
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Armed Forces (Court Martial) Rules 2009

PART 20

CONSEQUENCES OF ELECTION FOR COURT MARTIAL TRIAL

Charge referred to Director following election on another charge

156.—(1) Where—

- (a) a person makes an election under section 129,
- (b) another charge brought against the person is, at the time of the election, regarded for the purposes of Part 5 of the 2006 Act as allocated for summary hearing,
- (c) the other charge is not an election charge,
- (d) the person's commanding officer refers the other charge to the Director under section 123(2)(e) without giving the person the opportunity to make an election under section 129 in respect of it, and
- (e) the court convicts or acquits the person of the offence to which the other charge relates,

that offence is relevant.

(2) Where—

- (a) a charge is in respect of an offence which, if the defendant were convicted or acquitted of it, would be relevant by virtue of this rule,
- (b) another charge ("the new charge") is brought under section 125 in addition to the charge, or substituted for it, and
- (c) the court convicts or acquits the defendant of the offence to which the new charge relates,

that offence is relevant.