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STATUTORY INSTRUMENTS

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**2009 No. 2041**

**The Armed Forces (Court Martial) Rules 2009**

**PART 4**

**MEMBERS OF THE COURT**

**Proceedings requiring at least five lay members**

**29.**—(1) For proceedings to which this rule applies, the number of lay members shall be at least five.

(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 seven 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 seven years' detention under section 209.

(3) 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 seven years' imprisonment or more than seven years' detention under section 209.

(4) This rule applies to variation proceedings if it applied to the proceedings in which the sentence that falls to be varied was imposed.