



# MILITARY COURT SERVICE COURT MARTIAL & SUMMARY APPEAL COURT

## BOARD SPECIFICATION

1. The Director Military Court Service (MCS) is appointed by the Defence Council<sup>1</sup> as the Court Administration Officer (CAO). The CAO has a statutory function<sup>2</sup> to give notice of Court proceedings and specify lay members of the Court and is independent of the Judiciary and Service chains of command. These duties are conducted in accordance with the Armed Forces Act 2006 (AFA 06) and related Statutory Instruments<sup>3</sup>.
2. The Director MCS places significant focus upon enacting their responsibility to fulfil the obligation to deliver a transparent process to provide lay members for Service Court proceedings. The processes applied for selecting lay members must deliver the highest level of confidence in how such members are selected.
3. The Director MCS delivers a fully compliant set of procedures that provide all necessary safeguards and quality assurance checks to ensure that members are selected in accordance with legislation<sup>4</sup>. Reference may also be drawn from guidance within the Manual of Service Law<sup>5</sup>.
4. Other than where the Judge Advocate deals with proceedings sitting alone, the Court Martial will consist of the Judge Advocate and other persons who sit as members, known as 'lay members'<sup>6</sup>. The Board will consist of either three or six lay members.<sup>7</sup>
5. The CAO will in accordance with this policy, as far as is reasonably practicable, specify tri-Service Boards each assize period.
6. A reserve pool of ten lay members is also selected for the period.
7. When the CAO specifies lay members for any proceedings, the CAO must ensure that for Court Martial Boards, so far as is reasonably practicable, there will always be at least one lay member who is a woman and at least one lay

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<sup>1</sup> Armed Forces Act 2006, Chapter 52, Part 18, Court Officials, Section 363

<sup>2</sup> The Armed Forces (Court Martial) Rules 2009, Part 3

<sup>3</sup> Armed Forces Act 2006, s155(6) and s163(3)(n)

<sup>4</sup> Part 7 of the Armed Forces Act 2006 and Chapter 1 (ss154-157), The Armed Forces (Court Martial) Rules 2009

<sup>5</sup> JSP 830, MSL, Version 2.0, Chapter 28

<sup>6</sup> JSP 830, MSL, Version 2.0, Chapter 28, Para 5

<sup>7</sup> Rule 29 The Armed Forces (Court Martial) Rules 2009 – The Armed Forces (Service Court Rules (Amendment) Rules 2022

member who is a man. The gender representation requirement does not apply where the Board is comprised of entirely civilian lay members<sup>8</sup>.

8. 'So far as is reasonably practicable' is a matter for the CAO to determine based on the circumstances surrounding the specification.

9. The CAO will specify an additional lay member for the Board to be known as a 'waiting member'<sup>9</sup>. This member will only be used if for any reason one of the other members is not available or otherwise discharged<sup>10</sup>.

10. If additional members are required to resource a Board, members will normally be taken from the reserve pool or from a Board that only requires three members. The members for the Summary Appeal Court are also taken from these Boards.

11. The three Services are to provide the following for each assize: the Army twenty nominations with the RN and RAF each providing ten nominations. One OF4 nomination will be released back to the RN and RAF after the random selection of President has been made and deconfliction complete, thus maintaining the overall RN and RAF nominations to nine each.

12. Service nominations are received six-weeks prior to the commencement of the assize period. Board specification takes place on completion of the deconfliction process, and fourteen members are provided to the Court Officers at each Court Centre.

13. The Court Notices specifying members to individual cases are produced by the Court Officer five to ten working days before the commencement of the assize period. Board members are warned that, if a trial runs beyond the assize period, they are committed to the court until the case is completed.

14. Commencement of proceedings within the Service Justice System is defined as the date the defendant was charged with an offence (date of case direction).

15. For defendants subject to Service law on commencement of proceedings, Rule 33 does not apply ([R v B \(2023\) EWCA Crim 1625](#)) In such cases, all lay members must be drawn from the Service pool. Members can be drawn from the RN, Army, and RAF and may include regulars, reservists, and recently retired Service personnel. Using an automated platform, the programme will make a random selection from the Service pool. Subject to eligibility checks for Board membership (Annex A), the CAO will specify who the lay members should be.

16. A defendant who is "not subject to Service law at the commencement of the proceedings," then Rule 33 applies, and the lay members may be civilians, from

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<sup>8</sup> Rule 34a The Armed Forces (Court Martial Rules 2009 – The Armed Forces (Service Court Rules (Amendment) Rules 2022

<sup>9</sup>, The Armed Forces (Court Martial) Rules 2009, Part 4, Para 36(1)

<sup>10</sup> The Armed Forces (Court Martial) Rules 2009, Part 4, Para 35(4)

the Service pool, or a mixture of the two. For these defendants, a Judge Advocate will provide the CAO with a direction on the composition of the Board.

17. If a Judge Advocate considers it is in the interests of justice to direct that a single-Service Board is required, the CAO will specify a board of the particular Service composition.

18. The CAO must exercise their functions (other than that of specifying the lay members for any proceedings) subject to any direction given by a Judge Advocate<sup>11</sup>. The administrative specification of lay members is a matter entirely for the CAO<sup>12</sup>.

19. The CAO may delegate any of their functions in relation to the court, to a member of the MCS, and in practice will delegate most of their administrative functions<sup>13</sup>.

20. The AFA 06 sections 156 and 157 describe the qualifications and eligibility for officers, warrant officers and OR7s to be members of the Court Martial. This is further amplified in Court Martial Rules 2009, Part 4 – Members of the Court, specifically rules 31 – 34. There is also detailed guidance in the Manual of Service Law, Volume 2, Chapter 28, Part 1 – Court Martial constitution.

## **COLLATING BOARD MEMBER NOMINATIONS**

21. Effective management of Board member specification is essential to reduce the risk of members being selected where the law does not allow for such a selection<sup>14</sup>. To achieve this, MCS have a robust and effective random selection process.

22. Once the assize programme has been published, each Service will be informed of their commitment to support each relevant assize period. This will include the total number of Service personnel they need to provide to the MCS.

23. The annual assize programme is how the MCS requests each Service to provide a pool of available officers, warrant officers and OR7s, six weeks before each assize period, from which the Boards are then specified. Each Service coordinator will provide a full list of nominations to the MCS in advance of the assize period, affording enough time for the deconfliction process to be completed and for final selection to occur.

24. The CAO recognises that each Service has all current and future operational demands to factor when seeking to complete their nominations list. The Services must select potential lay members against the eligibility criteria.

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<sup>11</sup> The Armed Forces (Court Martial) Rules 2009, Part 3, Para 15

<sup>12</sup> JSP 830, MSL, Version 2.0, Chapter 28, Para 11

<sup>13</sup> The Armed Forces (Court Martial) Rules 2009, Part 3, Para 15(2)

<sup>14</sup> The Armed Forces (Court Martial) Rules 2009, Part 3, Para 32

25. For each assize period, the nominations are to be provided in the following ranks and numbers:

Service	Total Staff	Rank	Rank	Rank	Rank	Rank
Army	20	3 x Lt Col	8 x Maj	4 x Capt	3 x Lt/WO	2 x OR7
RN	10	2 x Cdr	3 x Lt Cdr	3 x Lt	1 x SLt/WO	1 x OR7
RAF	10	2 x Wg Cdr	3 x Sqn Ldr	3 x Flt Lt	1 x Fg Off/WO	1 x OR7

26. These nominations **must** include a minimum number of women as follows: Army six, RN one, and RAF one.

### MCS SELECTION FROM SERVICE NOMINATIONS

27. Once the MCS receive the Services' nomination lists, it employs a detailed Board selection and deconfliction process from the nominations provided (Annex B).

28. The MCS will utilise a technology-based programme<sup>15</sup> to quality assure that the Services have provided nominations that are not exempt to sit as a Board member against the eligibility criteria; that they have not been sworn as a Board member at any time within the previous twelve months and that they have a minimum of six months military service remaining from day one of the nominated assize period.

29. Using a technology-based automated selection platform, the programme identifies each Service, each OF4, the women, and the remaining nominations. The programme then randomly selects from the Service pool to determine the President and the remaining Board members in accordance with the required criteria.

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<sup>15</sup> Joint Personnel Administration system

30. Random selection must include the selection of at least one woman and one man as a lay member for each Board<sup>16</sup>. The roles of President (and another officer so qualified to act as President), and other members are gender neutral.

31. In addition to complying with the legal requirements to show impartiality and fairness, and to specify members as widely as possible from within each Service, the CAO will apply additional measures known as the CAO Specification Criteria (Annex C) when specifying Board members.

32. The MCS will utilise technology platforms, declarations, and answers to questionnaires (Annex D) from potential Board members to ensure adherence to the criteria. This includes a full deconfliction relating to associations and knowledge of other potential Board members, defendants, and known witnesses.

33. If at any time the MCS identify an ineligible nomination another member is selected and deconflicted.

34. Unlike the nominating Service, the MCS will be fully sighted on the identities of defendants and known witnesses to inform the wider case deconfliction requirements.

35. Should there be any identified concerns between Board members or between Board members and defendants / witnesses, which requires further review, then the final step for Board selection concludes with ratification by at least two of the four-member Board Selection Panel. The permanent panel members are the Director, Deputy Director MCS, Head of the Court Administration Unit (CAU) and the assigned staff member nominated to perform Board selection duties. Board selection is certified by the Director MCS / Deputy Director MCS once completed. Once certified, the CAO has fulfilled their responsibility for Board specification for that assize period.

36. A certified copy of the members selected, will be sent to the Court Officer. Court staff will allocate Board members for each trial / sentencing hearing from those specified for the assize period (Annex E). Once allocated, the Court Officer / Deputy Court Officer will produce and distribute, a Notice of Court Proceedings for each trial / sentencing hearing.

37. The Court Officer will ensure that at least one man and one woman is always specified as a Board member for all Court Martial proceedings, where reasonably practicable.

## **OVERSEAS TRIALS**

38. Where a trial is listed outside of the United Kingdom, if practicable, a nomination from the trial location, will be requested to act as the waiting member to reduce unnecessary travel and subsistence expenditure.

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<sup>16</sup> Rule 34a The Armed Forces (Court Martial Rules 2009 – The Armed Forces (Service Court Rules (Amendment) Rules 2022

**CIVILIANS**

39. Where civilian members are required for a Board, Defence Business Services are tasked to provide an electronically generated random list of the names of one hundred MOD civil servants.

40. There is no legal power to compel any civilian to be a member of the Court Martial. Those that are selected, cannot be considered again within twelve months of having been sworn as a member.

41. The MCS will select twenty of the nominations using a random number generator. The individuals are then contacted to establish the individual's availability and willingness to be a Board member.

42. From those identified as willing participants, the MCS will randomly select nine members who will then be sent an attendance proforma to confirm eligibility against Court Martial Rules 2009, Rule 33, in addition to completing a full deconfliction process with defendants, known witnesses, and other Board members, completing questionnaires as required.

43. The attendance proforma is destroyed if the member is no longer required or when proceedings with the Board members commence, whichever is earlier.

**ADMINISTRATION**

44. The detailed administration of attendance at court is managed by the Military Court Centre staff. The Court Officer / Deputy Court Officer will brief the Board members on their arrival at the Court Centre and will ask them to sign a certificate confirming that they have read The Court Martial and Summary Appeal Court Guides Volumes 1 and 2 (sent during the deconfliction process) and understood their duties and responsibilities as a member.

## Annex A

**BOARD MEMBER ELIGIBILITY CRITERIA**

In accordance with The Armed Forces (Court Martial) Rules 2009 and AFA 2006, part 7 chapter 1 paragraphs 155-157, the following eligibility criteria for officers, warrant officers and OR7s apply:

1. Subject to subsections (2) to (4), an officer, warrant officer or OR7 is qualified for membership of the Court Martial if they are subject to Service law.
2. An officer is not qualified for membership of the court unless:
  - a. They have held a commission in any of His Majesty's forces for at least three years, or for periods amounting in the aggregate to at least three years; or
  - b. Immediately before receiving their commission, they were a warrant officer in any of those forces.
3. An OR7 is not qualified for membership of the court if they are an acting OR7. (It is recognised that current legislation has not yet been amended (AFB 26 – Clause 20 refers), relating to an acting warrant officer who was previously not qualified for membership of the court. An acting warrant officer is by default a substantive OR7 and may therefore be so specified irrespective of the fact that they are currently performing at a higher acting rank).
4. Army and RN Welfare Service warrant officers and OR7s are not eligible (the RAF do not have a specific Welfare Service).
5. An officer, warrant officer or OR7 is not qualified for membership of the court if:
  - a. They are a member of the Military Court Service.
  - b. They are a member of or on the staff of the Service Prosecuting Authority.
  - c. They are a member of the Service police.
  - d. They are a member of the Royal Army Chaplains' Department or the Royal Air Force Chaplains' Branch.
  - e. They are an advocate or solicitor in Scotland.
  - f. They are a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland; or

- g. They have in a relevant territory rights and duties like those of a barrister or solicitor in England and Wales and are subject to punishment or disability for breach of professional rules.
6. In this section “relevant territory” means:
- a. Any of the Channel Islands.
  - b. The Isle of Man.
  - c. A Commonwealth country; or
  - d. A British overseas territory.
7. Person’s ineligible for membership in particular circumstances:
- a. A person is ineligible for membership of the court for any trial proceedings if, at any time since the date of the commission of any offence charged, they and any defendant were serving in the same unit.
  - b. A person is ineligible for membership of the court for any sentencing proceedings if, at any time since the date of the commission of any offence for which an offender falls to be sentenced, they and the offender were serving in the same unit.
  - c. A person is ineligible for membership of the court for any variation proceedings if they were not a member of the court for the proceedings in which the sentence that falls to be varied was imposed.
  - d. A person is ineligible for membership of the court for any appellate proceedings if at any time since the date of the commission of any offence to which the proceedings relate, they and any appellant were serving in the same unit.
  - e. A person is ineligible for membership of the court for any activation proceedings if at any time since the date of the commission of the offence for which the original sentence was passed, they and the offender were serving in the same unit.
  - f. A person is ineligible for membership of the court for any proceedings if they were a member of the court for any previous proceedings to which any person to whom the proceedings relate was a party; but this is subject to paragraphs (g) to (i).
  - g. A person is not ineligible for membership of the court for sentencing proceedings by virtue of having been a member of the court for any trial or appellate proceedings in which any offender was convicted of any offence for which they fall to be sentenced.

h. A person is not ineligible for membership of the court for variation proceedings by virtue of having been a member of the court for:

- (i) Any trial or appellate proceedings in which the offender was convicted of any offence for which the sentence that falls to be varied was imposed; or
- (ii) The proceedings in which that sentence was imposed.

i. For the purposes of paragraph (f) a person is not to be regarded as having been a member of the court for any previous proceedings if those proceedings were terminated under rule 25(2) by virtue of subparagraph (b) of that paragraph (successful objections exceeding the number of waiting members).

j. In relation to a person who at any time was not subject to Service law, references in this rule to a unit in which the person was at that time serving are to be read as references to a unit to which he was at that time attached.

8. This rule does not apply to the judge advocate.

#### **OTHER EXCLUSIONS**

9. The following may also not be nominated:

- a. An officer, warrant officer or OR7 rank from another Service (Royal Marines are grouped with the Royal Navy).
- b. An officer of the rank of Midshipman, Second Lieutenant, or Pilot Officer.
- c. An officer, warrant officer or OR7 rank employed in either the Military Support Function, or the Additional Duties Commitment role.
- d. An officer, warrant officer or OR7 rank serving on the staff of DCS Law, Army Personnel Services Group or Air Personnel Casework.
- e. An officer, warrant officer, or OR7 rank belonging or attached to CNLS, AGC(RMP), AGC(MPS), AGC(MPGS), AGC(ALS) or RAF Legal Services.
- f. Those sworn as a Board member at any time within the previous twelve months.
- g. Those who have less than six months military Service remaining from day one of the nominated assize period.

## TRI-SERVICE BOARD SELECTION PROCESS

1. Nominations of Service personnel from each of the three Services will be submitted to the Military Court Service (MCS) six-weeks prior to the commencement of the assize period, as follows:

- a. RN - ten (must include one woman).
- b. Army - twenty (must include six women).
- c. RAF - ten (must include one woman).

The MCS will conduct checks for accuracy and eligibility, using JPA.

2. Tri-Service Boards for each courtroom will comprise:

- a. Two members from each Service, where practicable, for a six-person Board.
- b. One member from each Service, where practicable, for a three-person Board.
- c. The fourth member, for a three-person Board or seventh member, for a six-person Board, will be drawn from the remaining pool.

Each Board will have:

- a. At least one man and one woman.
- b. A President.
- c. At least one substantive OF3 to act as President should there be an objection to the President selected.

## SELECTION OF WOMEN

3. Using a technology-based platform, a randomised selection process is conducted across the pool of eligible women, and where practicable, nominations will be split geographically North and South. The selection process ensures one woman is allocated per courtroom. Four are randomly selected with a further selection made to select a woman for the reserve list. Any women not selected, will remain in the wider pool for subsequent random selection stages, until the Board selection process is complete.

## SELECTION OF PRESIDENT

4. The automated platform performs a randomised process selecting the required OF4 President ranks from the eligible pool, and where practicable, nominations will be split geographically North and South. The programme selects one OF4 from the RN, one from the RAF and two from the Army (one for each courtroom). The remaining RN and RAF OF4's are to be released back to their respective Service but only after the completion of the deconfliction process (para 6 below). The remaining Army OF4 will be held on the reserve list.

## SELECTION OF REMAINING MEMBERS

5. The automated platform performs separate Service specific selections to ensure each courtroom contains two members from the RN and RAF, and three members from the Army, considering the President and women already selected. Where practicable, nominations will be split geographically North and South. The programme applies the rank structure rules and randomly selects the remaining members needed to provide a total of fourteen members for each Court Centre; two of which will be selected as the waiting members. **It may be necessary to complete further random selections to ensure those members selected are of or above the rank of the defendant / appellant.**

## DECONFLICTION PROCESS

6. After the random selection is made, a deconfliction process will commence to identify if any member knows another member, defendant / appellant, or known witness, or has served at the same unit as the defendant / appellant since the date of the alleged offence.

7. Should there be a deconfliction issue, members are asked to complete a questionnaire to indicate how well they know that individual. At least two of the four-member Board selection panel will review questionnaires received for those that require further discussion, to decide whether that individual is suitable to sit as a member. Any member indicating that they know or know of a known witness, should NOT be used for that trial / sentencing hearing. If the Court Administration Unit (CAU) identifies that an individual is not suitable to sit as a member, the process of selection is repeated, and another member is randomly selected from the pool of the same Service.

## SPECIFICATION OF MEMBERS

8. Once the above process has been completed, the Court Administration Officer (CAO) will specify fourteen Board members for that assize period and forward details of the members to the Court Officer. If after specification a member becomes unavailable, the CAU where practicable, will replace with a member from the same Service. However, this may not always be possible in which case a random selection will be made.

**RESERVE MEMBERS**

9. Those members who have not been randomly selected, will remain as a reserve member\* to cover anyone that may become unavailable in either court location. This could be due to operational duty, sickness, compassionate, legal reasons, or if the CAO needs to specify additional members at short notice.

\*The reserve list should contain nominations by Service as follows: Army 8, RN, and RAF 1 each. Any surplus is to be returned to their respective Service but only after the deconfliction process has been completed.

**SPECIFICATION OF MEMBERS FOR SECRET PROCEEDINGS**

10. Board members specified for proceedings, or parts thereof, held at secret must hold an in-date security clearance, (minimum of Security Check - SC).

## Annex C

**CAO SPECIFICATION CRITERIA****BOARD STRUCTURE**

1. Tri-Service Boards will be specified from the nominations provided by the three Services. However, if an equal representation is not practicable, Director MCS may exercise their right to specify a Board from any Service.

**PRESIDENT OF THE BOARD**

2. The default rank for the President of the Board will be a substantive Cdr, Lt Col, or Wg Cdr.

3. Where two or more lay members are so qualified, the most senior within the rank shall be the President of the Board<sup>17</sup>.

4. For any defendant of or below the rank of Capt (RN), Col or Gp Capt, the President of the Board will be of superior rank to that of the defendant<sup>18</sup> [WEF 20 Feb 25, SI 2009/2041 refers].

5. For any defendant of or above the rank of Cdre, Brig or Air Cdre, the President of the Board must be of rank OF6 or above but does not have to be senior within the rank to that of the defendant [WEF 20 Feb 25, SI 2009/2041 refers]. By policy, the CAO will seek to specify a President of superior rank, to that of the defendant.

**RANKS**

6. A full table of NATO rank equivalencies is provided at Appendix 7 for reference when allocating Board members.

7. An officer should not be appointed as a lay member unless that officer is of or above the rank of sub-lieutenant, military or marine lieutenant or flying officer<sup>19</sup> unless they are so qualified by statute<sup>20</sup>.

8. For any proceedings with lay members where any person to whom the proceedings relate is an officer subject to Service law, every lay member must be an officer qualified for membership under section 156 and not ineligible by virtue of section 157 or rule 32 (CM rules 2009 pt 4); and section 155(3) shall not apply in relation to any such proceedings.

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<sup>17</sup> The Armed Forces (Court Martial) Rules 2009, Part 4, Para 34 (7)

<sup>18</sup> The Armed Forces (Court Martial) Rules 2009, Part 4, Para 34 (3)(c)

<sup>19</sup> JSP 830 MSL, Chapter 28, Para 16

<sup>20</sup> Part 7 of The Armed Forces Act 2006 and Chapter 1, ss156

## SELECTION OF WOMEN

9. The CAU will specify a minimum of two women per Court Centre (one for each courtroom), for Court Martial Board allocation.

## WARRANT OFFICERS/OR7S

10. For any proceedings with lay members where every person to whom the proceedings relate is of or below the rank or rate of OR7, the number prescribed for the purposes of section 155(3) of the AFA 2006, (that is to say, the number of lay members who may be warrant officers/OR7 rather than officers) is no more than two for a 6-person Board and one for a 3-person Board<sup>21</sup>.

- a. For a 6-person Board you may only have either 2 x WO or 1 x WO and 1 x OR7.
- b. For a 3-person Board you may have either 1 x WO or 1 x OR7.
- c. For 3 and 6 person Boards, OR7s can only be selected if the defendant is an OR7 or below.

## RESERVES

11. Reserve officers, warrant officers and OR7s may be specified in the same manner as their regular Service counterparts, noting that their participation is voluntary. Those nominated are not necessarily selected and may remain on the reserve list of members.

## FULL-TIME RESERVE SERVICE (FTRS)

12. FTRS Full Commitment, Limited Commitment and Home Commitment<sup>22</sup> are eligible to be Board members, provided they satisfy the criteria set out in the Board member eligibility criteria at Annex A.

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<sup>21</sup> The Armed Forces (Court Martial) Rules 2009, Part 4, Para 31 (1)

<sup>22</sup> FTRS Limited and Home Commitment personnel cannot be compelled to sit as Board members, although they may volunteer.

**BOARD MEMBER QUESTIONNAIRE**

**FROM:** .....

**IF YOU KNOW ANOTHER MEMBER / DEFENDANT / WITNESS PLEASE COMPLETE THE FOLLOWING (please complete a separate questionnaire for each person known):**

**NAME OF PERSON KNOWN:** .....

**1. Do you know this person on a professional basis only?**

**If yes, please explain on what basis and include any relevant information, such as any current or historic line management/chain of command responsibility, including periods of contact.**

**2. Is it the case that you simply know of the person but have not had any enduring contact or professional regular engagement with them?**

**If no, please explain your contact out of a professional capacity - i.e. – do you consider the person a friend/socialise with the person, or otherwise engage on an out of work capacity?**

**3. Do you have links with the person on any social media platforms – if you do what are they?**

**If yes, do you communicate on a regular basis (please indicate frequency)?**

**ADDITIONAL COMMENTS:**

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**FOR MCS USE ONLY**

**Nomination Accepted/Rejected:**

**Rationale:**

**Reviewed by:**

- 1.
- 2.

**Date:**

**Signature:**

## COURT OFFICER SELECTION PROCESS AFTER CAO CERTIFICATION

1. Once the CAO has completed the selection process for Board Membership a certified copy of the members specified is sent to the relevant Court Officer.

### TRI-SERVICE BOARD

2. The CAO will specify fourteen nominations for each Court Centre. Court staff will allocate members to trial / sentencing hearings for each courtroom, comprising the following:

a. A President (OF4) and at least one substantive OF3, to act as President should there be an objection to the President selected.

b. At least one member must be a woman.

c. Where reasonably practicable, a six-person Board will consist of two RN, two Army and two RAF with the seventh member being the waiting member. You may only have two WOs, or one WO and one OR7.

d. Where reasonably practicable, a three-person Board will consist of one member from each Service with the fourth member being the waiting member from any Service. You may only have one WO or one OR7.

e. A Summary Appeal will have at least one member of the Board as the same Service as the appellant however this may not necessarily be the senior Board member. You must have one substantive OF4, one substantive OF3 and one other rank (OR7s are not eligible to sit as members). No member of the Board is to be junior within the same rank to the appellant. The waiting member, where reasonably practicable, will be of the same Service as the appellant.

f. For any defendant of or above the rank of OF4 the CAO will specify a stand-alone Board.

3. On completion of the above, a Board Member Sitting Roster is produced, which is to be checked and verified by the Court Officer (Appendix 6) and saved in SharePoint (relevant assize, Board members category).

4. On arrival at the Court Centre the Board members will be given a full brief by either the Court Officer or Deputy Court Officer. The Board will be asked to confirm, by signing a 'Board Members Certificate,' whether they have read the Court Guides Volumes 1 and 2 and understood their duties and responsibilities as a member. Once signed, this Certificate is to be saved in SharePoint (relevant assize, Board members category).

## NOTICE OF COURT PROCEEDINGS

5. After the allocation of members to each trial / sentencing hearing, the Court Officer / Deputy Court Officer will produce, distribute, and upload to Case Center and SharePoint, a Notice of Court Proceedings for each hearing. Should there be any subsequent Board member name changes, the Court Officer / Deputy Court Officer making that change, must sign and date a revised Notice, amending the version number when uploading to Case Center and SharePoint.

## SENTENCING AND SUMMARY APPEAL (PUNISHMENT ONLY) DECONFLICTION PROCESS

6. On receipt of the Board nominations from the CAU, should any additional sentencings / SAC (P) be listed, or additional witnesses called, the court staff must take the following actions:

- a. Locate the Additional or updated names list (created by the Case Officer) in SharePoint (relevant assize, Board members category).
- b. Email / speak to, all relevant Board members requesting them to confirm:
  - (1) Whether they know any person(s) listed.
  - (2) Whether they have served at the same unit at the same time as the defendant(s) / appellant(s) since the time of the alleged offence. Assignment details will be provided by the Case Officer and included on the Additional Names List.
  - (3) ALL email responses from members are to be saved in SharePoint (relevant assize, Board members correspondence category).

7. If a Board member knows any person listed, they are to complete a questionnaire (Annex D). This should then be forwarded to the CAU (MCS-Boards-Group (MULTIUSER)) for review.

8. If a Board member states they have served at the same unit at the same time as the defendant(s) / appellant(s), they are **NOT** eligible to sit as a member and are to be replaced.

9. The CAU is to be contacted if further direction is required.

10. On completion of any additional deconfliction by the Deputy Court Officer, a declaration is to be made by them and verified by the Court Officer (Appendix 6). The updated Board Member Sitting Roster is to be saved as an updated version in SharePoint (relevant assize, Board members category).

**MILITARY COURT BULFORD/CATTERICK – V?**  
**ASSIZE PERIOD: FROM ??? TO???**  
**BOARD MEMBER SITTING ROSTER**

<p><b><u>Board Members</u></b></p> <p><b><u>Table Legend</u></b></p> <p>P – President of the Board                      M – Member of the Board                      W/M – Waiting Member                      CM (6) – 6 Person Board                      CM (3) – 3 Person Board                      Summary Appeal – 2 Person Board</p>	<p>Date(s) (No. of Board members)                      CM/Sentencing/Summary Appeal                      Defendant/Unit                      To convene at: Time                      No. of days</p>	<p>Date(s) (No. of Board members)                      CM/Sentencing/Summary Appeal                      Defendant/Unit                      To convene at: Time                      No. of days</p>	<p>Date(s) (No. of Board members)                      CM/Sentencing/Summary Appeal                      Defendant/Unit                      To convene at: Time                      No. of days                      A full deconfliction process has been carried out by ?? date ??</p>

Checked and verified by the Court Officer (Name) ..... (Date) .....

## TABLE OF NATO RANKS

	ROYAL NAVY	ROYAL MARINES	ARMY	ROYAL AIR FORCE
OF9 (4 Star)	Admiral (Adm)	General (Gen)	General (Gen)	Air Chief Marshal (ACM)
OF8 (3 Star)	Vice Admiral (VAdm)	Lieutenant General (Lt Gen)	Lieutenant General (Lt Gen)	Air Marshal (Air Mshl)
OF7 (2 Star)	Rear Admiral (RAdm)	Major General (Maj Gen)	Major General (Maj Gen)	Air Vice-Marshal (AVM)
OF6 (1 Star)	Commodore (Cdre)	Brigadier (Brig)	Brigadier (Brig)	Air Commodore (Aire Cdre)
OF5	Captain (Capt)	Colonel (Col)	Colonel (Col)	Group Captain (Gp Capt)
OF4	Commander (Cdr)	Lieutenant Colonel (Lt Col)	Lieutenant Colonel (Lt Col)	Wing Commander (Wg Cdr)
OF3	Lieutenant Commander (Lt Cdr)	Major (Maj)	Major (Maj)	Squadron Leader (SqN Ldr)
OF2	Lieutenant (Lt)	Captain (Capt)	Captain (Capt)	Flight Lieutenant (Flt Lt)
OF1	Sub Lieutenant (SLt) / Midshipman (Mid)	Lieutenant (Lt) / Second Lieutenant (2Lt)	Lieutenant (Lt) / Second Lieutenant (2Lt)	Flying Officer (Fg Off) / Pilot Officer (Plt Off)
OR9	Warrant Officer 1 (WO1)	Warrant Officer 1 (WO1)	Warrant Officer 1 (WO1)	Master Aircrew (MACR) / Warrant Officer (WO)
OR8	Warrant Officer 2 (WO2)	Warrant Officer 2 (WO2)	Warrant Officer 2 (WO2)	
OR7	Chief Petty Officer (CPO)	Colour Sergeant (CSgt)	Staff Sergeant (SSgt)	Flight Sergeant (FS) / Chief Technician (Chf Tech)
OR5/6	Petty Officer (PO)	Sergeant (Sgt)	Sergeant (Sgt)	Sergeant (Sgt)
OR4	Leading Rate (LH)	Corporal (Cpl)	Corporal (Cpl)	Corporal (Cpl)
OR3		Lance Corporal (LCpl)	Lance Corporal (LCpl)	Lance Corporal (LCpl) (RAF Regt)
OR2	Able Rate (AB)	Marine (Mne)	Private (Pte)	Air Specialist (Class 1) Technician (AS1(T))  Air Specialist (Class 1) (AS1)  Air Specialist (Class 2) (AS2)  Air Recruit (AR)

