

MILITARY COURT SERVICE
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Our reference: MCS/CM

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MILITARY COURT SERVICE 2022 ASSIZE PROGRAMME – VERSION 2

1. **Assize programme.** The 2022 assize programme for the Military Court Centres is at Annex A. For judicial planning only, Annex A shows the programme for January – April 2023, although this may change when the 2023 assize programme is published. Assizes will in the main continue to take place at Bulford and Catterick Military Court Centres, with assizes occasionally in Cyprus and Germany, if and when required. Service Court proceedings for any person subject to service law and for any civilian subject to service discipline may be listed into these assizes. Stand alone trials and hearings may also be held at other locations world-wide, if required.

2. **Board members.** Navy Command HQ, Army HQ and HQ Air Command are asked to provide respectively Royal Navy (RN), Army and Royal Air Force (RAF) nominations for the pools of potential Board members which are detailed in the tables at Annex B (RN), Annex C (Army) and Annex D (RAF). Board members will be specified from the pools by the Court Administration Officer (CAO).

3. As a result of the CAO's recent review of the Board member nomination and specification processes, revised Board member nomination criteria are set out at Annex E, which must be complied with. Only deployment on operations takes priority over Court Martial duty (a duty in law under the Armed Forces Act 2006).

4. **Board Presidents.** As part of his review, the CAO considered the rank of the Board President and in line with Court Martial Rules 2009 rule 34, the default rank for the President of the Board will now be a substantive Lt Cdr, Maj or Sqn Ldr ¹, subject to the following:

(a) Where two or more lay members are so qualified, the most senior of them shall be the president of the board².

(b) For any defendant of or below the rank of Lt Cdr, Maj or Sqn Ldr, the President of the Board will be superior in rank to that of the defendant/s³.

(c) For any defendant of the rank of Cdr, Lt Col or Wg Cdr up to and including the rank of Capt (RN), Col or Gp Capt, the President of the Board will be of superior rank to that of the defendant⁴.

¹ The Armed Forces (Court Martial) Rules 2009, Part 4, Para 34 (3)(a)

² The Armed Forces (Court Martial) Rules 2009, Part 4, Para 34 (7)

³ The Armed Forces (Court Martial) Rules 2009, Part 4, Para 34 (3)(c)

⁴ The Armed Forces (Court Martial) Rules 2009, Part 4, Para 34 (3)(c)

- (d) For any defendant of or above the rank of Cdre, Brig or Air Cdre, the President of the Board will be of or above the rank of the defendant or senior within the same rank as the defendant⁵.

This change is reflected in the composition of the numbers and ranks required for Board member nominations, as set out in the revised Annexes B, C and D, including the requirements for fewer RN and RAF Board members.

5. **Female Service nominations.** A Service nomination list for an assize period, or for any other previously unscheduled requirement to form a Board, must include female officers/warrant officers within the nomination list to meet the Service gender proportionality split. These personnel will be within the pool for random selection as a Board member. For each assize period, the requirements for each Service in total are as follows:

Army – 4 females
RN – 2 females
RAF – 2 females

6. **Court administration parties.** Each Service will be responsible for providing a suitable Court administration party for each two-week assize period of proceedings devoted to their own defendants⁶. Subject to local variations, which will be notified by the Court Officer to the nominating Headquarters, the Court administration party for each courtroom at the Bulford and Catterick Military Court Centres will consist of:

- a. 1 x Court Usher (WO/SNCO);
- b. 1 x Assistant Court Usher (JNCO); and
- c. 2 x Pte or equivalent (must include a driver).

The Army is to provide manpower equivalent to two Court administration parties where both courtrooms in either Bulford or Catterick Military Court Centres are simultaneously listed over the two-week assize period. An administration party should preferably be tasked from one unit as this greatly assists in the efficient running of the Court Centre. Stand alone trials and hearings outside the assize programme will require administrative support from the ship/establishment/unit/station of the defendant/appellant and this will be called for as required.

7. **Long trials.** Whilst the assize periods are shown at Annex A, a trial may run beyond an assize. Where MCS knows in advance that this could happen, it will warn the chain of command of the assize period concerned at the earliest opportunity, although no details of the trial will be made available. Individual Board members will be warned accordingly by MCS once they have been specified by the CAO. Both the chain of command and individuals must understand that, if a trial goes beyond the assize period, the Board members remain committed to the Court until that trial has been completed.

8. **Holidays.** UK and privilege holidays are shown in the Notes at Annex A. The Courts, including the BA(G) Court, do not sit on UK and privilege holidays.

⁵ The Armed Forces (Court Martial) Rules 2009, Part 4, Para 34 (4)(a)

⁶ Further details will be included in the relevant Service Level Agreements between the MCS and the individual Services, currently being drafted/reviewed.

Signed on MODNet

Lisa Oliver
Deputy Director MCS

Annex:

- A. Assize Programme January 2022 – April 2023.
- B. RN Nominations 2022 for Board Member Duty.
- C. Army Nominations 2022 for Board Member Duty.
- D. RAF Nominations 2022 for Board Member Duty.
- E. Board Member Nomination Criteria.

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APSG - Conduct
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HQ CFA
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HQ 1 (UK) Div
HQ 3 (UK) Div
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HQ LONDIST
HQ 6 (UK) Div
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HQ ARITC
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Internal:

Action:

Bulford MCC
Catterick MCC
Court Administration Unit
Band D Boards & Summary Appeals
Office Manager

Information:

Dir
C2 P&A
CMRS

ASSIZE PROGRAMME JANUARY 2022 – APRIL 2023

Ser	Dates	Courts	Notes
(a)	(b)	(c)	(d)
1	10 – 21 Jan 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
2	24 Jan – 4 Feb 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
3	7 – 18 Feb 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
4	21 Feb – 4 Mar 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
5	7 – 18 Mar 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
6	21 Mar– 1 Apr 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
7	4 - 8 Apr 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
8	11 – 22 Apr 22	Nil	Easter break (15 Apr Good Friday, 18 Apr Easter Monday)
9	25 Apr – 6 May 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board 2 May – Bank Holiday UK
10	9 - 20 May 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
11	23 May – 3 Jun 22	Bulford Court 1	Privilege day 27 May or 30 May

		Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board 2 Jun – Bank Holiday 3 Jun – additional Bank Holiday – Queen's Platinum Jubilee
12	6 - 17 Jun 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
13	20 Jun – 1 Jul 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
14	4 – 15 Jul 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
15	18 – 29 Jul 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
16	1 – 5 Aug 22 8 – 12 Aug 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2 Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board & Army Board Nil Nil Nil Nil Nil Nil Army Board
17	15 – 26 Aug 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	Army Board Nil RAF & Army Board Nil
18	29 Aug – 9 Sep 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board & Army Board Nil Army Board Nil 29 Aug Bank Holiday
19	12 – 23 Sep 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
20	26 Sep – 7 Oct 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
21	10 – 21 Oct 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board

22	24 Oct – 4 Nov 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
23	7 – 18 Nov 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
24	21 Nov – 2 Dec 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
25	5 – 16 Dec 22	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
26	19 Dec 22 – 6 Jan 23	Nil	Christmas and New Year break Mon 2 Jan substitute for New Year's Day, which is a Sunday
27*	9 – 20 Jan 23	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
28*	23 Jan – 3 Feb 23	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
29*	6 – 17 Feb 23	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
30*	20 Feb – 3 Mar 23	Bulford Court 1 Bulford Court 1 Catterick Court 1 Catterick Court 2	RAF Board
31*	6 – 17 Mar 23	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RN Board
32*	20 – 31 Mar 23	Bulford Court 1 Bulford Court 2 Catterick Court 1 Catterick Court 2	RAF Board
33*	3 – 14 Apr 23	Nil	Easter break (Good Friday 7 Apr, Easter Monday 10 Apr)

* Provisional programme (Jan – Apr 23) for judicial planning purposes only.

RN NOMINATIONS 2022 FOR BOARD MEMBER DUTY

Ser	Period	Cdr	Lt Cdr	Lt	Lt/SLt/WO	Date by
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	10 – 21 Jan 22	3	6	3	6	29 Nov 21
3	7 – 18 Feb 22	3	6	3	6	13 Dec 21
5	7 - 18 Mar 22	3	6	3	6	24 Jan 22
7	4 – 8 Apr 22	0	6	2	4	21 Feb 22
10	9 – 20 May 22	0	6	2	4	28 Mar 22
12	6 – 17 Jun 22	0	6	2	4	25 Apr 22
14	4 – 15 Jul 22	0	6	2	4	23 May 22
16	1 – 12 Aug 22	0	6	2	4	20 Jun 22
18	29 Aug – 9 Sep 22	0	6	2	4	18 Jul 22
20	26 Sep – 7 Oct 22	0	6	2	4	15 Aug 22
22	24 Oct – 4 Nov 22	0	6	2	4	12 Sep 22
24	21 Nov – 2 Dec 22	0	6	2	4	10 Oct 22

1. For every period the nominations, unless directed otherwise, are to be broken down into 2 sets, each consisting of:

3 x Lt Cdr; 1 x Lt; and 2 x Lt/SLt/WO, or Royal Marines (RM) equivalent ranks.

2. Each set is to include at least one female nomination.⁷

3. Within each rank the nominations are to come from 2 or more commands e.g. of the 6 x Lt Cdr (or Lt/SLt/WO) not more than 3 may come from the same command.

4. Detailed nomination criteria, which must be complied with, are at Annex E. If the criteria are not met or if MCS finds that there is an insoluble conflict of interest involving a nomination, a replacement nomination will be immediately called for and must be supplied without delay.

5. Occasionally the rank of a defendant or the length of a trial will require MCS to call for additional Board member nominations, including Captains RN/Colonels RM and above in rank. As much notice as possible will be given.

6. Only deployment on operations takes priority over Court Martial duty (a duty in law under the Armed Forces Act 2006). Those officers responsible for coordinating and providing nominations should prioritise this task accordingly and must ensure that nominations complying with Annex E are submitted to MCS HQ as shown above. Late or incomplete nominations result in enormous disruption to the process of specifying Court Martial Boards.

ARMY NOMINATIONS 2022 FOR BOARD MEMBER DUTY

Ser	Period	Lt Col	Maj	Capt	Capt/Lt/WO	Date by
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	10 – 21 Jan 22	4	8	4	8	29 Nov 21
2	24 Jan – 4 Feb 22	4	8	4	8	6 Dec 21
3	7 – 18 Feb 22	4	8	4	8	13 Dec 21
4	21 Feb – 4 Mar 22	4	8	4	8	10 Jan 22
5	7 – 18 Mar 22	4	8	4	8	24 Jan 22
6	21 Mar – 1 Apr 22	4	8	4	8	7 Feb 22
7	4 – 8 Apr 22	0	12	8	4	21 Feb 22
9	25 Apr – 6 May 22	0	12	8	4	14 Mar 22
10	9 – 20 May 22	0	12	8	4	28 Mar 22
11	23 May – 3 Jun 22	0	12	8	4	11 Apr 22
12	6 – 17 Jun 22	0	12	8	4	25 Apr 22
13	20 Jun – 1Jul 22	0	12	8	4	9 May 22
14	4 – 15 Jul 22	0	12	8	4	23 May 22
15	18 – 29 Jul 22	0	12	8	4	6 Jun 22
16	1 – 12 Aug 22	0	9	6	3	20 Jun 22
17	15 – 26 Aug 22	0	9	6	3	4 Jul 22
18	29 Aug – 9 Sep 22	0	9	6	3	18 Jul 22
19	12 – 23 Sep 22	0	12	8	4	1 Aug 22
20	26 Sep – 7 Oct 22	0	12	8	4	15 Aug 22
21	10 – 21 Oct 22	0	12	8	4	29 Aug 22
22	24 Oct – 4 Nov 22	0	12	8	4	12 Sep 22
23	7 – 18 Nov 22	0	12	8	4	26 Sep 22
24	21 Nov – 2 Dec 22	0	12	8	4	10 Oct 22
25	5 – 16 Dec 22	0	12	8	4	24 Oct 22

1. For every period the nominations, unless directed otherwise, are to be broken down into 4 sets, each consisting of:

3 x Maj; 2 x Capt; and 1 x Capt/Lt/WO.
2. Each set is to include at least one female nomination
3. HQ BA(G) should only be tasked when the BA(G) (Sennelager) Court is programmed to sit (see Annex A). Currently nothing is programmed, although this is subject to change.
4. Detailed nomination criteria, which must be complied with, are at Annex E. If the criteria are not met or if MCS finds that there is an insoluble conflict of interest involving a nomination, a replacement nomination will be immediately called for and must be supplied without delay.

5. Occasionally the rank of a defendant or the length of a trial will require MCS to call for additional Board member nominations, including Colonels and above in rank. As much notice as possible will be given.

6. Only deployment on operations takes priority over Court Martial duty (a duty in law under the Armed Forces Act 2006). Those officers responsible for coordinating and providing nominations on behalf of their Command/Formation should prioritise this task accordingly and must ensure that nominations complying with Annex E are submitted to HQ MCS as shown above. Late or incomplete nominations result in enormous disruption to the process of specifying Court Martial Boards.

RAF NOMINATIONS 2022 FOR BOARD MEMBER DUTY

Ser	Period	Wg Cdr	Sqn Ldr	Flt Lt	Flt Lt/Fg Off/WO	Date by
(a)	(b)	(c)	(d)	(e)	(f)	(g)
2	24 Jan – 4 Feb 22	3	6	3	6	6 Dec 21
4	21 Feb – 4 Mar 22	3	6	3	6	10 Jan 22
6	21 Mar – 1 Apr 22	3	6	3	6	7 Feb 22
9	25 Apr – 6 May 22	0	6	2	4	14 Mar 22
11	23 May – 3 Jun 22	0	6	2	4	11 Apr 22
13	20 Jun – 1 Jul 22	0	6	2	4	9 May 22
15	18 – 29 Jul 22	0	6	2	4	6 Jun 22
17	15 – 26 Aug 22	0	6	2	4	4 Jul 22
19	12 – 23 Sep 22	0	6	2	4	1 Aug 22
21	10 – 21 Oct 22	0	6	2	4	29 Aug 22
23	7 – 18 Nov 22	0	6	2	4	26 Sep 22
25	5 – 16 Dec 22	0	6	2	4	24 Oct 22

- For every period the nominations, unless directed otherwise, are to be broken down into 2 sets, each consisting of:

3x Sqn Ldr; 1 x Flt Lt; and 2 x Flt Lt/Fg Off/WO.
- Each set is to include at least one female nomination.
- Within each rank the nominations are to come from 2 or more commands e.g. of the 6 x Sqn Ldr (or Flt Lt/Fg Off/WO) not more than 3 may come from the same command.
- Detailed nomination criteria, which must be complied with, are at Annex E. If the criteria are not met or if MCS finds that there is an insoluble conflict of interest involving a nomination, a replacement nomination will be immediately called for and must be supplied without delay.
- Occasionally the rank of a defendant or the length of a trial will require MCS to call for additional Board member nominations, including Gp Capt and above in rank. As much notice as possible will be given.
- Only deployment on operations takes priority over Court Martial duty (a duty in law under the Armed Forces Act 2006). Those officers responsible for coordinating and providing nominations should prioritise this task accordingly and must ensure that nominations complying with Annex E are submitted to HQ MCS as shown above. Late or incomplete nominations result in enormous disruption to the process of specifying Court Martial Boards.

BOARD MEMBER NOMINATION CRITERIA

1. **Officers.** An officer must have held a commission for at least 3 years, or for periods amounting in the aggregate to at least 3 years, unless they were a warrant officer immediately before being commissioned.
2. **Warrant officers.** A warrant officer class 2 or Royal Air Force warrant officer must be substantive in rank.
3. **AFA06 exclusions.** Under AFA06 s.143 & 156, an officer or warrant officer is not qualified to be a Board member 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 have a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c.41);
 - f. they are an advocate or solicitor in Scotland;
 - g. they are a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland; or
 - h. they have in any of the Channel Islands, the Isle of Man, a Commonwealth country or a British overseas territory rights and duties similar to those of a barrister or solicitor in England and Wales, and are subject to punishment or disability for breach of professional rules.
4. **Other exclusions.** The following also may not be nominated:
 - a. An officer or warrant officer 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 or warrant officer employed in either the Military Support Function or the Additional Duties Commitment role.
 - d. An officer or warrant officer serving on the staff of DCS Law, Army Personnel Services Group or Air Personnel Casework.

- e. An officer or warrant officer belonging or attached to CNLS, AGC(RMP), AGC(MPS), AGC(MPGS), AGC(ALS) or RAF Legal Services.
- f. An Army Welfare Officer or Warrant Officer.

5. **Breakdown of nominations.** Nominations are to be broken down into officers and warrant officers as follows:

- a. **Royal Navy:** 3 x Lt Cdr; 1 x Lt; and 2 x Lt/SLt/WO, or Royal Marines equivalent ranks.
- b. **Army:** 3 x Maj; 2 x Capt; and 1 x Capt/Lt/WO.
- c. **Royal Air Force:** 3 x Sqn Ldr; 1 x Flt Lt; and 2 x Flt Lt/Fg Offr/WO.

Each set is to include at least one female nomination.

6. **Additional criteria.** The following additional criteria applies to all Board nominations:

- a. Each officer/warrant officer must be under the command of a different Commanding Officer (or equivalent for discipline purposes, normally OF-4 or above). Where this may involve more than one nomination from a large establishment, the application of subparagraph d below ensures that there is no conflict between nominations.
- b. An officer more senior in rank is acceptable, but more junior is not.
- c. A maximum of 2 officers/warrant officers may belong to the same Army cap badge as long as they are under the command of different Commanding Officers (or equivalent for discipline purposes).
- d. Whilst officers/warrant officers may have knowledge of each other in a professional capacity, they must not be friends or work or socialise together.