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STATUTORY INSTRUMENTS

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**2009 No. 2041**

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

**PART 3**

**PROCEEDINGS: GENERAL**

**Record of proceedings**

- 23.**—(1) A record must be made of any proceedings.
- (2) The record of proceedings must include—
- (a) a record of any plea offered, and whether any plea of guilty was accepted by the judge advocate;
  - (b) a record of any finding;
  - (c) a record of any sentence passed, order made or direction given by the court;
  - (d) a record of any order made, and any direction or ruling given, by the judge advocate;
  - (e) a sound recording of the proceedings, and any transcript of it (signed by the transcriber).
- (3) The court administration officer shall send a copy of the record of any preliminary proceedings to—
- (a) the Judge Advocate General;
  - (b) the Director; and
  - (c) each defendant.
- (4) Where a direction under rule 47 (preliminary proceedings in chambers) was given in relation to the proceedings, paragraph (3) shall have effect as if sub-paragraph (c) were omitted; and, where such a direction was given in relation to part of the proceedings, paragraph (3)(c) shall have effect in relation only to the record of the remainder.
- (5) The record of proceedings shall be kept in the custody of the Judge Advocate General, together with any exhibits retained under rule 24 and any file of correspondence or other papers maintained by the court administration officer in connection with the proceedings, for at least six years from—
- (a) in the case of trial or appellate proceedings in which a defendant is convicted, the conclusion of the sentencing proceedings in relation to him;
  - (b) in the case of preliminary proceedings where related trial or appellate proceedings take place but no defendant or appellant is convicted, the conclusion of the trial or appellate proceedings;
  - (c) in any other case, the conclusion of the proceedings.
- (6) A copy of the record of proceedings, or any part of it, shall be supplied on request—
- (a) to any party to the proceedings, without charge, and
  - (b) to any other person, on payment of such charge as may be fixed by the Judge Advocate General,

but this is subject to paragraphs (7) and (8).

(7) Paragraph (6) does not require the supply of—

- (a) a copy of the record of any proceedings held in camera, or in relation to which a direction under rule 47 (preliminary proceedings in chambers) was given;
- (b) a copy of any part of a record of proceedings which relates to a part of the proceedings which was held in camera, or in relation to which such a direction was given.

(8) If, following a request for the supply of a copy of the record of proceedings or any part of it, the Secretary of State certifies that it is requisite for reasons of security that the record or part requested (or any part of it) should not be disclosed, paragraph (6) does not require the supply of the record or part requested (or the part of it to which the certificate relates).