



STATUTORY INSTRUMENTS

S.I. No. 205 of 2008



COURT-MARTIAL RULES 2008

(Prn. A8/0873)

S.I. No. 205 of 2008

COURT-MARTIAL RULES 2008

We, the Courts-Martial Rules Committee, constituted pursuant to the provisions of section 240A of the Defence Act 1954 (No. 18 of 1954), in exercise of the powers conferred on us by section 240B of the Defence Act 1954, and of all other powers enabling us in this behalf, do hereby make the following Rules.

Dated this 28th day of June 2008.

Donagh M ^c Donagh	Chairperson
Oonagh M ^c Crann	
Patrick A.M ^c Court	
Niall Farrell	
Denis M ^c Fadden	
Ann Price	
John Spierin	Secretary

I concur in the making of the following Rules.

Dated this 2nd day of July 2008.

WILLIE O DEA
Minister for Defence

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 11th July, 2008.*

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COURT-MARTIAL RULES 2008

Part 1 — Preliminary and General

Short title, commencement and application

1. (1) These Rules may be cited as the Court-Martial Rules 2008.
- (2) These Rules shall come into operation on the 1st day of September 2008.
- (3) These Rules shall apply within and outside the State.

Interpretation

2. (1) In these Rules—

“Act” means the Defence Act 1954 (No. 18 of 1954);

“abstract of evidence” means—

- (a) any statement in writing, prepared in accordance with the Rules of Procedure, of the evidence of witnesses proposed to be called at the trial by court-martial of an accused person, or
- (b) where the context so admits or requires, any statement or record of evidence of a witness, (including that, if any, of the person charged) given or prepared to be given, or heard, at an investigation of a charge before a commanding officer (pursuant to sections 177, 177A or 178C), or an authorised officer (pursuant to section 177C), or an officer appointed for that purpose by the Deputy Chief of Staff (pursuant to section 177), as the case may be;

“accused” includes, where the context so requires, an appellant;

“authorised officer” means an officer in whom powers and duties are vested pursuant to section 184;

“board” means a court-martial board pursuant to section 189 or section 190;

“counsel” has the meaning ascribed to it by section 196(6);

“oath” and “swear” and cognate expressions, include affirmation or declaration, affirm or declare, in cases where an affirmation or declaration is by law allowed instead of an oath;

“party” includes any accused, appellant and prosecutor;

“person in waiting” means a person who is qualified to be a member of a court-martial board and who is specified by the Court-Martial Administrator in an order convening a general court-martial or a limited court-martial, as the case may be, to be a reserve member to be available for appointment to that particular court-martial for the purpose of Part 11 or Part 13 of these Rules;

“proceedings” means any proceedings before a court-martial including any appeal or application under Part V of the Act;

“proper military authority” when used in relation to any jurisdiction, power, duty, act or other matter, means such military authority as exercises or performs that jurisdiction, power or duty or is concerned with that act or matter pursuant to regulations made under the Act, or the custom of the service;

“prosecutor” means the Director, and includes any prosecuting officer appointed under section 184F(1) and counsel instructed by or representing either;

“Rules of Procedure” means any rules made by the Minister under section 240;

“subordinate officer” means an officer to whom power is delegated under section 179(1);

“summary of evidence” means the evidence in relation to a charge against an accused, taken down in writing in accordance with Rules of Procedure, and includes any statement made by the accused and taken down in accordance with those Rules and any further statement of evidence included in the summary of evidence in accordance with those Rules.

(2) In these Rules, unless otherwise provided, a reference to a section is to a section of the Act.

(3) The words and expressions defined in section 2(1) have the same meaning in these Rules as in the Act.

(4) Time for the purpose of any proceedings or other matter under these Rules shall be reckoned exclusive of Sunday, Good Friday, Christmas Day and St. Patrick’s Day. Time reckoned for the purposes of arrest, custody, punishment or forfeiture or deduction of pay shall include those days.

Representation

3. Subject to these Rules, an accused person shall be entitled to be represented at his or her trial by court-martial by counsel or by any officer subject to military law, referred to in these Rules as the “defending officer”.

Part 2 — Military judge

Unavailability of military judge

4. (1) Where the military judge presiding at a court-martial is unable to attend, the Court-Martial Administrator shall have power to adjourn the court for a period not exceeding fourteen days, to a date, time and place specified by him.

(2) A court-martial adjourned pursuant to this Rule may be dissolved, pursuant to section 193(4) by order in writing:

(a) by another military judge or,

(b) if there is no other military judge and if the Court-Martial Administrator, after consultation with the Director, is satisfied that no military judge is likely to be available within a reasonable period, by the Court-Martial Administrator.

(3) Where a court-martial is dissolved in accordance with this Rule, the accused may be re-tried by another court-martial on the directions of the Director.

Part 3 — Duties of Court-Martial Administrator in relation to proceedings before courts-martial

Register of proceedings

5. (1) The Court-Martial Administrator shall establish and maintain a Register of Proceedings before courts-martial (in these Rules referred to as “the Register”).

(2) Each case directed to be tried by court-martial and each appeal to the summary court-martial shall be assigned a unique reference number by the Court-Martial Administrator, referred to in these Rules as the Register Number.

(3) The Court-Martial Administrator shall include in the Register the service number, rank, name and unit (if any), address, and other particulars of every accused or appellant together with the name, business address, and contact details of their counsel, where known, a record of every order made or direction given in every proceedings and such other particulars as the military judge may direct the Court-Martial Administrator to include from time to time.

(4) The Court-Martial Administrator shall maintain a calendar of the trials and other hearings scheduled or listed before any court-martial and shall provide copies of that calendar or extracts therefrom to the military judge and every member and person in waiting of any board affected and every other material person requesting same.

(5) The Court-Martial Administrator shall publish, publicly, notice of the dates, times and places fixed for trials by courts-martial and for other hearings before courts-martial in such manner as he or she considers appropriate.

(6) The records referred to in this rule may be created and maintained in electronic form, in whole or in part.

Notice of order convening general court-martial or limited court-martial

6. Where the Court-Martial Administrator convenes a general court-martial or limited court-martial, he or she shall transmit a copy of the order to the military judge.

Delegation of duties

7. The Court-Martial Administrator may perform his or her duties under these Rules by or through any person nominated by him or her and in particular may, in relation to any court-martial, nominate any one or more persons to perform such duties in relation to such court-martial, subject to any order or direction of the military judge.

Notice to parties and persons affected

8. The Court-Martial Administrator shall give reasonable notice to every prosecutor and accused (and to his or her counsel or defending officer), every member of every board concerned and any other person ordered to attend, of the time, date and place of any trial or any hearing or proceedings.

Facilities for trials and hearings

9. (1) The Court-Martial Administrator shall ensure the attendance of a shorthand-writer, stenographer, note-taker or recorder at a trial by court-martial or other pre-trial hearing.

(2) The Court-Martial Administrator shall ensure the attendance of an interpreter where required.

(3) The Court-Martial Administrator shall provide, as far as reasonably practicable, suitable accommodation for the court-martial, the parties, any witnesses and other persons attending (including members of the public) at a court-martial.

(4) The Court-Martial Administrator shall provide any special facility (including any technology) required by the court-martial.

Part 4 — Trial by summary court-martial

Application of Rules

10. (1) A trial before the summary court-martial shall proceed in accordance with Parts 9 to 22, subject to the provisions, exceptions and modifications made in this Part.

(2) In the case of a trial before the summary court-martial, any reference in any provision of Parts 9 to 22 to a board shall be deemed to be a reference to the military judge presiding.

(3) Part 11 (rules 27, 28, 29 and 30) and Part 16 (rule 53) shall not apply in any trial before the summary court-martial.

(4) Rules 32, 33 and 34 in Part 13, rule 54 in Part 17, and rules 66, 68 and 69 in Part 19 shall not apply in any trial before the summary court-martial.

(5) Rule 37 in Part 14 shall not apply in any trial before the summary court-martial. On his or her appearance before the summary court-martial, the accused shall have each charge read to him or her and shall be asked how he or she pleads to each charge.

Procedure at trial by summary court-martial

11. Where two or more charge-sheets are laid, each charge-sheet shall be dealt with to a finding before the next charge-sheet is laid before the court.

Part 5 — Appeals to the summary court-martial

Form and service of appeal

12. (1) Every appeal under section 178E to the summary court-martial shall be brought by notice of appeal in writing (in Form 1) which shall specify whether the appeal is against a determination or against a punishment or against both a determination and a punishment.

(2) The appellant shall give the Notice of Appeal to the Court-Martial Administrator who shall complete the same and give a copy of the notice to:

- (a) the appellant,
- (b) the Director and
- (c) the authorised officer or the commanding officer concerned.

(3) As soon as practicable after he or she has received a copy of the notice of appeal, the authorised officer or the commanding officer, as the case may be, shall send to the Court-Martial Administrator copies of:

- (a) the record of the determination under section 177C(5)(a) or 178C(5)(a), as the case may be;
- (b) the punishment awarded;
- (c) any order for compensation made under section 177C(9) or 178C(10);
- (d) any statement in writing of the appellant;
- (e) any other record of the summary investigation, and
- (f) the notice and documents received by the appellant in accordance with section 177A or 178A.

Dismissal of appeal for non-prosecution

13. Where in the opinion of the summary court-martial, by reason of the passage of time or for other good and sufficient reason, an appeal to the summary court-martial has been abandoned or not prosecuted with reasonable expedition, the summary court-martial may dismiss the appeal accordingly.

Modification of Rules — Appeals to summary court-martial

14. (1) Part 11 (rules 27, 28, 29 and 30) and Part 16 (rule 53) shall not apply in any appeal before the summary court-martial.

(2) Rules 32, 33 and 34 in Part 13, rule 54 in Part 17, and rules 66, 68 and 69 in Part 19 shall not apply in any appeal before the summary court-martial.

(3) Rules 37 and 38(1) shall not apply in any appeal before the summary court-martial. On his or her appearance before the summary court-martial, the appellant shall have each charge read to him or her and shall be asked whether he or she admits or denies each charge.

(4) Where an appeal is made against a determination or against both a determination and punishment arising from two or more charge-sheets, each charge-sheet shall be dealt with to an order under section 178G(1) before the next charge-sheet is dealt with by the court.

Order on appeal

15. The decision of the court on any appeal shall be recorded and any order made shall be in Form 3 and shall be dated and signed by the military judge.

Part 6 — Appeals to the summary court-martial against punishment only

Information to be provided by the respondent

16. (1) Not later than 7 days before the date fixed for the hearing of an appeal against punishment only, the respondent shall prepare for the court and furnish to the Court-Martial Administrator and to the appellant written particulars of:

- (a) any punishment awarded to the appellant or compensation order made against the appellant under Part V of the Act;
- (b) the offence or offences to which the punishment awarded or compensation order made relates, and
- (c) such other matters as may be relevant to the exercise by the court-martial of its powers under section 178G(3).

(2) The information referred to in sub-rule (1)(c) shall include information contained in the service records concerning the appellant's character; age; service; rank; any recognised act of gallantry, distinguished conduct, medals, awards, mentions; marital status; the number in his or her family; the length of time he or she has been under arrest or in confinement on any previous sentence; the period he or she has been in civil or service custody on the present charge or charges; any additional, flying or other pay.

(3) Evidence on the matters referred to in sub-rule (2) may be given by a witness verifying a statement in Form 2.

Determining disputes of fact

17. (1) Where on an appeal against punishment only there are disputed facts, any such issue of fact may be tried by the court-martial.

(2) Where an issue of fact is tried in accordance with sub-rule (1) the military judge may order that evidence be adduced.

Evidence on behalf of the appellant

18. (1) The appellant may—

- (a) give evidence on oath and call witnesses,
- (b) produce to the court any document or written report, and
- (c) address the court,

on any matter relevant to the award of punishment.

(2) Unless the respondent or the court requires otherwise, any document or report referred to in sub-rule (1)(b) need not be adduced in compliance with the rules of evidence.

(3) The court may refuse to receive any such document or report at its discretion.

Part 7 — Appeal to the summary court-martial against a determination or against both determination and punishment

Power of prosecutor on appeal against determination

19. The prosecutor may at any time during the conduct of an appeal against a determination give notice that he or she no longer intends to contest the appeal and, where he or she does so, the court shall allow the appeal and quash the determination.

Appeal to the summary court-martial against a determination or against both determination and punishment

20. (1) In this Part “an appeal” means an appeal against a determination or against both a determination and punishment. In any such appeal Parts 8 to 22 apply, subject to the provisions, exceptions and modifications made in Part 5.

(2) For the purposes of an appeal under this Part:

- (a) any reference to an “accused” or to “defence” shall be deemed to be a reference to an “appellant”;
- (b) any reference to the “prosecutor” or “Director” shall be deemed to be a reference to the “respondent”;
- (c) any reference to “court-martial board” or “board” shall be deemed to be a reference to a “military judge”;
- (d) any reference to a “finding” shall be deemed to be a reference to a “determination”;
- (e) any reference to a “plea of “Guilty”” shall be deemed to be a reference to an “admission of a charge”;

- (f) any reference to a “plea of “Not Guilty”” shall be deemed to be a reference to a “denial of a charge”;
- (g) any reference to a “finding of “Guilty”” shall be deemed to be a reference to a “confirmation of a determination”;
- (h) any reference to a “finding of “Not Guilty”” shall be deemed to be a reference to a “quashing of a determination”;
- (i) any reference to “sentence” shall be deemed to be a reference to a “punishment”;

and cognate words shall be construed accordingly.

Part 8 — Referral of question of law in an appeal to the summary court-martial to the Courts-Martial Appeal Court

Request to refer

21. A request to refer a question of law to the Courts-Martial Appeal Court pursuant to section 178G(5)(a) may be made to the summary court-martial.

Procedure on reference

22. (1) Where the military judge decides, or grants a request, to refer a question of law, the applicable procedure shall be as the military judge directs.

(2) A case stated by the summary court-martial shall state the facts found by the summary court-martial, the submissions of the parties (including any authorities relied on by the parties during the course of those submissions) and the question on which the opinion of the Courts-Martial Appeal Court is sought.

(3) (a) The military judge shall sign a case stated within 21 days from the date of the decision to refer.

(b) The military judge may direct the parties to submit a draft statement of the facts and the questions raised.

(c) Where there is a dispute between the parties as to the facts, such facts shall be found by the military judge.

(4) Save where otherwise directed by the military judge or by the Courts-Martial Appeal Court, where the military judge decides of his or her own motion to refer a question to the Courts-Martial Appeal Court, the prosecutor shall be the moving party in the proceedings before the Courts-Martial Appeal Court and where the military judge grants a request to refer a question, the requesting party shall be the moving party in the proceedings before the Courts-Martial Appeal Court.

Part 9 — Legal Aid

Prescribed authority

23. In this Part, “prescribed authority” has the meaning given to it by section 25 of the Courts-Martial Appeals Act 1983 (No. 19 of 1983).

Applications

24. (1) An application for a legal aid (preliminary proceedings) certificate, a legal aid (court-martial) certificate, a legal aid (case stated) certificate or a legal aid (Courts-Martial Appeal Court) certificate may be made by letter to the prescribed authority setting out the facts of the case and the grounds of the application.

(2) Where a military judge is the prescribed authority for any legal aid certificate, an application for any such legal aid certificate may be made in person and without notice at any sitting of the summary court-martial.

Part 10 — Pre-trial matters

Notice under section 19(1) of the Criminal Law (Insanity) Act 2006

25. (1) A notice given under section 19(1) of the Criminal Law (Insanity) Act 2006 (No. 11 of 2006) in any proceedings which may be determined by a court-martial shall be in Form 4.

(2) A copy of the notice together with proof of service of the notice shall be lodged with the Court-Martial Administrator.

Pre-trial motions

26. (1) At any time after an order has issued for the assembly of a limited court-martial or a general court-martial and before the swearing of the board, the military judge named in the said order may hear and determine such pre-trial matters as he or she considers appropriate.

(2) Any such matter shall be brought before the military judge by way of notice of motion.

(3) Any such notice of motion shall be lodged with the Court-Martial Administrator and thereafter served on any relevant party. The return date on the said motion shall be not less than four days from the date of issue of the motion.

Part 11 — Constitution of general court-martial or limited court-martial

Assembly of court

27. Every general court-martial and limited court-martial shall assemble at the time and place and according to the directions provided in the order convening the same or any subsequent order in that regard.

Procedure on assembly of court

28. On the court assembling there shall be read in the presence of the accused, the prosecutor and counsel for the accused or defending officer—

- (a) the name of the military judge presiding;
- (b) the order convening the court;
- (c) the names and ranks of the members of the board and the names and ranks of the persons in waiting;
- (d) the name and rank (where appropriate) of the prosecutor, and
- (e) the certificate under section 192(4)(b), where applicable.

Inability of person named as member of board to attend

29. (1) Where, on the first assembly of the court, any member of the board is unable for any reason to attend, the military judge may, subject to sections 189 or 190, as the case may be, appoint one of the persons in waiting to take the place of that person as a member of the board.

(2) Where there are no eligible persons in waiting the military judge shall adjourn the proceedings for the purpose of having replacement members appointed unless the military judge decides that it is inexpedient so to adjourn and the court may then proceed, if not reduced in number below the required minimum.

Adjournment for insufficient number of members

30. (1) Where, before the accused is arraigned, the full number of members of the board is not available by reason of non-eligibility, disqualification or challenge, and if there are not sufficient persons in waiting to take the place of those unable to serve, the court shall adjourn for the purpose of having replacement members appointed unless the military judge decides that it is inexpedient so to adjourn and the court may then proceed, if not reduced in number below the required minimum specified in section 193(7)(a) or (b), as the case may be.

(2) Where the court adjourns for the purpose of appointing replacement members, the Court-Martial Administrator may dissolve the court in accordance with section 193(2) and convene another court.

Part 12 — Question of fitness by reason of mental disorder to take trial

Question of fitness by reason of mental disorder to take trial

31. (1) Where a question as to the fitness of an accused to take his or her trial, by reason of mental disorder, arises and the court-martial makes an order pursuant to section 4(6)(a) of the Criminal Law (Insanity) Act 2006, the warrant of committal and the direction shall be in Form 5.

(2) (a) Where the court-martial makes an order pursuant to section 202(1)(b) of the Act or section 4(5)(c) of the Criminal Law (Insanity) Act 2006, the warrant of committal shall be in Form 6.

(b) Where the clinical director of the designated centre concerned forms the opinion in relation to the accused that the accused is no longer unfit to take his or her trial for an offence, the clinical director shall

immediately notify the Director of this opinion pursuant to section 13(3)(a) or (b) of the Criminal Law (Insanity) Act 2006 by notification in writing in Form 7, which notice shall be sent by electronic mail and by registered post to the Director.

- (c) As soon as practicable after receipt of such a notice, the Director shall issue such directions to the Court-Martial Administrator as are appropriate having regard to section 13 of the Criminal Law (Insanity) Act 2006.
- (d) As specified in such directions, the Court-Martial Administrator shall make an order convening a court-martial (or, as the case may be, fixing a time for the accused to be brought before the summary court-martial) and shall send a copy of that order to the clinical director, the prosecutor and the accused.
- (e) When the accused is brought before the court-martial, it may hear and determine any application by the prosecutor or the accused and may make any order pursuant to section 13(3)(a) or (b) of the Criminal Law (Insanity) Act 2006 as it thinks proper.

Part 13 — Procedure at Trial — Challenge and Swearing

Procedure for challenge of members of board

32. (1) Where an accused objects to a member of a court-martial board he or she may call evidence in support of the objection.

(2) Where there is more than one such objection, each objection shall be dealt with separately.

(3) When such an objection is allowed, that person shall immediately retire and take no further part in the proceedings.

(4) When a person objected to retires, the vacancy shall be filled by one of the persons in waiting being appointed by the military judge to serve in the place of the retiring person. Where there is no person in waiting available, the court shall proceed in accordance with rule 30.

Swearing of board members

33. (1) As soon as the board is constituted, the oath shall be administered to and taken by each member of the board in the form and manner prescribed in Form 8.

(2) The oath shall be administered to the members of the board by the military judge.

Swearing of board to try several accused

34. (1) A board may be sworn at one time to try any number of accused then present before it, whether those accused are to be tried collectively, or separately on unrelated charges.

(2) Each accused shall have the right to object to the members of the board and shall be asked separately whether he or she objects to any member.

(3) In the case of several accused to be tried separately on unrelated charges, upon one of those accused objecting to a member the military judge may determine that objection or adjourn the proceedings relating to that accused and swear the members of the board for the trial of the other accused.

(4) In the case of several accused to be tried separately, the court, when sworn, shall proceed with the trial of one accused and take the trial or trials of the other accused in succession.

Swearing of other persons

35. (1) An oath shall be taken in the form and manner prescribed in Form 8 by every interpreter and shorthand writer, stenographer or other note-taker before the court-martial. The oath shall be administered by the military judge or the Court-Martial Administrator.

(2) Before a person is sworn under this rule, the accused shall be informed of the person who is proposed to be sworn, and may object to the person for cause shown and if the military judge decides that the objection is reasonable, that person shall not be sworn.

Substitution of solemn declaration for oath

36. (1) Where, in accordance with section 199 or 200, as the case may be, a person is permitted to make a solemn declaration, the declaration shall be in the form and manner prescribed in Form 8.

(2) The declaration shall be made before the military judge or the Court-Martial Administrator.

Part 14 — Procedure at Trial — Prosecution

Arraignment of accused

37. After the members of the board and other persons specified in rule 35 have taken the oath, the accused shall be arraigned on the charges to be tried and he or she shall be required to plead separately to each charge.

Separate charge-sheets

38. (1) Where an accused is to be tried on more than one charge-sheet, he or she shall be arraigned and tried to a finding on each charge-sheet in succession.

(2) The trials upon the several charge-sheets shall be in such order as the Director may direct.

(3) Notwithstanding the provisions of this rule, the military judge may direct that a charge-sheet be severed or that charge-sheets be consolidated, where the same is in the interests of justice.

(4) In the case of the finding on any one or more of the charges in the several charge-sheets being “Guilty”, the court shall proceed in accordance with rules 58 to 61 as if all such charges in the different charge-sheets had been contained in one charge-sheet and proceed to sentence accordingly.

(5) Where the Director has directed that, in the event of the conviction of an accused upon a charge in any charge-sheet, he or she need not be tried upon any other charge-sheet, on being so informed the court shall proceed in accordance with sub-rule (4).

(6) Where a charge-sheet contains more than one charge, the accused may apply to be tried separately in respect of any charge or charges in that charge-sheet, before pleading, on the ground that he or she will be embarrassed in his or her defence if not so separately tried; and in such a case, unless it thinks it unreasonable, the court shall arraign and try the accused in like manner as if the Director had inserted the said charge or charges in different charge-sheets.

(7) Where the accused pleads “Guilty” to a charge in a charge-sheet, and the prosecutor does not proceed with the other charges in that charge sheet, the court shall proceed to try the accused on the charges in the next charge-sheet before it proceeds in accordance with rule 43.

Objection by accused to charge

39. (1) The accused, when required to plead to any charge, may object to the charge for stated reasons.

(2) The military judge shall hear any submissions made on this issue in the absence of the board.

(3) Where the objection is disallowed, the trial shall proceed.

(4) Where the objection is allowed and there are other charges before the court against the accused, the court shall proceed on the other charges.

Amendment of charge

40. (1) At any time during the trial, on application being made to the military judge that there is in the charge-sheet—

(a) a mistake in the name or description of the accused, or

(b) a mistake which is attributable to a clerical error or omission,

the military judge may amend the charge-sheet.

(2) Where on the trial of any charge it appears on application being made to the military judge, at any time before the board retires to consider its finding on the charge, that in the interests of justice any addition, omission or alteration

in the charge is required, the military judge may amend the charge and order the trial to proceed with the amended charge after due notice to the accused or may adjourn or, where appropriate, dissolve the court-martial under section 193(3).

Special plea to the jurisdiction or plea in bar

41. (1) The accused may—

- (a) offer a special plea to the jurisdiction of the court; or
- (b) offer a plea in bar of trial.

(2) Where such a plea is allowed, the court shall make no further order.

(3) Where such a plea is not allowed, the court shall proceed with the trial.

General plea of “Guilty” or “Not Guilty”

42. (1) The accused’s plea—“Guilty” or “Not Guilty”—shall be recorded on each charge. Where he or she refuses to plead or does not plead intelligibly, a plea of “Not Guilty” shall be recorded on each charge.

(2) Where an accused enters a “Guilty” plea, that plea shall be recorded as the finding of the court, subject to the acceptance of the plea by the prosecutor. Before such finding is recorded, where an accused is not represented by counsel the military judge shall ascertain that the accused understands the nature of the charge to which he or she has entered a “Guilty” plea. The military judge shall inform the accused of the general effect of that plea and of the meaning of the charge to which the accused has entered such a plea and of the procedure which will ensue from that plea of “Guilty”. The military judge shall advise the accused to withdraw that plea if it appears to the military judge that the accused ought to plead “Not Guilty”.

(3) Where an accused pleads “Guilty” to any one of two or more charges laid in the alternative, the prosecutor may enter a *nolle prosequi* in respect of such alternative charge or charges.

Procedure after plea of “Guilty”

43. (1) Upon recording a “Guilty” plea to a charge, if there is any other charge in the same charge-sheet to which a “Not Guilty” plea is entered, the trial shall then proceed with respect to every such other charge. After the findings on those charges, the court shall proceed with the charges on which a plea of “Guilty” has been recorded.

(2) The board shall withdraw after the recording of the plea of “Guilty” on a charge, if the trial does not proceed on any other charges. The prosecutor shall address the court on the facts of the case. The court may receive such evidence or submissions as it considers necessary or appropriate and may adjourn for that purpose.

(3) The court shall then proceed in accordance with rule 58.

(4) Where a plea of “Guilty” is recorded and the trial proceeds with respect to other charges in the same charge-sheet, the proceedings under sub-rules (2) and (3) shall take place when the findings on the other charges in the same charge-sheet are recorded.

Withdrawal of plea of “Not Guilty”

44. At any time during the trial the accused may withdraw his or her plea of “Not Guilty” and plead “Guilty” and in such case the court shall, subject to compliance with rule 42(2), record a plea and finding of “Guilty” and shall proceed in the manner directed by rule 43.

Plea of “Not Guilty”, applications by accused

45. After a plea of “Not Guilty” to any charge is recorded, the accused may make an application to the military judge regarding any matter pertaining to the trial. Where an accused makes any such application the court may hear any evidence which the accused may adduce in support thereof.

Case for prosecution

46. The prosecutor may, and shall if required by the court, make an opening address and thereafter shall adduce the evidence for the prosecution.

Submission as to case for prosecution

47. (1) (a) At the close of the case for the prosecution, in the absence of the board, the accused may make an application in respect of any charge that the prosecution has not established a prima facie case against him.
- (b) Where the application is allowed, the military judge shall direct the board to acquit the accused of the material charge.
- (c) Where the application is refused the trial shall proceed.
- (2) Where the military judge is satisfied, at the close of the case for the prosecution, that the prosecution has not established a prima facie case against the accused, he or she shall direct the board that the accused be acquitted upon the material charge and proceed with the trial on any outstanding charge or charges.

Part 15 — Procedure at Trial — Defence

Rights of unrepresented accused

48. (1) Where the accused is not represented by counsel, at the close of the evidence for the prosecution the military judge shall inform the accused—
- (a) that the accused may give evidence on oath, and in such case may be liable to cross-examination;
- (b) that the accused may call witnesses both as to fact and as to character.
- (2) Where the accused intends to call witnesses as to character, the military judge shall advise him or her of the effect of so doing.

Case for the defence — opening address

49. Where the accused intends to adduce evidence as to the facts of the case, other than his or her own evidence, he or she may make an opening address.

Witnesses for the defence

50. Where the accused elects to give evidence he or she shall do so before any other witness for the defence unless otherwise permitted by the military judge.

Where there are two or more accused

51. (1) This rule applies where two or more accused persons are tried together.

(2) The prosecutor may make only one opening address.

(3) The military judge shall decide the order in which the accused are to call their evidence and to make their closing addresses having afforded the prosecutor and each of the accused the opportunity of making submissions.

(4) Where evidence other than his or her own is adduced by one of the accused, the evidence on the part of all the accused persons shall be adduced before rebutting evidence, if any.

(5) Where the same counsel or defending officer represents two or more accused, he or she may make only one closing address.

(6) The board shall not retire to deliberate on its findings in relation to any of the charges until the close of the evidence for all the accused and after closing addresses.

Closing addresses

52. (1) Subject to sub-rule (4), the prosecution and the defence shall have the right to make a closing address to the court.

(2) The closing address for the defence shall be made after that for the prosecution.

(3) Where two or more accused are represented by the same counsel or defending officer, he or she may make only one closing address.

(4) Where the accused is not represented by counsel or a defending officer and does not call any witness (other than a witness as to character), the prosecutor shall not make a closing address, except with the leave of the military judge.

Part 16 — Procedure at Trial — Summing Up

Summing-up by military judge

53. After the closing address by the defence, the military judge shall direct the board on the law relating to the case and summarise the evidence.

Part 17 — Procedure at Trial — Finding

Consideration of finding

54. (1) The board shall retire to deliberate on its finding.
- (2) After the board has retired, where a party requisitions the military judge on any matter arising under rule 53, and where the court accedes to such requisition, the board shall be recalled and re-directed on any such matter.
- (3) During its deliberation, the board shall not separate until the decision on the finding has been reached, unless the military judge directs otherwise.
- (4) Where the board requires further direction on the law during its deliberation, it shall suspend its deliberation to seek and be given further direction by the military judge in open court.
- (5) The finding of the board shall be given orally on each charge by a member of the board appointed by the board for that purpose.

Form and record of finding

55. (1) The finding on every charge shall be recorded as a finding of “Guilty” or of “Not Guilty”, or as is otherwise permitted by law.
- (2) Where the board is of opinion as regards any charge that the facts proved do not disclose the offence charged or any offence of which the accused might under the Act be found guilty on the charge as laid, the board shall acquit him or her of that charge.
- (3) Where the board is of opinion as regards any charge that the facts which it finds to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, it may record a finding of “Guilty”, provided that the difference is not so material as to have prejudiced the accused in his or her defence.
- (4) In any case where a court is empowered by section 205 to find the accused guilty of an offence other than that charged, or of committing an offence in circumstances involving a lesser degree of punishment, where the military judge is satisfied of the justice of such course and where the Director concurs, the military judge may accept and record a plea of guilty of such other offence, or of the offence involving such lesser degree of punishment.
- (5) In this rule, reference to the board shall, where the context so admits, include, in the case of a summary court-martial, reference to the military judge.

Procedure on finding

56. The finding shall be recorded in Form 9, which shall be signed and dated by the military judge.

Withdrawal of board

57. Where a court-martial board has delivered its finding on every charge before it, the military judge may direct the board to withdraw.

Part 18 — Procedure at Trial — Sentence or disposal

Pre-sentence procedure

58. (1) In the case of an offence to which section 205A applies, the court may order the production of such evidence or direct such submissions as it considers necessary and may adjourn for that purpose.

(2) Where a military judge considers that the provisions of section 211A may apply, or in any other circumstances he or she deems appropriate, he or she may inform the accused of the provisions of section 211A.

Pre-sentence hearing

59. (1) Where the finding on any charge is “Guilty” then the court, before deliberating on its sentence, shall take such available evidence of the accused’s character; age; service; rank; any recognised act of gallantry, distinguished conduct, medals, awards, mentions; marital status; the number in his or her family; the length of time he or she has been under arrest or in confinement on any previous sentence; the period he or she has been in civil or service custody on the present charge or charges and details of his or her basic pay and of any additional, flying or other pay.

(2) Evidence on the matters referred to in sub-rule (1) may be given by a witness verifying a statement in Form 2 and identifying the accused as the person referred to in that summary.

(3) The accused, his or her counsel or defending officer, may cross-examine any witness referred to in sub-rule (2) and may call witnesses to rebut any such evidence. Where the accused so requests, the service books or a duly certified copy of the material entries therein shall be produced; and if the accused alleges that the summary is in any respect not in accordance with the service books or such certified copy as the case may be, the court shall compare the summary with those books or copy and, if it finds it is not in accordance therewith, shall cause the summary to be corrected accordingly.

(4) Evidence on the part of the prosecutor upon the matters referred to in sub-rule (1) shall not be given by a member of the board.

(5) In the case of an offence to which section 205A applies, the court may hear any evidence it has ordered or any submission it has directed pursuant to that section.

(6) The accused may then call witnesses as to character.

(7) When the evidence on the matters referred to in sub-rule (1) and, where applicable, sub-rules (5) and (6), has been adduced, the accused or his or her counsel or defending officer may address the court thereon and in mitigation of punishment.

Forfeiture of seniority of rank and service for purpose of promotion

60. Where a sentence of forfeiture of seniority of rank is imposed on a person, the form of punishment may be that he or she takes rank and precedence in the Defence Forces as if the appointment or promotion to that rank bore the date specified in the sentence.

Pronouncement of sentence

61. The sentence shall be pronounced in open court, and recorded in Form 9 which shall be signed and dated by the military judge.

Notification of sentence and any appeal

62. (1) The Court-Martial Administrator shall notify the proper military authority of the conviction of a person by a court-martial and of the punishment awarded to, or sentence (including any suspended sentence) imposed on, every such person.

(2) The Court-Martial Administrator shall notify the proper military authority of an appeal by any such person from a finding or sentence of a court-martial.

Suspension of sentence

63. (1) Where a person has been sentenced to a term of imprisonment or detention and the military judge makes an order under section 212A(2) suspending the sentence in whole or in part, subject to the person entering into a recognisance to comply with the conditions of the order, the recognisance may be taken by a military judge or by the governor or officer in charge of a prison or place of detention, as appropriate. The order and recognisance shall be in Form 10.

(2) An application under section 212A(11)(b) by the Director to fix a date for the hearing of an application for an order revoking an order under section 212A(2) shall be by written notice of application in Form 11, except where the court-martial otherwise directs.

(3) On the hearing of the application to fix a date, the court-martial where it grants the application, shall fix a date upon which the application shall be made returnable and the Court-Martial Administrator shall notify the parties in the form prescribed by Rules of Procedure.

(4) Where a person who is not imprisoned or detained fails to appear before the court-martial in answer to a notice issued to and notifying him or her of the fixing of a date in accordance with the preceding sub-rule, the court-martial may make an order for the arrest of such person in Form 12.

(5) Where the court-martial makes an order under section 212A(9) or 212A(15) revoking an order made under section 212A(2), the court-martial shall make the appropriate order for committal.

Special finding under section 203(1)

64. (1) Where the board of a court-martial or the summary court-martial makes a special finding pursuant to section 203(1), the military judge presiding

may direct the Court-Martial Administrator to make such arrangements as are appropriate for consultation for the purposes of section 203(2) by the military judge with the clinical director of a designated centre.

(2) Where a court-martial makes an order pursuant to section 203(2) of the Act or section 5(2) of the Criminal Law (Insanity) Act 2006, the warrant of committal shall be in Form 13.

(3) Where a court-martial makes an order pursuant to section 5(3)(a) of the Criminal Law (Insanity) Act 2006, the warrant of committal and direction shall be in Form 14.

(4) An application for an order pursuant to section 5(3)(b) of the Criminal Law (Insanity) Act 2006 may be made, unless the court-martial otherwise directs or permits, on two days' notice in writing to the material parties in Form 15 at a sitting of the court-martial convened for that purpose.

Procedure under section 225

65. (1) An application pursuant to section 225 may be made orally at the trial, or otherwise to the military judge by written notice of application in Form 16.

(2) Where an application is made under sub-rule (1), the military judge may adjourn the proceedings to allow any party to appear before him.

(3) Where the military judge adjourns the proceedings in accordance with sub-rule (2), he or she may direct the prosecutor or the Court-Martial Administrator to give notice of the adjourned date to any person.

(4) The order of the court granting an application for, or making, an order under section 225 shall be in Form 17.

Part 19 — General Provisions as to proceedings of court

Seating of members

66. The members of a court-martial board shall take their seats without reference to their rank.

Continuity of trial

67. A court-martial shall continue a trial from day to day unless it appears to the court that an adjournment is necessary.

Presence throughout of all members of board

68. (1) A member of the board who has been absent for any part of the evidence on the trial of an accused can take no further part in the trial of that accused, which may proceed subject to section 193.

(2) No member shall be added to a board after it has been sworn.

Dissolution by military judge of general court-martial or limited court-martial

69. Where the military judge determines to dissolve a general court-martial or limited court-martial, the order and the reason(s) for the dissolution shall be

recorded in Form 18. The Court-Martial Administrator shall send a copy of that order to the Director and the accused.

Part 20 — General Provisions as to Witnesses and Evidence

Judicial notice

70. A court-martial may take judicial notice of any matter of which judicial notice is taken by a civil court and of all matters within its general service knowledge.

Prosecutor's witnesses

71. The prosecutor shall call to give evidence, or make available, all witnesses whom he or she considers to be material and whose attendance can reasonably be secured.

Calling of witness whose evidence is not contained in the summary or abstract

72. (1) Where the prosecutor intends to call a witness whose evidence is not contained in any summary or abstract of evidence given to the accused, notice in writing of such intention shall be given to the accused a reasonable time before the witness is called. Such notice shall be in Form 19, signed by the prosecutor.

(2) Such notice shall indicate the nature of the evidence which such witness will give and where his or her evidence has been reduced to writing, a copy of such evidence shall be given to the accused.

(3) Where a witness is called without such notice or copy of the evidence being given, the court may, on the application of the accused, adjourn the trial for the service of such notice and/ or copy of the evidence, as the case may be.

Witnesses required by accused

73. The accused shall not be required to give to the prosecutor a list of witnesses whom he or she intends to call, but it shall rest with the accused to secure the attendance of any witness whose evidence is not contained in the summary or abstract of evidence or for whose attendance the accused has not requested steps to be taken as provided for by rule 74.

Procuring attendance of witnesses

74. (1) The commanding officer of the accused, the Court-Martial Administrator or, after the assembly of the court, the military judge presiding shall make the appropriate orders to procure the attendance of the witnesses (including witnesses for the production at any trial or hearing of any document, record or thing in the possession, power or control of such witness) whom the prosecutor or accused has notified to him or her that they may require and whose attendance can reasonably be procured.

(2) The commanding officer of a person remanded for trial by court-martial may summon a witness who is not subject to military law to attend the taking

of a written summary of evidence: (a) as a witness and/or (b) to produce any document, record or thing.

(3) The Court-Martial Administrator, or the military judge after the assembly of the court-martial, may summon any witness who is not subject to military law, upon request being made for that purpose by the prosecutor or the accused, to (a) attend as a witness and/or (b) attend and produce any document, record or thing.

(4) The summons for the purposes of sub-rules (2) and (3) shall be in Form 20 and shall be served on the witness either personally or by registered post to his or her last known or most usual place of abode by or on behalf of the person issuing the summons.

(5) On the service of any witness summons, the person serving same shall pay or tender to the person served such sum of money as is specified from time to time by the Court-Martial Administrator as a reasonable advance against the cost of attendance of a witness.

(6) Any witness who is subject to military law shall be ordered to attend by the proper military authority.

(7) The person requiring the attendance of a witness shall have primary liability for the reasonable costs of any such witness, subject to any subsequent order or direction of the court-martial.

(8) Where the Court-Martial Administrator is of the opinion that an offence may have been committed contrary to section 208, he or she shall so certify and shall notify the Director.

Non-attendance of witnesses

75. Either party may apply to the court for directions when a witness fails to attend.

Withdrawal of witnesses from court

76. If, while a witness is under examination, a question arises as to his or her evidence, the military judge may direct the witness to withdraw until that question is determined.

Evidence on oath

77. An oath shall be administered by the military judge or the Court-Martial Administrator in the presence of the accused to every witness in the form and manner prescribed in Form 8.

Examination and cross-examination

78. Examination and cross-examination shall be conducted in the like manner as in the civil courts.

Recalling witnesses

79. A witness may be recalled in the like manner as in the civil courts.

Exhibits

80. (1) Any exhibit admitted in evidence shall be marked sequentially with either a number or a letter.

(2) Each exhibit or a label attached to it shall be signed by the Court-Martial Administrator.

(3) Each exhibit shall be dealt with as directed by the military judge.

(4) In this rule, an “exhibit” includes any record, document, other property, matter or thing connected with the proceedings which is produced as such during the trial.

Part 21 — Counsel and Defending Officer

Rights of counsel

81. Counsel and defending officer shall have the like rights, privileges and duties as counsel and solicitor before the civil courts.

Part 22 — Record of Proceedings

Record of proceedings— Trial by court-martial

82. (1) At a general court-martial or limited court-martial or a summary court-martial exercising jurisdiction under section 187A(3)(a), the Court-Martial Administrator shall record or cause to be recorded the proceedings of that court.

(2) The record in sub-rule (1) shall include the following matters:

(a) the original or a certified copy of the direction of the Director to convene a general court-martial or limited court-martial or to refer the charge for trial by the summary court-martial;

(b) the original or a certified copy of an order convening the court and of any further order in that regard;

(c) the original or a certified copy of any summons to the accused to appear before the summary court-martial;

(d) the original or a certified copy of any summary or abstract of evidence;

(e) the original or a certified copy of the charge sheet;

(f) a list of witnesses for the prosecution and defence;

(g) a list of exhibits;

(h) any order of the court;

(i) any order or sentence of the military judge.

(3) The evidence shall be recorded using any means suitable for the making or production of a record within the meaning of section 33(3) of the Courts of

Justice Act 1924, as substituted by section 7 of the Criminal Justice (Miscellaneous Provisions) Act 1997.

(4) The Court-Martial Administrator shall submit the record of the proceedings of the trial to the military judge for his or her signature, where necessary.

Records — section 187A(3) (b) or (c)

83. (1) At a summary court-martial exercising jurisdiction under section 187A(3)(b) or (c), the military judge shall record or cause to be recorded all decisions of the court.

(2) The documents referred to in rule 12(3) shall be kept with the record of the decisions of the court.

Retention of proceedings

84. At the conclusion of the court-martial the proceedings shall be kept in the custody of the Court-Martial Administrator.

Part 23 —Miscellaneous

Service or delivery of documents

85. (1) Save as otherwise provided in these Rules, service or delivery of any document, and the proof thereof, required under these Rules or by order of the Court-Martial Administrator or military judge, shall be in accordance with the provisions of the Rules of Procedure or otherwise as directed by the military judge.

(2) Wherever a military judge is satisfied upon ex parte application made in that behalf, that, for good cause shown, service of a document cannot be effected in a manner or in any manner prescribed by these Rules, he or she may make an order for substituted or other service or for the substitution for service of notice by advertisement or otherwise. Particulars of such order shall be endorsed on the original and each copy of the document to be served.

(3) A court-martial may deem the service of any document in any proceedings to be good and effective service, even though not served in a manner prescribed by these Rules.

(4) A person who serves a document shall either prove the service by evidence given orally before the court-martial or make a statutory declaration as to service, before a commissioner for oaths or practising solicitor, in Form 21 or endorsed on the original or a copy of the document.

Sittings and adjournments

86. (1) A court-martial shall sit at such times and for such periods each day as seem to the military judge to be reasonable in the circumstances.

(2) A court-martial shall not sit on Saturday, Sunday, Christmas Day, St. Patrick's Day or Good Friday unless, in the opinion of the military judge, it is necessary to do so.

(3) A military judge presiding at a general court-martial or limited court-martial, in the absence of the board, may hear and determine—

- (a) any application in connection with the court-martial concerned, including any application made ex parte, and the same may be heard and determined in the absence of the board;
- (b) any matter in connection with the court-martial concerned in respect of which directions may be given;
- (c) any application for an order under section 212A(9) or section 212A(15), or
- (d) any other application in connection with the court-martial concerned which he or she decides may be heard at that sitting, where he or she is satisfied that every party affected by such application is on notice of the making of it and has a reasonable opportunity to appear and be heard on that application.

(4) Where it appears to the military judge necessary in the interests of justice, proceedings may be adjourned from time to time.

(5) Where a hearing is adjourned and the time and place for the hearing to resume is not fixed by the military judge at the adjourned hearing, the Court-Martial Administrator shall notify the parties in writing of the time and place for the resumed hearing.

(6) In the absence or unavailability of the military judge or the Court-Martial Administrator, the senior officer present may adjourn or extend any adjournment of the court for a period not exceeding fourteen days.

(7) Whenever the Court-Martial Administrator considers that it would be impracticable for any reason to hold a sitting of a court-martial at a time and place ordered and of which notice has been given, he or she may, with the consent of the military judge, by order annul or vary the order previously made in that behalf and give such notice of that annulment or variation as may in the circumstances be practicable.

Orders

87. (1) Every order of a court-martial shall be signed and dated by the military judge.

(2) An order of the military judge for the committal of a person to a place of detention or prison shall be in Form 22 or 23 as the case requires.

Time

88. A court-martial shall have power to enlarge or abridge the time appointed by these Rules or fixed by any previous order or direction of that court-martial or of a court-martial of equal class for the doing of any act or taking of any proceeding. Any such enlargement may be ordered though the application for the same is not made until after the expiration of the time appointed or allowed.

Non-compliance

89. A court-martial may disregard any non-compliance with any requirement of these Rules, by any party before it, upon such terms as it considers just, provided that it is satisfied that it is in the interests of justice so to do.

Where no rule provided

90. In any case not provided for by the Act or these Rules, such course shall be adopted as appears to the military judge best calculated to do justice.

Forms

91. (1) The Forms appended to these Rules shall be followed in all cases in which they are applicable.

(2) The military judge may determine that the omission, for stated reasons, of any such Form, or deviation therefrom, shall not render any act or thing invalid by reason only of such omission or deviation.

Mode of address and attire

92. (1) During a sitting of a court-martial, a military judge shall be addressed in Irish, as “A Bhreithimh” or, in English, as “Judge”. The court-martial may be referred to, in Irish, as “An Armchúirt” or, in English, as “The Court-Martial”.

(2) A military judge shall during a sitting of a court-martial wear the appropriate military attire and a black Irish poplin gown of uniform make and material.

(3) When appearing before a court-martial, counsel who is not a member of the Defence Forces may wear the like attire as worn in a civil court.

(4) When appearing before a court-martial, members of the Defence Forces shall wear the appropriate military attire.

SCHEDULE OF FORMS

Form 1

Register Number:

DEFENCE ACT 1954, SECTION 178E
COURT-MARTIAL RULES 2008, rule 12(1)

NOTICE OF APPEAL TO THE SUMMARY COURT-MARTIAL

No. Rank..... Name.....
Unit..... Appellant

Director of Military Prosecutions Respondent
TAKE NOTICE that the above-named appellant, of

intends to appeal to the Summary Court-Martial from the
*determination /*punishment/* determination and punishment
given on the day of20..... by as *Authorised
Officer / *Commanding Officer at.....
whereby (*give details of determination and/or punishment*) —

The grounds of appeal are —

Dated this..... day of..... 20....

Signed _____

*Appellant/*Solicitor for Appellant

To the Court-Martial Administrator

at.....

And to the Director of Military Prosecutions

at.....

And to

*Authorised Officer / *Commanding Officer

The following to be completed by the Court-Martial Administrator

The above appeal will be listed for hearing at the sitting of the Summary Court-
Martial to be held aton theday of20... at
.....hours.

Dated this..... day of..... 20...

Signed _____
Court-Martial Administrator

*Delete where inapplicable

DEFENCE ACT 1954, PART V
COURT-MARTIAL RULES 2008, rules 16(3) and 59(2)

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE
OF APPELLANT OR ACCUSED

No. Rank Name.....
Unit..... Appellant

Director of Military Prosecutions Respondent
Or

No. Rank Name.....
Unit..... Accused

(1) The following is a true extract of the disciplinary entries in the Record Sheet, A.F. 43(a) of the *appellant/*accused (if no such entries, same to be stated) and in the service books of *his/*her unit.

Summary Award(s)	Date of offence..... Particulars of offence..... Punishment..... Date of offence..... Particulars of offence..... Punishment.....
Court(s)-martial	Date of trial..... Date of offence..... Particulars of offence..... Sentence..... Date of trial..... Date of offence..... Particulars of offence Sentence.....
Civil convictions	Date of trial or plea..... Date of offence..... Particulars of offence..... Court..... Sentence.....

PARTICULARS AS TO SERVICE

(2) The *appellant/*accused is not under sentence at the present time
or

(3) The *appellant/*accused at the present time is under sentence for
beginning on the day of 20

*(4) The *appellant/*accused has been in service custody on the present charges
for days, and in civil custody for days, of which days
were spent in hospital.

(5) The present age of the *appellant/*accused according to *his/*her Attestation Paper is

(6) The *appellant/*accused was first attested on the day of 19/20 and *his/*her present engagement is for years in the Permanent Defence Force and for years in the Reserve Defence Force.

or

The *appellant/*accused has served continuously in the Permanent Defence Force since the day of 19/20, and is serving on a re-engagement to complete 21 years or more in the Permanent Defence Force; or has been continued in service for a year period to complete years.

(7) The *appellant/*accused has served as a non-commissioned officer continuously since

*He/*She was last promoted on the day of 19/20

*He/*She has not been demoted during service.

(If demoted, strike out last sentence and state particulars.)

(8) Acts of Gallantry, Distinguished Conduct, Medals, Awards, Mentions, etc.

(9) The *appellant/*accused is/is not married.

(10) The *appellant/*accused has children in *his/*her family, aged respectively—

(11) The *appellant/*accused is in receipt of basic pay at a rate of..... per day.

(12) The *appellant/*accused is on the point of points on the scale of pay for *his/*her rank.

(13) The *appellant/*accused received *his/*her last increment/is due *his/*her next increment on 20

(14) The *appellant/*accused *is/*is not in receipt of military service allowance, additional, flying, or other extra pay at a rate of per

I certify that the foregoing are true extracts from Record Sheet A.F. 43(a) and service records in my custody.

Signed this day of 20

Officer having custody of records

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, SECTION 178G(3)
COURT-MARTIAL RULES 2008, rule 15ORDER OF THE SUMMARY COURT-MARTIAL ON HEARING AN
APPEALNo. Rank Name.....
Unit..... Appellant

Director of Military Prosecutions Respondent

UPON HEARING AN APPEAL brought before the Summary Court-Martial by the above-named appellant against the *punishment / *determination / *determination and punishment given on the day of 20... by as *Authorised Officer / *Commanding Officer at..... whereby (*give details of *punishment / *determination / *determination and punishment*)—

THE SUMMARY COURT-MARTIAL

being satisfied that notice of the appeal was duly served upon the Court-Martial Administrator, the respondent and the *authorised/*commanding officer concerned

and having heard the evidence tendered by or on behalf of the *appellant / *respondent *(and the appellant)

*[and being satisfied that the said appeal ought *(not) to be allowed]

*[and being satisfied that the determination appealed from ought to be *confirmed / *quashed]

*[and being satisfied that the punishment appealed from ought to be *confirmed / *quashed / *varied]

HEREBY ORDERS as follows—

Dated thisday of20.....

Signed _____
Military Judge

*Delete where inapplicable

Form 4

Register Number:

DEFENCE ACT 1954, PART V
CRIMINAL LAW (INSANITY) ACT 2006, SECTION 19(1)
COURT-MARTIAL RULES 2008, rule 25

NOTICE OF INTENTION TO ADDUCE EVIDENCE AS TO MENTAL
CONDITION

Director of Military Prosecutions

Prosecutor

No Rank Name.....

Unit.....

Accused

WHEREAS the above-named accused *was/*will be on theday of
..... 20..... asked how *he/*she *wished/*wishes to plead to the charge
of the offence(s) set out on the attached copy Charge Sheet(s).

TAKE NOTICE that the defence intends to adduce evidence as to the mental
condition of the accused in the proceedings for the said offence(s).

Dated this day of20.....

Signed _____
*Accused/*Solicitor for the accused

To Prosecutor
at

and to the Court-Martial Administrator at

*Delete where inapplicable

DEFENCE ACT 1954, PART V
 CRIMINAL LAW (INSANITY) ACT 2006, Section 4(6)
 COURT-MARTIAL RULES 2008, rule 31(1)

COMMITTAL WARRANT AND DIRECTION FOR EXAMINATION

Director of Military Prosecutions	Prosecutor
No Rank Name.....
Unit.....	Accused

To the Provost Marshal

WHEREAS the above-named accused was this day before *the Summary Court-Martial /*a General Court-Martial /*a Limited Court-Martial charged with the offence(s) set out on the attached copy Charge Sheet(s).

AND WHEREAS the Court-Martial has determined that the said accused is unfit to take *his/*her trial, the hearing of the said charge(s) has been adjourned to the sitting of the Court-Martial at on the ... day of 20..... at hours.

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the said accused to the designated centre at and to lodge the said accused person in the said designated centre there to be detained pursuant to section 4(6)(a) of the Criminal Law (Insanity) Act 2006 by the clinical director thereof until the above time of adjournment, being a period not exceeding fourteen days from the date hereof, when you shall have said accused at the said sitting to be further dealt with according to law.

AND THE COURT-MARTIAL DIRECTS THAT the said accused be examined by an approved medical officer at the said designated centre and the approved medical officer concerned is required by section 4(6)(b) of the said Act of 2006 to report within the period of committal hereby authorised to the court-martial on whether in *his/*her opinion the said accused is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of in-patient care or treatment in a designated centre or suffering from a mental disorder (within the meaning of the said Act of 2006) or from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of out-patient care or treatment in a designated centre.

Dated this day of 20

Signed _____
 Military Judge

Copy to the Clinical Director at

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, SECTION 202(1)(b)
CRIMINAL LAW (INSANITY) ACT 2006, SECTION 4(5)
COURT-MARTIAL RULES 2008, rule 31(2)(a)
COMMITTAL WARRANT

Director of Military Prosecutions

Prosecutor

No Rank Name.....

Unit..... Accused

To the Provost Marshal

WHEREAS the above-named accused was this day before *the Summary Court-Martial /*a General Court-Martial /*a Limited Court-Martial charged with the offence(s) set out on the attached copy Charge Sheet(s).

AND WHEREAS the Court-Martial has determined that the said accused is unfit to take *his/*her trial, the hearing of the said charge(s) has been adjourned until further order,

AND WHEREAS the Court-Martial is satisfied,

*having considered the evidence of an approved medical officer adduced pursuant to section 4(6) of the above-mentioned Act of 2006

*having considered other evidence adduced

that the accused is suffering from a mental disorder (within the meaning of the Mental Health Act 2001) and is in need of in-patient care or treatment in a designated centre,

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the said accused to the designated centre at and to lodge the said accused in the said designated centre for in-patient care or treatment until an order under section 13 of the said Act of 2006 is made.

NOTE: Where the clinical director of the above-mentioned designated centre forms the opinion in relation to the said accused that said person is no longer unfit to take *his/*her trial for an offence, the clinical director shall immediately notify the Court-Martial Administrator in writing by electronic mail and by registered post in Form 7 of the Court-Martial Rules 2008.

Dated this day of 20 ...

Signed _____
Military Judge

Copy to the Clinical Director at

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, PART V
CRIMINAL LAW (INSANITY) ACT 2006, Section 13(3)(a) or (b)
COURT-MARTIAL RULES 2008, rule 31(2)(b)

NOTICE TO THE COURT-MARTIAL

Director of Military Prosecutions

Prosecutor

No Rank Name.....

Unit.....

Accused

TAKE NOTICE that I,, Clinical Director of, a designated centre within the meaning of Section 3 of the Criminal Law (Insanity) Act 2006 hereby give notice that I have formed the opinion that, one of, a patient detained at the said designated centre pursuant to Section 4 of the Criminal Law (Insanity) Act 2006 and/or Section 202 of the Defence Act 1954 is no longer unfit to take his/her trial for the offence(s) of

Dated this day of 20

Signed _____
Clinical Director

To the Court-Martial Administrator at

Form 8

DEFENCE ACT 1954, SECTIONS 199 and 200
COURT-MARTIAL RULES 2008, rules 33, 35, 36 and 77

FORMS OF OATHS AND DECLARATIONS

OATH

MEMBERS OF BOARD

I swear by Almighty God that I will well and truly try the accused (or accused persons) before the Court-Martial according to the evidence, and that I will duly administer justice according to the Defence Act now in force and the Court-Martial Rules made thereunder, without partiality, fear, favour or affection, and I do further swear that I will not on any account at any time whatsoever, disclose or discover the vote or opinion of any particular member of this Court-Martial, unless thereunto required in due course of law.

SHORTHAND WRITER, STENOGRAPHER OR RECORDER

I swear by Almighty God that I will truly take down or record to the best of my power the evidence to be given before this Court-Martial and such other matters as may be required, and will, when required, deliver to the Court a true transcript of the same.

INTERPRETER

I swear by Almighty God that I will to the best of my ability truly interpret and translate, as I shall be required to do, the matters before this Court-Martial.

WITNESS

I swear by Almighty God that the evidence which I shall give before this Court-Martial shall be the truth, the whole truth, and nothing but the truth.

MANNER OF TAKING THE OATH

A person taking the oath shall hold the New Testament or, if of a faith other than Christian, the appropriate holy book, in his or her hand, and shall repeat the oath after the person administering it.

SOLEMN DECLARATIONS

The form of declaration shall be the same as the form of oath except that for the words "I swear by Almighty God" shall be substituted the words "I (name in full) do solemnly promise and declare"; and that the words "solemnly promise and declare" shall be substituted for the word "swear" wherever it occurs.

DEFENCE ACT 1954, PART V
COURT-MARTIAL RULES 2008, rules 56 and 61

FINDING

The Court find the accused No. Rank.

Name.Unit.

*GUILTY of the Charge(s)

*NOT GUILTY of the Charge(s)

Signed at

This day of 20

Military Judge

*General / *Limited / *Summary Court-Martial

SENTENCE

The Court sentence the accused No. Rank.

Name.Unit.....

Signed at.....

This day of 20

Military Judge

*General / *Limited / *Summary Court-Martial

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, SECTION 212A
COURT-MARTIAL RULES 2008, rule 63(1)

ORDER SUSPENDING A SENTENCE OF IMPRISONMENT/ DETENTION
SUBJECT TO CONDITIONS AND RECOGNISANCE

Director of Military Prosecutions

Prosecutor

No..... Rank Name.

Unit.....

Accused

UPON CONVICTION on the day of 20 ... of the above-named offender of by *a General Court-Martial/*a Limited Court-Martial/*the Summary Court-Martial of the following offence—

That *he/*she did contrary to

The Court-Martial sentenced the said offender to a term of imprisonment/detention of

THE COURT-MARTIAL HEREBY ORDERS THAT

Subject to the said offender entering into a recognisance to comply with the conditions of, or imposed in relation to this order, the execution of *the whole of the sentence of imprisonment/detention*part of the sentence of imprisonment/detention comprising the term of be and is hereby suspended [for the period of, until the day of 20. ..] [until further order of this Court-Martial].

CONDITIONS

IT IS A CONDITION OF THIS ORDER that the said offender shall keep the peace and be of good behaviour during *the period of suspension of the sentence*the period of imprisonment/detention and the period of suspension of the sentence *And the court-martial considering (a) that it is appropriate having regard to the nature of the offence and (b) that it will reduce the likelihood of the said offender committing any other offence.

IT IS A CONDITION OF THIS ORDER that [here insert any condition imposed in accordance with Section 212A(4) of the Defence Act 1954]

*IT IS A CONDITION OF THIS ORDER that [here insert any condition imposed in accordance with Section 212A(5) of the Defence Act 1954, e.g. (a) that the offender co-operate with such support services and to such extent as may be specified by the Military Judge; (b) that the offender undergo such (i) treatment for addiction, (ii) course of education, training or therapy, (iii) psychological counselling or other treatment, as may be approved by the Military Judge]

Dated this day of 20

Signed _____

Military Judge

RECOGNISANCE

Whereas upon conviction on the day of 20 ... of the offence that * he/*she did contrary to, the offender was sentenced to a term of imprisonment/detention of

THE COURT-MARTIAL ORDERED THAT execution of

*the whole of the sentence of imprisonment/detention

*part of the sentence of imprisonment/detention comprising the term of be suspended *[for the period of, until the day of 20. ..]*[until further order of the Court-Martial]

subject to the offender entering into a recognisance *in the sum specified to comply with the conditions of, or imposed in relation to the said order, and conditionally on his/her compliance with the further provisions of said order as set out above until the day of 20

I of the above-named offender enter into this recognisance to comply with the conditions of the order set out above until the day of 20 ...

And on such compliance, then this recognisance shall be void, save in respect of any breach of any condition thereof during the period of the said recognisance or else to stand in full force and effect.

*Further, I acknowledge myself to owe to the State the sum of € to the use of the Minister for Finance if I fail to comply with any of the conditions set out herein

..... Offender

Acknowledged before me this day of..... 20

Signed _____

*Military Judge

*Governor/*Officer in charge of * Prison/*the place of detention at _____

To the Governor of the *prison*detention barrack at

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, SECTION 212A(11)(b)
COURT-MARTIAL RULES 2008, rule 63(2)

APPLICATION TO FIX A DATE FOR APPLICATION TO REVOKE
SUSPENSION OF SENTENCE

Director of Military Prosecutions

Prosecutor

No Rank Name.....

Unit.....

Accused

Director of Military Prosecutions

Applicant

An order was made by the Court-Martial under Section 212A(2) of the Defence Act 1954 on the day of 20... suspending *the whole of/ *part of a sentence of imprisonment/detention imposed on the above-named offender of..... and *he/*she was bound by a recognisance entered into by *him/*her under the said Section, to comply with the conditions of, or imposed in relation to that order, namely.....

I hereby apply under section 212A(11)(b) of the above-mentioned Act for the fixing of a date for the hearing of my application for an order revoking the Court's said order under Section 212A(2) of the said Act on the grounds that I have reasonable grounds for believing that the said offender has contravened the condition that

[insert condition contravened]

The grounds for such application are as follows

Dated this day of20....

Signed _____

[for] Director of Military Prosecutions

To the Court-Martial Administrator

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, SECTION 212A(14)
COURT-MARTIAL RULES 2008, rule 63(4)

ORDER FOR ARREST

Director of Military Prosecutions Prosecutor

No Rank Name

Unit of Applicant

To the Provost Marshal

WHEREAS on the day of 20... a notice was issued requiring the above-named person of to appear before a court-martial to be held at on theday of 20 , at ... hours for the hearing of an application for an order revoking the order suspending
*the whole of the sentence
*part of the sentence
imposed on *him/*her on the day of 20.

AND WHEREAS the said person has failed to appear at the said time and place;

AND WHEREAS it has been duly proved that the notice was served upon the said person in accordance with the Court-Martial Rules;

THIS IS TO COMMAND YOU to whom this order is addressed to arrest of and to bring *him/*her before me to be dealt with according to law.

Dated this day of 20
Signed _____
Military Judge

*Delete where inapplicable

Form 13

Register Number:

DEFENCE ACT 1954, SECTION 203
CRIMINAL LAW (INSANITY) ACT 2006, Section 5(2)

COURT-MARTIAL RULES 2008, rule 64(2)

COMMITTAL WARRANT (NOT GUILTY BY REASON OF INSANITY)

Director of Military Prosecutions

Prosecutor

No Rank Name
Unit Accused

To the Provost Marshal

WHEREAS the above-named accused was this day before a Court-Mar-
tial, charged with the offence(s) set out on the attached copy Charge Sheet(s)

AND WHEREAS the Court-Martial has returned a special verdict pursuant to
*Section 5(1) of the Criminal Law (Insanity) Act 2006
*Section 203 of the Defence Act 1954

to the effect that the accused person is not guilty by reason of insanity

AND WHEREAS the Court-Martial considers that the accused person found not
guilty by reason of insanity is suffering from a mental disorder (within the meaning
of the Mental Health Act 2001) and is in need of in-patient care or treatment in a
designated centre

AND WHEREAS the military judge has consulted with a clinical director of a
designated centre

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the
said accused person to the designated centre at
and to lodge the said accused person in the said designated centre for in-patient
care or treatment pending the making of an order under section 13 of the Criminal
Law (Insanity) Act 2006.

Dated this ...day of 20....

Signed _____
Military Judge

Copy to the Clinical Director at

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, PART V
CRIMINAL LAW (INSANITY) ACT 2006, Section 5(3)(a)

COURT-MARTIAL RULES 2008, rule 64(3)

COMMITTAL WARRANT AND DIRECTION FOR EXAMINATION (NOT
GUILTY BY REASON OF INSANITY)

Director of Military Prosecutions

Prosecutor

No Rank Name

Unit

Accused

To the Provost Marshal

WHEREAS the above-named accused was this day before aCourt-Martial,
charged with the offence(s) set out on the attached copy Charge Sheet(s)

AND WHEREAS the Court-Martial has returned a special verdict pursuant to
section 5(1) of the Criminal Law (Insanity) Act 2006 to the effect that the accused
person is not guilty by reason of insanity

AND WHEREAS the proceedings have been adjourned to on the day
of20..... athours

AND WHEREAS the Court-Martial considers that the accused person found not
guilty by reason of insanity is suffering from a mental disorder (within the meaning
of the Mental Health Act 2001) and may be in need of in-patient care or treatment
in a designated centre

THIS IS TO COMMAND YOU to whom this warrant is addressed to deliver the
said accused person to the designated centre at.....and to lodge
the said accused person in the said designated centre there to be detained pursuant
to section 5(3)(a) of the Criminal Law (Insanity) Act 2006 by the clinical director
of the designated centre until the above time of adjournment, being a period not
exceeding fourteen days from the date hereof, when you shall have said accused
person at the said sitting to be further dealt with according to law

AND THE COURT-MARTIAL DIRECTS THAT the said accused person be
examined by an approved medical officer at the said designated centre and the
approved medical officer concerned is required by section 5(3)(c) of the said Act
of 2006 to report to the court within the period of committal hereby authorised (or
any extended period authorised by the Court under section 5(3)(b) of the said Act
of 2006) on whether in *his/*her opinion the said accused person is suffering from
a mental disorder (within the meaning of the Mental Health Act 2001) and is in
need of in-patient care or treatment in a designated centre.

Dated this day of 20

Signed _____
Military Judge

Copy to the Clinical Director at

*Delete if inapplicable

Form 15

Register Number:

DEFENCE ACT 1954, PART V
CRIMINAL LAW (INSANITY) ACT 2006, SECTION 5(3)(b)

COURT-MARTIAL RULES 2008, rule 64(4)
NOTICE OF APPLICATION TO EXTEND PERIOD OF COMMITTAL

Director of Military Prosecutions

Prosecutor

No. Rank..... Name

Unit.....

Accused

TAKE NOTICE that application will be made to the Court-Martial at the sitting to be held at on the ... day of 20 at hours

under section 5(3)(b) of the Criminal Law (Insanity) Act 2006 for an order extending the period of committal of the above-named accused in the specified designated centre at for a further period of for the purpose of

Dated this day of 20.

Signed _____

*Accused/*Solicitor for the accused / *Prosecutor

To the Court-Martial Administrator

And to Prosecutor / Accused

And to the Clinical Director

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, SECTION 225
COURT-MARTIAL RULES 2008, rule 65(1)

NOTICE OF APPLICATION FOR RESTITUTION UNDER SECTION 225

Director of Military Prosecutions

Prosecutor

No. Rank Name.....

Unit

Accused

.....Injured Party/Applicant
of

WHEREAS in proceedings entitled as above, a Court-Martial has convicted the above-named accused (hereinafter referred to as “the convicted person”) of of the following offence under *Section 155 *Section 156 of the Defence Act 1954—

AND WHEREAS the above-named applicant has suffered loss to property resulting from that offence

AN APPLICATION will be made to the Court-Martial on †..... 20 pursuant to Section 225 of the Defence Act 1954

FOR AN ORDER that the said convicted person

*restore the following property to the applicant

*pay the sum of €..... /pay such sum as may be ordered by way of compensation to the applicant

*AND FOR DIRECTIONS as to how such compensation be paid.

Dated this day of 20

Signed _____
Applicant/Solicitor for Applicant

To the Court-Martial Administrator
And to Accused

*Delete where inapplicable

†Date to be inserted by Court-Martial Administrator

Form 17

Register Number:

DEFENCE ACT 1954, SECTION 225
COURT-MARTIAL RULES 2008, rule 65(4)

ORDER FOR RESTITUTION

Director of Military Prosecutions

Prosecutor

No. Rank Name
Unit Accused

..... Injured Party
of.....

WHEREAS in proceedings entitled as above, a Court-Martial has on this day convicted the above-named accused (hereinafter referred to as “the convicted person”) of of the following offence under *Section 155 *Section 156 of the Defence Act 1954—

AND WHEREAS the above-named injured party has suffered loss to property resulting from that offence

the Court-Martial, having regard to the evidence given and the representations made herein, hereby ORDERS pursuant to Section 225 of the Defence Act 1954 that the said convicted person

*restore the following property to the injured party

*pay the sum of €..... to the injured party

[AND DIRECTS that such compensation be paid—
*(in one payment, to be made not later than the day of 20,)
*(by consecutive *weekly *monthly instalments of €..... each and a final balance of €....., the first of such instalments to be paid on day of 20,)

AND FURTHER DIRECTS that all payments made under this order shall be made to the Court-Martial Administrator, for transmission to the injured party.]

Dated this day of 20

Signed _____
Military Judge

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, SECTION 193(3)
COURT-MARTIAL RULES 2008, rule 69

DISSOLUTION OF *GENERAL/*LIMITED COURT-MARTIAL

In accordance with Section 193 of the Defence Act 1954,, military judge, ordered the DISSOLUTION of the *GENERAL/*LIMITED COURT-MARTIAL assembled on the day of 20 at

for the following reason(s)

Dated this day of 20

Signed _____
Court-Martial Administrator

To: Director of Military Prosecutions

To: Accused

*Delete where inapplicable

Form 19

Register Number:

DEFENCE ACT 1954, PART V
COURT-MARTIAL RULES 2008, rule 72(1)

NOTICE OF INTENTION TO CALL A WITNESS WHOSE EVIDENCE IS
NOT CONTAINED IN THE SUMMARY OR ABSTRACT OF EVIDENCE

Director of Military Prosecutions

Prosecutor

No. Rank Name.....

Unit

Accused

To the above-named accused—

Take notice that at your trial by *General/*Limited Court-Martial *before the Summary Court-Martial to be held at..... on the..... day of..... 20...., the undermentioned, whose evidence is not contained in the Summary (or Abstract) of Evidence given to you, will be called as a witness to give evidence as to (*Here set out briefly the purport of the evidence to be given by the witness.*)

Name and Address or No., Rank, Name and Unit of Witness

A written statement of the evidence to be given by the witness *is/*is not attached to this notice.

Dated this day of 20

Signed _____

Prosecutor

Copy to the Court-Martial Administrator

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, SECTION 207
COURT-MARTIAL RULES 2008, rule 74(4)

SUMMONS TO CIVILIAN WITNESS TO COURT-MARTIAL

To of

No. Rank Name

Unit

on the charge of

YOU ARE HEREBY SUMMONED to attend and to give evidence on the trial of the said charge, at the sitting of the *General/*Limited/*Summary Court-Martial to be held at on the day of 20 at hours and so to attend from day to day until you shall be duly discharged

*AND YOU ARE REQUIRED TO BRING WITH YOU the following documents, records or things

Dated this day of 20

Signed _____

*Commanding Officer of Accused

*Court-Martial Administrator

*Military Judge.

NOTE:

If, without just cause or excuse, you disobey this summons, you commit an offence under section 208 of the Defence Act 1954 and on summary conviction for such offence you are liable to a fine not exceeding €3,000 or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, PART V
COURT-MARTIAL RULES 2008, rule 85(4)
STATUTORY DECLARATION AS TO SERVICE

[Director of Military Prosecutions..... Prosecutor

No. Rank Name.....

Unit..... Accused]

I,..... of

aged sixteen years and upwards, do solemnly and sincerely declare

that I served in these proceedings *(a copy of which is attached) on at on the day of 20

Personal Service / Delivery by Hand

- * by delivering the same to in person
- * by delivering the same by leaving it in an envelope addressed to, at being’s last or most usual place of abode

Service by Post

by posting a copy thereof at Post Office at *a.m./p.m. on the day of 20, in a prepaid envelope addressed to at *and the certificate of posting of the said envelope is attached hereto

and the said envelope has not been returned undelivered to me.

Fax/Electronic Service

*by transmitting the same by fax to the fax number which has provided *and the confirmation report for the said fax transmission is attached hereto.

*by transmitting the same by electronic mail to the electronic mail address which has provided *and a print of the confirmation of delivery report for the said electronic mail is attached hereto.

I am authorised by to serve the same.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed _____

Declared before me by.....*(who is personally known to me)

*(who is identified to me by..... who is personally known to me)

at in the County of this day of 20....

Signed _____

Commissioner for Oaths/Practising Solicitor (or)
Peace Commissioner

*This declaration shall be made not earlier than three days after the day on which the envelope is posted, where service by post is applicable.

*Delete words or sections which are not applicable.

Form 22

Register Number:

DEFENCE ACT 1954, PART V
COURT-MARTIAL RULES 2008, rule 87(2)

ORDER FOR COMMITTAL TO A DETENTION BARRACK ON
SENTENCE BY COURT-MARTIAL OF DETENTION

Director of Military Prosecutions

Prosecutor

No. Rank Name

Unit

Accused

To the Governor or Officer in charge of a Detention Barrack at

WHEREAS the above-named accused, was by

*a Limited/General Court-Martial held at

*the Summary Court-Martial sitting at

on the day of 20 convicted of the offence of..... and
sentenced to detention for a period of commencing on the
..... day of 20

NOW, therefore, I, the undersigned do hereby pursuant to the Defence Act 1954,
and of all other Acts and powers enabling me in this behalf, order you to receive
the said into your custody, and detain *him/*her to undergo *
his/*her said sentence according to law, and for so doing this shall be your warrant.

Signed at this day of 20

Military Judge

*Delete where inapplicable

Register Number:

DEFENCE ACT 1954, PART V
COURT-MARTIAL RULES 2008, rule 87(2)

ORDER FOR COMMITTAL TO A PRISON ON SENTENCE BY COURT-
MARTIAL OF IMPRISONMENT

Director of Military Prosecutions

Prosecutor

No. Rank Name.....

Unit

Accused

To the Governor or Officer in charge of the *prison *military prison at
.....

WHEREAS the above-named accused, was by

*a Limited /General Court-Martial held at

*the Summary Court-Martial sitting at

on the day of 20.... convicted of the offence of..... and
sentenced to be imprisoned for a period of commencing on
the day of 20

NOW, therefore, I, the undersigned do hereby pursuant to the Defence Act 1954,
and of all other Acts and powers enabling me in this behalf, order you to receive
the said into your custody, and detain *him/*her to undergo *
his/*her said sentence according to law, and for so doing this shall be your warrant.

Signed at this day of 20

Military Judge

*Delete where inapplicable

EXPLANATORY NOTE

(This is not part of the Instrument and does not purport to be a legal interpretation)

The purpose of these Rules is to regulate the pleading, practice and procedure generally in all proceedings before courts-martial under Part V of the Defence Act 1954.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834/37 nó 1890 213434; Fax: 01 - 6476843 nó 094 - 9378964)
nó trí aon díoltóir leabhar.

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