
STATUTORY INSTRUMENTS

1991 No. 2737

The Naval Courts-Martial General Orders (Royal Navy) 1991

PART VII

MISCELLANEOUS

Civilian counsel

72. –

(1) Subject to these Orders the following persons shall be allowed to appear as civilian counsel at a court-martial–

- (a) every person who is qualified as a barrister-at-law or a solicitor according to the law of England or Northern Ireland;
- (b) every person who is qualified as an advocate or as a solicitor according to the law of Scotland; and
- (c) with the consent of the convening authority, any person who is recognised as having in any Commonwealth country or territory outside the United Kingdom rights and duties similar to those of a barrister-at-law or solicitor in England, and as being subject to punishment or disability for a breach of professional rules.

(2) Any right granted by these Orders to the accused at a court-martial to call or examine witnesses or to address the court, any right of the accused to object to the admissibility of evidence at a court-martial and any right granted to the accused by Orders 22, 24, 27, 28, 29, 30, 45, 47 and 58 may be exercised by his friend on his behalf, and any reference in these Orders to any address, request, application, claim, submission, objection or challenge to the jurisdiction or other plea in bar of trial made, taken or offered at a court-martial by the accused shall be construed as including any address, request, application, claim, submission, objection or challenge to the justification or other plea in bar of trial made, taken or offered at a court-martial by his friend on his behalf.

(3) If the accused is to be defended at his court-martial by counsel not nominated by the convening authority the accused shall give the convening authority notice of this fact not less than 24 hours before his trial.

Deviation or omission

73. A deviation or omission from a form or forms of words set out in the Schedule to these Orders shall not, by reason only of such deviation or omission, render any document, act or proceedings invalid.

Unforeseen circumstances

74. In any circumstance not provided for by these Orders such course shall be adopted as appears best calculated to do justice.

Revocation and savings

75. –

(1) Subject to paragraph (2) of this Order, the General Orders set out in the Schedule to the Naval Courts-Martial (Procedure) Order 1957⁽¹⁾ and in the Schedule to the Naval Courts-Martial (Procedure) (Amendment) Order 1972⁽²⁾ are hereby revoked.

(2) The General Orders referred to in paragraph (1) of this Order shall continue to apply in relation to proceedings commenced before the coming into force of these General Orders.

(1) [S.I.1957/2225](#) amended by S.I. [1972/966](#).

(2) [S.I. 1972/966](#).