



STATUTORY INSTRUMENTS.

**S.I. No. 492 of 2023**

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COURT-MARTIAL RULES 2023

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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 20th day of September 2023.

Elma Sheahan Chairperson

Oonah McCrann

Michael Campion

Shane English

Niall Farrell

Feargal Ó Dubhghaill

Billy Tuohy

Noel Conway Secretary

I concur in the making of the following Rules.

Dated this 27th day of September 2023.

Micheál Martin

Minister for Defence

S.I. No. 492 of 2023

COURT-MARTIAL RULES 2023

1. These Rules may be cited as the Court-Martial Rules 2023.
2. The Court-Martial Rules 2008 to 2011 and these Rules may be cited together as the Court-Martial Rules 2008 to 2023 and shall be construed together as one.
3. These Rules shall come into operation on the 2nd day of October 2023.
4. In these Rules “Principal Rules” means the Court-Martial Rules 2008 (S.I. No. 205 of 2008).
5. The Principal Rules are amended by substituting the following for Rule 82—

*“Record of proceedings— Trial by court-martial*

82. (1) The Court-Martial Administrator shall record or cause to be recorded the proceedings of a court-martial.
- (2) The record referred to in sub-rule (1) shall include the following:
  - (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;
  - (j) any record, pursuant to sub-rule (3), held by the Court-Martial Administrator.

- (3) (a) The proceedings 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.
  - (b) No person other than the Court-Martial Administrator or a person authorised by him or her shall make any record of proceedings of a court-martial otherwise than by written or shorthand notes.
- (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.”.

6. Rule 83 and Rule 84 of the Principal Rules are revoked.

#### EXPLANATORY NOTE

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

These Rules amend the provisions set out in Rule 82 of the Court-Martial Rules 2008 in relation to the record of proceedings of a court-martial and provide for the revocation of Rule 83 and Rule 84.

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