
STATUTORY INSTRUMENTS

2022 No. 1263

The Armed Forces (Service Court Rules) (Amendment) (No. 2) Rules 2022

Amendment of the Armed Forces (Court Martial) Rules 2009

4. After rule 3 (interpretation: general) insert—

“PART 1A

THE OVERRIDING OBJECTIVE

The overriding objective

3A.—(1) The overriding objective of these Rules is that cases be dealt with justly.

(2) Dealing with a case justly includes—

- (a) acquitting the innocent and convicting the guilty;
- (b) treating all participants with politeness and respect;
- (c) dealing with the prosecution and defence fairly;
- (d) recognising the rights of a defendant, particularly those under Article 6 of the European Convention on Human Rights;
- (e) respecting the interests of witnesses, victims and lay members (if any) and keeping them informed of the progress of the case;
- (f) dealing with the case efficiently and expeditiously;
- (g) ensuring that appropriate information is available to a judge advocate or the court when either custody before or after charge or sentence are considered; and
- (h) dealing with the case in ways that take into account—
 - (i) the gravity of the offence alleged;
 - (ii) the complexity of what is in issue;
 - (iii) the severity of the consequences for the defendant and others affected;
 - (iv) the needs of other cases; and
 - (v) the need to maintain the operational effectiveness of Her Majesty’s forces.

(3) In this rule “custody before or after charge” means the keeping of the accused in service custody under Part 4 of the 2006 Act.

The duty of the participants in a case

3B.—(1) Each participant, in the conduct of each case, must—

- (a) prepare and conduct the case in accordance with the overriding objective;

- (b) comply with these Rules and any directions relating to the case given by a judge advocate or the court;
 - (c) at once inform the court and all parties of any significant failure (whether or not that participant is responsible for that failure) to take any procedural step required by these Rules or any direction. A failure is significant if it might hinder the court in furthering the overriding objective.
- (2) Anyone involved in any way with a case is a participant in its conduct for the purposes of this rule.

The application by the court of the overriding objective

3C. The court or the judge advocate for any proceedings before the court must further the overriding objective, in particular when—

- (a) exercising any power given to the court or the judge advocate by legislation (including these Rules); or
- (b) interpreting any rule.”.