.2022 for specified purposes, 1.1.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 1 para. 1(5)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2
- F5** S. 155(6A) inserted (1.5.2022 for specified purposes, 1.1.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 1 para. 1(6)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2
- F6** S. 155(7)(8) omitted (1.5.2022 for specified purposes, 1.1.2023 in so far as not already in force) by virtue of Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 1 para. 1(7)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2
- F7** S. 155(9) substituted (1.5.2022 for specified purposes, 1.1.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 1 para. 1(8)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2

Changes to legislation: Armed Forces Act 2006, Section 155 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Modifications etc. (not altering text)

- C1** S. 155(3) excluded (31.10.2009) by [The Armed Forces \(Court Martial\) Rules 2009 \(S.I. 2009/2041\)](#), [art. 1](#), [rule 31\(2\)](#), [33\(1\)](#)

Commencement Information

- I1** S. 155 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I2** S. 155 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

Changes to legislation:

Armed Forces Act 2006, Section 155 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- specified provision(s) transitional provisions for effects of commencing SI 2009/812 by [S.I. 2009/1059](#) Order

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 12A applied (with modifications) by S.I. 2009/1059, art. 106A (as inserted) by [S.I. 2024/619](#) reg. 44(2)
- Pt. 12A inserted by [2016 c. 21](#) s. 7
- Pt. 16B inserted by [2023 c. 48](#) s. 1
- s. 50(2)(ca) inserted by [2011 c. 18](#) Sch. 4 para. 3(3) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 3(3) repealed (8.3.2015) without ever being in force by [2014 c. 12](#), Sch. 11 para. 82(2); S.I. 2015/373, art. 2(g)(ii))
- s. 209(8) inserted by [2021 c. 11](#) Sch. 13 para. 41(3)
- s. 213(3A) words inserted by [2021 c. 11](#) Sch. 13 para. 41(6)
- s. 218A(6A) inserted by Sch. 26 para. 12(1)(db) (as inserted) by [S.I. 2020/1520](#) reg. 6(2)(b)
- s. 218A(6A) words omitted by virtue of [2020 c. 17](#), Sch. 26 para. 12(1)(dc) (as inserted) by [S.I. 2020/1520](#) reg. 6(2)(b)
- s. 219A(1)(d)(i) omitted by virtue of [2020 c. 17](#), Sch. 26 para. 14(a)(i) (as substituted) by [2021 c. 11](#) Sch. 13 para. 43(7)(b)
- s. 219A(1)(d)(iii) omitted by virtue of [2020 c. 17](#), Sch. 26 para. 14(a)(i) (as substituted) by [2021 c. 11](#) Sch. 13 para. 43(7)(b)
- s. 219A(1)(da) inserted by [2021 c. 11](#) Sch. 13 para. 41(7)
- s. 219A(1)(da)(i) omitted by virtue of [2020 c. 17](#), Sch. 26 para. 14(a)(ii) (as substituted) by [2021 c. 11](#) Sch. 13 para. 43(7)(b)
- s. 219A(2A) inserted by [2020 c. 17](#), Sch. 26 para. 14(bb) (as inserted) by [S.I. 2020/1520](#) reg. 6(3)
- s. 219ZA inserted by [2021 c. 11](#) Sch. 8 para. 2
- s. 219ZA(1)(e) words omitted by virtue of [2020 c. 17](#), Sch. 26 para. 13A(a) (as inserted) by [2021 c. 11](#) Sch. 13 para. 43(7)(a)
- s. 219ZA(4)-(6) omitted by virtue of [2020 c. 17](#), Sch. 26 para. 13A(b) (as inserted) by [2021 c. 11](#) Sch. 13 para. 43(7)(a)
- s. 219ZA(7) words omitted by virtue of [2020 c. 17](#), Sch. 26 para. 13A(c) (as inserted) by [2021 c. 11](#) Sch. 13 para. 43(7)(a)
- s. 223(1A) inserted by [2021 c. 11](#) Sch. 13 para. 41(8)(a)
- s. 224A(1)(d)(iii) and word inserted by [2021 c. 11](#) Sch. 13 para. 41(9)(a)(ii)
- s. 224A(1)(d)(iii) words substituted by [2020 c. 17](#), Sch. 26 para. 15(a)(iii) (as inserted) by [2021 c. 11](#) Sch. 13 para. 43(7)(c)
- s. 224A(1A) inserted by [2021 c. 11](#) Sch. 8 para. 8(4)
- s. 224A(3A) inserted by [2021 c. 11](#) Sch. 13 para. 41(9)(b)
- s. 224B inserted by [2021 c. 11](#) Sch. 8 para. 9
- s. 225(1A) inserted by [2020 c. 17](#), Sch. 26 para. 15A (as inserted) by [S.I. 2020/1520](#) reg. 6(4)
- s. 226(1A) inserted by [2020 c. 17](#), Sch. 26 para. 15B (as inserted) by [S.I. 2020/1520](#) reg. 6(4)
- s. 227(3)(a)(b) substituted for words by [2021 c. 11](#) Sch. 13 para. 41(10)
- s. 238(6)(a) word omitted by [2021 c. 11](#) Sch. 13 para. 41(11)(a)

- s. 238(6)(b) word substituted by [2021 c. 11 Sch. 13 para. 41\(11\)\(c\)](#)
- s. 238(6)(aa) inserted by [2021 c. 11 Sch. 13 para. 41\(11\)\(b\)](#)
- s. 239(3A)(3B) inserted by [2021 c. 11 Sch. 8 para. 3](#)
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(a)(i) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(d\)](#)
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(a)(ii) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(d\)](#)
- s. 239(3B) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(d\)](#)
- s. 260(1)(ca) inserted by [2021 c. 11 Sch. 13 para. 41\(14\)\(a\)\(ii\)](#)
- s. 260(1)(ca) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(a)(iia) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(i\)](#)
- s. 260(4B)(a) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(ii) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(ii\)](#)
- s. 260(4B)(za) inserted by [2021 c. 11 Sch. 13 para. 41\(14\)\(b\)](#)
- s. 260(4B)(za) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(i) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(ii\)](#)
- s. 261(1)(ba) inserted by [2021 c. 11 Sch. 13 para. 41\(15\)](#)
- s. 261(1)(ba) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20(c) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(f\)](#)
- s. 261A(3)(a) words in s. 261A(3) renumbered as s. 261A(3)(a) by [2021 c. 11 Sch. 8 para. 4\(a\)](#)
- s. 261A(3)(b)(c) inserted by [2021 c. 11 Sch. 8 para. 4\(b\)](#)
- s. 261A(3)(b) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(a) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(g\)](#)
- s. 261A(3)(c)(i) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(g\)](#)
- s. 262A(2A) inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(a\)](#)
- s. 262A(2A)(b) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(a) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(h\)](#)
- s. 262A(3A) inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(b\)](#)
- s. 262A(3A) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(b) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(h\)](#)
- s. 262A(4) words inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(c\)\(i\)](#)
- s. 262A(4) words inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(c\)\(ii\)](#)
- s. 262A(4) words omitted by virtue of 2020 c. 17, Sch. 26 para. 21(c) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(h\)](#)
- s. 270A270B inserted by [2008 c. 4 Sch. 25 para. 27](#) (This amendment not applied to legislation.gov.uk. Sch. 25 para. 26(3)(4) repealed (2.4.2012) by 2011 c. 18, Sch. 3 para. 20(3), Sch. 5; S.I. 2012/669, art. 4(d)(f) (with art. 13))
- s. 270B(6)(aa) inserted by [2009 c. 25 Sch. 17 para. 9\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10) word repealed by [2009 c. 25 Sch. 23 Pt. 5](#)
- s. 270B(10)(a) words inserted by [2009 c. 25 Sch. 17 para. 9\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(b) words substituted by [2009 c. 25 Sch. 17 para. 9\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(c)-(e) inserted by [2009 c. 25 Sch. 17 para. 9\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 304B inserted by [2016 c. 21 s. 8](#)
- s. 304C inserted by [2016 c. 21 s. 9](#)
- s. 304C(5A) inserted by [2021 c. 11 Sch. 8 para. 5](#)
- s. 304C(5A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 24A(a) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(i\)](#)

- s. 304C(5A) words substituted by 2020 c. 17, Sch. 26 para. 24A(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(i\)](#)
- s. 304F-304H inserted by [2016 c. 21 s. 12](#)
- s. 377(8) inserted by 2020 c. 17, Sch. 26 para. 26 (as inserted) by [S.I. 2020/1520 reg. 6\(5\)](#)
- Sch. 7 para. 9(A1) inserted by [2020 c. 9 Sch. 2 para. 123\(8\)\(a\)](#) (This pre-consolidation amendment comes into force immediately before the consolidation date on 1.12.2020 (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416) to facilitate the sentencing consolidation and then is repealed immediately afterwards on 1.12.2020 by the Sentencing Act 2020 (c. 17), Sch. 28; S.I. 2020/1236, reg. 2)