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STATUTORY INSTRUMENTS

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**2009 No. 2041**

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

**PART 10**

**ARRAIGNMENT**

**Retrial authorised by Appeal Court**

**61.**—(1) This rule applies where the Appeal Court quashes a conviction and makes an order under section 19 of the 1968 Act authorising the appellant to be retried.

(2) Rule 56 (arraignment) applies, but rule 60 applies whether or not the defendant has been re-arraigned.

(3) Rule 60(1) does not require leave of the court for anything authorised by the order of the Appeal Court (including any direction by that court under section 19(4) of the 1968 Act).

(4) The Director may not refer any charge to the defendant's commanding officer, or allocate it for trial by the Service Civilian Court.

(5) The Director may not discontinue proceedings on any charge, unless at the same time he makes a direction under section 127(2) (direction barring further service or civilian proceedings) in relation to the charge.