
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedure governing the prosecution and trial of offences at courts-martial under the Air Force Act 1955 (c. 19). The Rules generally accord with procedures in the Crown Court. They replace and revoke the Rules of Procedure (Air Force) 1972 (S.I.1972/419) and take account of changes in the law and procedure since then, giving effect in particular to the provisions of the Armed Forces Act 1996 (c. 46).

The Rules regulate the functions of the prosecuting authority and the court administration officer. The Rules provide for the form and preferring of charges, the discontinuance of proceedings before trial and the procedure to be followed by the court administration officer when convening the court-martial.

The Rules provide for the first time for preliminary proceedings in the form of a hearing for directions, at which the judge advocate may make any necessary directions to secure the efficient trial of the case, and preparatory and pre-trial hearings at which the judge advocate may make rulings before the trial commences.

Specific provision is made for the court-martial to resolve disputed issues of fact other than the accused's guilt, where it is necessary to do so before deciding what sentence is to be passed.

Rules relating to the admission of evidence via closed circuit television link and of video recording of testimony from child witnesses are included.

A period of 28 days from the day sentence is announced is prescribed within which an accused may present a petition against finding or sentence or both to the reviewing authority, who is required to give reasons for his decision if such a petition is presented.