

# Military Procedure

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## Summary Hearing

This is a hearing before the commanding officer. If the CO has the power to determine the case, and the service person has not elected court-martial where that option is available, he will hear the case and make a finding and, if guilty, move to punishment. There is no entitlement to legal representation at such a hearing

## Summary Appeal Court

If a service person is unhappy with the finding and/or punishment of a summary hearing, he or she may appeal to the Summary Appeal Court. At this stage there is an entitlement to be legally represented and the SAC cannot increase the punishment awarded by the CO.

## Court-Martial

If the CO declines to deal with the case or, in cases where the option is available, the service person elects trial by court-martial, the case will be heard by a court-martial. At this stage service persons will be given the opportunity to apply for legal aid. Please [Contact Us](#) if you are unsure about whether to apply for legal aid and we can provide further information about the process

## Preliminary Hearing

This is the first hearing in the Court-Martial trial process when a defendant will enter his or her pleas and the Judge Advocate will give directions as to the future conduct of the case. If there is a not guilty plea the case will be adjourned for a trial (see Trial below). If there is a guilty plea the case will be adjourned for sentencing (see Sentencing below).

## Trial

This is the Court –Martial trial. The prosecution and defence call evidence by way of witnesses to put their case. The Board of officers and SNCOs decide the case on the facts and the Judge advises and rules on all matters of law. The number of members on the Board is determined by the offence they are trying.

## Sentencing

Sentencing will take place in the Court-Martial after a guilty plea or after conviction following a trial with the Judge Advocate and Board sitting together. The word sentence is used to cover any punishment given by the court, be it a financial penalty, a community order or a custodial sentence. Custodial sentences include imprisonment or detention and can be immediate or suspended. The Board will also consider whether or not to discharge. Credit (i.e. reduction) in any sentence imposed will be given to defendants who plead guilty with maximum credit being given to those that plead guilty at the earliest opportunity. Each offence carries a maximum term but individual sentences for each offence are not discussed here due to advice being required on an individual basis. Sentencing in the Crown Court is usually greater than that imposed in the Magistrates Court due to the cases being more serious.