
STATUTORY INSTRUMENTS

2009 No. 2041

The Armed Forces (Court Martial) Rules 2009

PART 20

CONSEQUENCES OF ELECTION FOR COURT MARTIAL TRIAL

Sentence where charge added to, or substituted for, election charge

158. Where—

- (a) the court convicts a person of an offence which is relevant by virtue of section 165(1)(b) (charges brought in addition to, or substituted for, an election charge), and
- (b) section 165(4) does not apply,

the sentence passed in respect of the offence must be such that the person's commanding officer could have awarded the punishments awarded by that sentence if he had heard the election charge summarily and had recorded a finding that it had been proved.