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STATUTORY INSTRUMENTS

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**2009 No. 1209**

**The Armed Forces (Service Civilian Court) Rules 2009**

**PART 9**

**CONSIDERATION OF TRIAL BY THE COURT MARTIAL**

**Consideration of trial by the Court Martial**

**42.**—(1) The court shall make its decision in accordance with section 279 before the defendant is arraigned and shall give its reasons for its decision in open court.

(2) If the court decides that it should try the charge, the defendant shall be asked if he wants to elect trial by the Court Martial.

(3) If the defendant (or if more than one person is jointly charged, any of the defendants) does not elect trial by the Court Martial, the court may arraign the defendant.

(4) At any time before arraignment, a defendant may give notice that he elects to be tried by the Court Martial.

(5) For the purposes of paragraph (4), if there is more than one charge or more than one charge sheet “arraignment” shall mean arraignment on all of the charges.

(6) A defendant who has indicated that he wishes to elect trial by the Court Martial may, at any time before arraignment by the Court Martial, give notice that he withdraws his election.

(7) Any notice under paragraphs (4) or (6), unless given in court during proceedings in relation to the matter, shall be in writing and shall be served on—

- (a) the court administration officer;
- (b) the Director;
- (c) any other defendant.

(8) Nothing in this rule shall affect the provisions in section 280(3) or (5) (election in respect of one defendant or one charge, as the case may be, takes effect in respect of all of the defendants or all of the charges).

**Changes to legislation:**

There are currently no known outstanding effects for the The Armed Forces (Service Civilian Court) Rules 2009, PART 9.