

STATUTORY INSTRUMENTS

2009 No. 2041

The Armed Forces (Court Martial) Rules 2009

PART 4

MEMBERS OF THE COURT

Proceedings requiring [^{F1}six] lay members

- 29.**—(1) For proceedings to which this rule applies, the number of lay members shall be [^{F2}six].
- (2) This rule applies to trial proceedings if—
- (a) any defendant is charged with an offence listed in Schedule 2 to the 2006 Act;
 - (b) any defendant is aged 18 or over at the commencement of the proceedings and is charged with an offence for which he could, if convicted, be sentenced to more than [^{F3}two] years' imprisonment; or
 - (c) any defendant is aged under 18 at the commencement of the proceedings and is charged with an offence for which he could, if convicted while under the age of 18, be sentenced to more than [^{F4}two] years' detention under section 209.
- (3) [^{F5}Subject to rule 29A, this rule applies to sentencing proceedings] if any offender falls to be sentenced for—
- (a) an offence listed in Schedule 2 to the 2006 Act; or
 - (b) an offence for which he could be sentenced to more than [^{F6}two] years' imprisonment or more than [^{F6}two] years' detention under section 209.
- (4) [^{F7}Subject to rule 29A, this rule applies to variation proceedings] if it applied to the proceedings in which the sentence that falls to be varied was imposed.

Textual Amendments

- F1** Word in rule 29 heading substituted (1.1.2023) by [The Armed Forces \(Court Martial\) \(Amendment\) Rules 2022 \(S.I. 2022/1264\)](#), rules 1(2), **6(2)**
- F2** Word in rule 29(1) substituted (1.1.2023) by [The Armed Forces \(Court Martial\) \(Amendment\) Rules 2022 \(S.I. 2022/1264\)](#), rules 1(2), **6(3)**
- F3** Word in rule 29(2)(b) substituted (1.1.2023) by [The Armed Forces \(Court Martial\) \(Amendment\) Rules 2022 \(S.I. 2022/1264\)](#), rules 1(2), **6(4)(a)**
- F4** Word in rule 29(2)(c) substituted (1.1.2023) by [The Armed Forces \(Court Martial\) \(Amendment\) Rules 2022 \(S.I. 2022/1264\)](#), rules 1(2), **6(4)(b)**
- F5** Words in rule 29(3) substituted (1.8.2013) by [The Armed Forces \(Court Martial\) \(Amendment\) Rules 2013 \(S.I. 2013/1851\)](#), rules 1, **3(2)**
- F6** Word in rule 29(3)(b) substituted (1.1.2023) by [The Armed Forces \(Court Martial\) \(Amendment\) Rules 2022 \(S.I. 2022/1264\)](#), rules 1(2), **6(5)**

Changes to legislation: There are currently no known outstanding effects for the The Armed Forces (Court Martial) Rules 2009, Section 29. (See end of Document for details)

F7 Words in rule 29(4) substituted (1.8.2013) by The Armed Forces (Court Martial) (Amendment) Rules 2013 (S.I. 2013/1851), rules 1, **3(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Court Martial) Rules 2009, Section 29.