



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 7

#### TRIAL BY COURT MARTIAL

#### CHAPTER 1

#### THE COURT MARTIAL

#### 157 Officers [<sup>F1</sup>etc] ineligible for membership in particular circumstances

- (1) An officer is ineligible for membership of the Court Martial for proceedings after the arraignment of a defendant if—
  - (a) he was the commanding officer of the defendant at any time in the period beginning with the date of commission of the offence to which the arraignment relates and ending with the arraignment;
  - (b) he has taken part in investigating the subject matter of any charge against the defendant; or
  - (c) he has conducted (whether alone or with other persons) an inquiry into the subject matter of any charge against the defendant.
- (2) A warrant officer [<sup>F2</sup>or OR-7 rank] is ineligible for membership of the Court Martial for proceedings after the arraignment of a defendant if he falls within subsection (1) (b) or (c).
- (3) Where a defendant is arraigned in respect of more than one offence, the reference in subsection (1)(a) to the date of commission of the offence there mentioned is to the date of commission of the earliest such offence.
- (4) Court Martial rules may provide that an officer [<sup>F3</sup>, warrant officer or OR-7 rank] of a description prescribed by the rules is ineligible for membership of the Court Martial for a description of proceedings so prescribed.

[<sup>F4</sup>(5) In this section “OR-7 rank” has the meaning given by section 155(9).]

**Status:** Point in time view as at 01/01/2023.

**Changes to legislation:** Armed Forces Act 2006, Section 157 is up to date with all changes known to be in force on or before 09 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)

### Textual Amendments

- F1** Word in s. 157 heading 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. 3(2)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2
- F2** Words in s. 157(2) 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. 3(3)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2
- F3** Words in s. 157(4) 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. 3(4)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2
- F4** S. 157(5) 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. 3(5)**; S.I. 2022/471, reg. 2(a); S.I. 2022/1095, reg. 2

### Commencement Information

- I1** S. 157 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. 157 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, **art. 4**

**Status:**

Point in time view as at 01/01/2023.

**Changes to legislation:**

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