



**ANNUAL REPORT OF THE OFFICE OF  
THE JUDGE ADVOCATE GENERAL**

**2024**

### Introduction

My focus in 2024 has been to maintain the improvement in the provision of justice in the Service courts, ensuring the best service is provided to all who use them, be the complainants, defendants, witnesses, legal representatives, or members of the public. This report has the same structure as last year's, providing updates as well as dealing with new issues.

We welcomed two new Assistant Judge Advocates General in April. Judge Advocate Tom Mitchell joined us from his role as a District Judge (Magistrates' Court) in Manchester and Judge Advocate John Atwill from duties as head lawyer in the Royal Navy.

Because the Service Justice System is designed to support the operational effectiveness of the armed forces through the maintenance of discipline, the various stakeholders share the common goal of delivery of fair, timely and effective justice. As will be readily appreciated, the impact on the morale and effectiveness of an operational unit or ship at sea of a protracted investigation and subsequent wait for trial can be considerable.

As the Defence Serious Crime Unit and the Victims and Witness Care Unit approach the end of their second year of operation, the benefits of combining tri-Service investigative expertise, readily accessible across the UK, at sea and abroad, with what I regard as an unrivalled level of support for complainants, have become clear to see.

The recently published HM CPS Inspectorate's [report](#) highlighted the professionalism of the Service Prosecuting Authority (SPA), noting:

*Our overall assessment was that the quality of legal decision making and case progression in the SPA was good. We found that the right people were being prosecuted for the right offences in the correct venues. The SPA is delivering a good service.*

The statutory protocol between the Directors of Public and Service Prosecutions which was introduced in 2023 has operated well, ensuring that cases are tried in the Court Martial or Magistrates' and Crown Court as appropriate, with over 40% of cases which start life in the Service Justice System being transferred to the civilian jurisdiction.

The Military Court Service provides two very well-maintained court centres, and has continued to develop the technological support for court users, leading to paperless trials as the norm. The judiciary ensure targets are met for the prompt listing of preliminary hearings and trials, which ensures that sex cases are tried in the region of 6 months after direction for trial by the Service Prosecuting Authority. Trials are now conducted with tri-Service Boards (jury equivalent) and a statutory requirement for a gender mix in all trials.

These measures ensure that cases are tried in the appropriate court, and complainants, defendants and the military chain of command can have confidence in the ability of the Service Justice System to deliver justice without undue delay. In relation to proposals to move the jurisdiction for serious sexual offences to the civilian courts, the HMCPs Inspectorate report on the Service Prosecution Authority observed:

*Where a more objective comparison between the civilian CJS and the SJS can be made is in length of time it takes to bring cases to trial which is particularly important in such sensitive cases. In the civilian CJS there are currently significant backlogs in the Crown Court leading to delays with victims in cases of serious sexual offending waiting over a year, some for much longer, from charge for their case to be dealt with. This is not the case in the SJS where trials are usually conducted within six months of the SPA directing a charge, with rape cases being prioritised. The consequences of delays in such cases in the services can be particularly acute in serious sexual cases and also in the context of maintaining military discipline and morale if the alleged perpetrator and victim are in the same unit. Were cases currently dealt with in the SJS to be transferred to the civilian system the further delay would be likely to have an extremely negative effect not only on the parties, but on the military units and so damage operational effectiveness of the armed forces. Given the extent of the delay in the civilian system and the impact this can have on victims of serious sexual offences, we are of the view that the SJS may be the better jurisdiction in many cases.*

The Service Justice System is rightly subject to scrutiny by the media and other organisations. I continue to extend an open invitation to anyone interested in the SJS, and particularly those who comment critically on it, to visit the courts and see justice being administered.

My office is always willing to receive feedback and suggestions at [OJAG@judiciary.uk](mailto:OJAG@judiciary.uk) through which we can continue to develop and improve.



HHJ Alan Large  
Judge Advocate General to His Majesty's Armed Forces

December 2024

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## 1. The Service Courts - an introduction

The Service Courts within the jurisdiction of the Judge Advocate General are the Court Martial, Summary Appeal Court and Service Civilian Court.

The Summary Appeal Court provides a direct route to appeal against finding (conviction) or punishment for anyone who has been dealt with in the summary justice system, where proceedings are held before a Commanding Officer or other nominated subordinate commander. The court comprises a Judge Advocate and two serving members, and closely resembles the appellate jurisdiction of the Crown Court. Legal Aid is available for appellants, and lawyers in the Service Prosecution Authority respond to the appeal on behalf of the Crown. Leave to appeal is not required – the right to appeal, providing it is lodged in time, is unfettered. Even an appellant who has admitted guilt in summary proceedings may still appeal the finding against them.

Appeals are also brought on behalf of individual Service personnel by organisations in the Royal Navy, Army, and Royal Air Force, each of which have a statutory duty to review all summary cases and ensure the charge(s), procedure and, if relevant, punishment imposed are lawful. As anticipated, the caseload of the Summary Appeal Court has reduced significantly during the reporting period, due to the introduction of a “slip rule” for the correction of simple errors in the summary system, freeing up court time.

The Service Civilian Court provides the equivalent of a magistrates’ court for civilian personnel serving with the armed forces overseas, either as contractors, MOD employees or accompanying family members. During this year, the court has sat in Cyprus, Gibraltar and Germany.

The Court Martial has jurisdiction to try offences committed anywhere in the world. Any Service person charged with any offence has the right to elect trial in the Court Martial, and more serious cases are sent directly to the court. The court can deal with the full range of criminal cases, as well as disciplinary offences such as disobeying orders, desertion etc. It can impose almost all civilian sentences including imprisonment, and sentences such as detention and reduction in rank. Legal aid to assist with the cost of legal representation is available from the Armed Forces Criminal Legal Aid Authority, which operates a non-statutory scheme based on the equivalent in the civilian courts. Cases are prosecuted by lawyers from the independent Service Prosecuting Authority. The court sits predominantly in the purpose-built Military Court Centres in Catterick in North Yorkshire and Bulford in Wiltshire, but it is a portable court and has sat this year in Germany and Cyprus.

On 25 October 2023 a [revised protocol](#) was signed by the Directors of Public and Service Prosecutions. It sets out the factors which will be considered when

determining whether a case will be heard in the civilian or service justice system and introduces the need for consultation between the Service Prosecuting Authority and the Crown Prosecution Service in all cases of murder, manslaughter, rape, sexual assault, domestic or child abuse and where the defendant is under 18. In the unlikely event of disagreement over jurisdiction, the final determination will be made by the Director of Public Prosecutions. In the unlikely event of disagreement over jurisdiction, the final determination will be made by the Director of Public Prosecutions.

Scrutiny of the operation of the Protocol reveals that over 40% of cases initiating in the SJS have been transferred to the Crown Prosecution Service.

Service and Home Office police forces are now working together to reach similar agreements.

### **2. Change in Composition of the Board**

Last year there were three changes to the law relating to the composition of the Board (equivalent of the jury). Firstly, there should be at least one man and one woman on every board in every case. Secondly, for cases involving offences which carry a maximum sentence of more than 2 years' imprisonment, a Board of 6 people is required. For other offences, a Board of 3 is nominated. In addition, the law relating to majority verdicts has been changed. A 6-person Board may now return a verdict on which at least 5 are agreed, rather than a simple majority; and a 3-person Board continues to be able to return a 2:1 majority verdict. Thirdly, personnel in the rank of Chief Petty Officer, Staff Sergeant, or Flight Sergeant may serve as Board members, thereby widening the range of ranks and experience on the Board. Throughout the reporting period, these changes have been well received and operated without problem.

### **3. Pilot of tri-Service Boards**

As described in last year's report, a 6-month pilot scheme using tri-Service rather than single Service boards was launched in October 2023. Each Service is equally represented on the Board. This allows cases to be listed at the earliest opportunity, rather than waiting for a single-Service Board to be available, meaning that cases are concluded more quickly with advantages for the personnel involved and their units. For various reasons, the outcome of the pilot has been delayed, but the Minister (Veterans and People) has recently approved permanent implementation. During the reporting period, one case involving navigation of a naval ship was, by judicial direction, held with a single Service board.

## 4. The Military Court Centres

The two Military Court Centres have felt the effect of recruitment issues during the last year but are now at, or close to, a satisfactory level of staffing. The quality of the facilities at both court centres remains very high. The courts are well maintained, and equipment updated appropriately.

## 5. Public and Media Access under section 85A Courts Act 2003

Last year, a process was introduced to allow members of the public and media to view court proceedings online, and uptake of this facility has increased steadily during the reporting period. Applications to view proceedings remotely are made via the Military Court Service website and are considered by the judge advocate presiding over the case(s) concerned. Permission to view remotely is governed by strict rules regarding the viewing and recording of any proceedings. A wide variety of people have viewed proceedings through this process, which has enhanced public understanding of the work Service courts, particularly for people for whom attendance at a Military Court Centre in Wiltshire or North Yorkshire is not convenient.

## 6. Case Backlog and Listing Targets

The Service courts continue to operate with no backlog of cases. Key Performance Indicators have been set which have resulted in almost all cases involving allegations of offences of a sexual nature, being heard in the region of 6 months after the case is directed for trial by the Service Prosecuting Authority (the equivalent of charge). All other cases are generally heard within 8 months of direction.

## 7. Case Management Systems

The Military Court Service introduced Thomson Reuters' Case Center case management system last year, which is an updated version of the Caselines system in use in the Crown Court. It is universally regarded as an excellent product, providing very efficient and effective digital case management in the Service courts. The system is well supported by staff in Thomson Reuters, leading to further developments enabling data-heavy items such as video interviews, CCTV and unused material to be uploaded without impact on space allocated for trial material.

## 8. Complainants, Witnesses and Special Measures in Court

As stated in the introduction to this report, the Victim and Witness Care Unit (VWCU) continues to provide bespoke support of complainants in cases dealt with by the Defence Serious Crime Command (DSCC), which includes all sexual offences. The Victim Liaison Officers in the VWCU, who are all independent civilians with a wide range of experience in justice and witness care, are the point of contact for all aspects of witness care and liaise with civilian and military agencies. They provide

support to personnel serving across the UK and abroad, predominantly by phone and over video link, from the time the case is referred to the DSCC, through investigation and the trial process. Vulnerable witnesses in the summary system are also supported.

The Military Court Centres has access to the full range of special measures for complainants. The training to record cross-examination of a complainant's evidence has been undertaken, and the first case is now in the court system. Whilst it is not anticipated that it will be used regularly, it is important that the Court Martial, with its global jurisdiction to try rape and serious sexual cases, has the same measures necessary to support vulnerable complainants as the civilian courts.

The Service Justice Board was considering the introduction of Victim Legal Representatives to assist complainants with issues such as disclosure to the police of sensitive material on the phones and access to personal records, such as counselling and medical notes. Experience from the pilot of a similar scheme in Northumbria and a fully operating system in Northern Ireland, together with input from Service colleagues in the United States, demonstrated that complainants welcome individual legal advice on how to achieve the balance between their privacy and the need for disclosure of relevant material, and the SJS was exploring a number of operating models for this scheme. Work was paused with the announcement of the General Election, and it is understood that the Government is considering the introduction of a national scheme. If this does not materialise, it is hoped that the progress towards introduction in the SJS can be maintained.

### 9 Annual Statistics

The Ministry of Defence publishes annual statistics on murder, manslaughter and sexual offences in the armed forces which can be viewed [here](#). No offences of murder or manslaughter were tried in 2023. In relation to sexual offences, the key points in the statistics can be summarised as follows:

The Service Police initiated 284 investigations into sexual offences. Of those 284 investigations, 102 personnel were still under investigation at the end of 2023 and 184 were concluded. Of the concluded investigations 89 (48 %) were referred to the Director of Service Prosecutions by the Service police and 95 (52 %) did not lead to a referral.

The Service Prosecuting Authority received 159 case referrals regarding sexual offences from the Service Police. Of the 159 case referrals received, 33 were still under consideration and 126 were concluded at the time the statistics were produced. Of those concluded, the Service Prosecuting Authority brought charges in 44 (35 %) cases, 63 (50 %) cases were non-directed, nine (7 %) were referred to the Commanding Officer and in 10 (8 %) cases an alternative offence charge was preferred. The figures for 2023 contain cases which are still in the process of being investigated and therefore no decision has yet been made as to whether charges will be brought in these cases. The figures shown in Table 5 do not show all the



decisions made by the SPA within 2023 as some of the decisions were made in respect of cases that were referred before 2023.

98 defendants appeared before the Court Martial for sexual offences, indecent images of children offences and Domestic Abuse related offences. Of those 98 defendants, 39 (40 %) were convicted of those offences. 98 defendants faced 156 charges for sexual offences, indecent images of children offences and Domestic Abuse related offences. Of these 156 charges, 65 (42 %) resulted in guilty verdicts and 90 (58 %) resulted in not guilty verdicts. Please note where a defendant has been arraigned on charges within multiple offence categories, the individual will be recorded more than once.

A more detailed breakdown is available in the tables accompanying the online statistics, together with appropriate statistical caveats. It should also be noted that there are differences in the way in which the Ministry of Defence and civilian statistics are compiled, especially in relation to convictions.

### **10. Court Technology**

The Military Court Service has continued to access the technology necessary to provide the very best service to all court users., and they are to be congratulated on their achievements during the reporting period.

Following an extensive review of facilities, equipment and procedures, both Military Court Centres are able to deal with evidence which is security classified, and Bulford is equipped to hold a trial involving classified evidence in accordance with Ministry of Defence regulations. The process involves the use of both court rooms, with unclassified evidence being heard in one open court, accessible to the public and press, and classified evidence being held in the second courtroom with appropriate security measures in place. Judge advocates will ensure that the security-cleared court, which is closed to public and press, is only used when necessary, with evidence being given in open court at all other times.

Significant progress has been made towards paperless courts. At the start of a two week assize, each Board member is issued with a laptop which has restricted access to the Case Center digital case system. During proceedings, counsel can upload and display exhibits such as CCTV, photographs, and plans, which the witness can also see on a screen in the witness box. The judge advocate's written legal directions are presented to the Board in the same way, and Board members are able to make their own notes on their laptops. Counsel are also able to upload documents such as witness statements onto the witness portal for a witness to see, without access for the Board members.

## **11. Sentencing Guidelines**

A significant amount of work has been done to develop the Judge Advocate General's Guidance on Sentencing in the Service Courts. Following extensive consultation with the single Services, the Service Prosecuting Authority and the Association of Military Court Advocates, Version 7 of the guidance will be issued in the new year, which will cover a wider range of Service disciplinary offences (eg absence without leave), as well as updating the guidance generally. The guide is available online through the Judge Advocate General's website.

## **12. Court Martial Appeal Court**

The Court Martial Appeal Court, which hears all appeals from the Court Martial relating to trials and sentencing proceedings, generally sits at the Royal Courts of Justice in London. Earlier this month, the Court sat for the first time in the Military Court Centre at Bulford and dealt with three appeal cases: a reference by the Solicitor General for an unduly lenient sentence, an appeal against a ruling in relation to the constitution of the Board (jury), and an appeal against sentence. In each case, the Court upheld the determination made at first instance in the Court Martial. On behalf of the Service Justice System, I would like to extend my thanks to the Court Martial Appeal Court judges, and the staff in London and Bulford, for making this important event a success.

## **13. Commonwealth Issues**

I have continued to work with the Commonwealth Secretariat on a project to assist in the improvement and modernisation of military justice. During the reporting period, progress has been made towards agreeing the fundamental principles for a fair military justice system, which has involved meetings and negotiations with a multi-national working group. It is hoped that the principles will be placed before Law Ministers at their next meeting. Model laws have now been drafted and the next stage will be to assist states which have sought assistance from the Commonwealth Secretariat to implement change.

## **14. Looking ahead**

An Armed Forces Act is passed in Parliament every five years and the next Act must achieve Royal Assent by December 2026, 17 years after the coming into force of the 2006 Act, which transformed the Service Justice System. Preparatory work is already well underway within the Ministry of Defence on the Armed Forces Bill 2026. Whilst the 2006 Act has operated very well, it is important that legislative space and parliamentary time can be found to make the necessary improvements to law and procedure.

During the next year, the Office of the Judge Advocate General will be reviewing plans and procedures for operating in a challenging operational environment, to ensure that the Service Justice System can continue to support operational effectiveness through the maintenance of discipline in conflict.

December 2024

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