
STATUTORY INSTRUMENTS

2009 No. 2041

The Armed Forces (Court Martial) Rules 2009

PART 3

PROCEEDINGS: GENERAL

Termination of proceedings

25.—(1) The judge advocate must terminate any proceedings to which rule 34 (president of the board) applies if—

- (a) the president of the board dies or is otherwise unable to continue to attend the proceedings; and
 - (b) there is no other lay member of the court who is qualified to be the president of the board.
- (2) The judge advocate must terminate any proceedings with lay members if—
- (a) a lay member dies or is otherwise unable to continue to attend the proceedings, or
 - (b) the number of lay members discharged under rule 35(4) (objections to lay members) exceeds the number of waiting members,

and the number of lay members is in consequence reduced below the minimum number [F1required for the Court Martial to remain validly constituted].

(3) The judge advocate may terminate any proceedings if he considers it in the interests of justice to do so.

(4) The Judge Advocate General shall terminate proceedings if the judge advocate dies or is otherwise unable to continue to attend the proceedings.

(5) Where proceedings with lay members are terminated under this rule, the lay members shall be discharged.

(6) The termination of trial or appellate proceedings under this rule shall not bar further trial or appellate proceedings in relation to the same charge or charges.

(7) The termination of sentencing proceedings under this rule or rule 59(4) (change of plea) shall not bar further sentencing proceedings in relation to the same offence or offences.

(8) The termination of activation proceedings under this rule shall not bar further activation proceedings held by virtue of the same conviction.

Textual Amendments

- F1** Words in [rule 25\(2\)](#) inserted (1.1.2023) by [The Armed Forces \(Court Martial\) \(Amendment\) Rules 2022 \(S.I. 2022/1264\)](#), [rules 1\(2\), 5](#)

Status:

Point in time view as at 01/01/2023.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Court Martial) Rules 2009, Section 25.