
EXPLANATORY NOTE

(This note is not part of the Order)

Sections 26 and 27 of the Armed Forces Act 2001 respectively enable the Secretary of State to make regulations empowering courts-martial to make orders for the payment of costs which have been unnecessarily or improperly incurred in proceedings for an offence under any of the services Acts (which include the Naval Discipline Act 1957) and to make wasted costs orders against the legal or other representative of a party to such proceedings. Section 28 contains provisions supplementary to sections 26 and 27 and amends section 58(2) of the Naval Discipline Act 1957 to allow courts-martial rules to be made to enable any jurisdiction conferred on a court-martial by sections 26 to 28 of the 2001 Act to be exercised by the judge advocate sitting alone. The Armed Forces Proceedings (Costs) Regulations 2005 made under sections 26 to 28 of the 2001 Act empower courts-martial to make the applicable costs orders in proceedings for offences under the services Acts. These Rules amend the Courts-Martial (Royal Navy) Rules 1997 to enable the jurisdiction conferred on courts-martial by virtue of sections 26 to 28 of the Armed Forces Act 2001 to be exercised by a judge advocate sitting alone.