
EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables warrant officers to sit as members of the summary appeal courts established by section 83ZA of the Army Act 1955 and the Air Force Act 1955, and section 52FF of the Naval Discipline Act 1957, as inserted (in each case) by the Armed Forces Discipline Act 2000, to hear appeals from the armed forces' systems of summary discipline.

Article 3 qualifies all warrant officers except those within paragraph (2) to be members of a summary appeal court. Under paragraphs (3), (4) and (5), however, they are qualified to sit as members of a summary appeal court of a Service other than their own only if not enough qualified personnel of that Service are available. Paragraph (6) precludes warrant officers of Commonwealth naval forces from sitting as members of the military and air-force courts at all.

Article 4 provides for circumstances in which a warrant officer is ineligible to sit for the purposes of a particular appeal, despite being otherwise qualified under article 3. This may be because he is not of a higher rank than the appellant, has investigated the case or participated in a related inquiry, or serves under the command of an officer who dealt with the case.

Articles 5 and 6 amend the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 so that a summary appeal court hearing an appeal may include one warrant officer qualified for membership of the court. They also make consequential amendments.

Article 7 makes consequential amendments to the Orders that provide for the administration of oaths to members of the summary appeal courts.

This Order does not impose any costs on business.