
STATUTORY INSTRUMENTS

2007 No. 3444

The Courts-Martial (Royal Air Force) Rules 2007

PART 7

ARRAIGNMENT

Alternative charges

44.—(1) Where an accused pleads guilty to the first of two or more alternative charges, the judge advocate, if he accepts the plea, shall record a finding of guilty in respect of that charge and shall give the prosecuting authority leave to discontinue proceedings in respect of any alternative charge or charges.

(2) Where an accused pleads guilty to any other of two or more alternative charges, the judge advocate shall—

(a) if the prosecuting authority gives his consent—

(i) record a finding of guilty on any charge to which the accused has pleaded guilty,

(ii) record a finding of not guilty on any alternative charge placed before him on the charge sheet, and

(iii) give the prosecuting authority leave to discontinue proceedings in respect of any further alternative charge or charges; or

(b) if the prosecuting authority does not give the consent referred to in sub-paragraph (a), proceed as if the accused had pleaded not guilty to all the charges.

(3) If the judge advocate records a finding of guilty under paragraph (1) or (2)(a) and subsequently allows the accused to change his plea under rule 49, the judge advocate may reinstate and arraign the accused on any alternative charge which was discontinued.