
STATUTORY INSTRUMENTS

2009 No. 1211

The Armed Forces (Summary Appeal Court) Rules 2009

PART 5

MEMBERS OF THE COURT

Persons ineligible for membership in particular circumstances

36.—(1) A person is ineligible for membership of the court for any appeal proceedings if, at any time since the date of the commission of the offence which is the subject of the finding against the appellant, he and the appellant were serving in the same unit.

(2) [^{F1}Subject to paragraphs (3A) and (3B), a] person is ineligible for membership of the court for any proceedings if he was a member of the court or of the Court Martial for any previous proceedings to which any person to whom the proceedings relate was a party.

(3) For the purposes of paragraph (2) a person is not to be regarded as having been a member of the court for any previous proceedings if those proceedings were terminated under rule 32(1) by virtue of sub-paragraph (b) of that paragraph (successful objections exceeding the number of waiting members).

[^{F2}(3A) A person is ineligible for membership of the court for any variation proceedings if they were not a member of the court for the proceedings in which the punishment that falls to be varied was imposed.

(3B) A person is not ineligible for membership of the court for variation proceedings by virtue of having been a member of the court for—

- (a) any appeal proceedings in which the offender was convicted of any offence for which the punishment that falls to be varied was imposed;
- (b) the appeal proceedings in which the punishment was imposed.]

(4) This rule does not apply to the judge advocate.

Textual Amendments

F1 Words in rule 36(2) substituted (13.11.2023) by [The Armed Forces \(Amendment of Court Rules\) Rules 2023 \(S.I. 2023/1097\)](#), rules 1(2), **10(1)**

F2 [Rule 36\(3A\)\(3B\)](#) inserted (13.11.2023) by [The Armed Forces \(Amendment of Court Rules\) Rules 2023 \(S.I. 2023/1097\)](#), rules 1(2), **10(2)**

Status:

Point in time view as at 13/11/2023.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Summary Appeal Court) Rules 2009, Section 36.