



ANNUAL REPORT OF THE OFFICE OF THE JUDGE ADVOCATE GENERAL

2025

Introduction

The year to December 2025 has seen the consolidation of changes initiated in previous reporting years, such as mixed boards and the capacity to hear secret material in the Military Court centres at Bulford and Catterick. However, some new initiatives have been introduced such as a new approach to managing AWOL cases and to enforcing Compensation and Financial Penalty Enforcement Orders (FPEOs). This report has the same structure as last year's, providing updates as well as dealing with new issues.

I have not dealt, in detail, with any data in this report since I anticipate that, as we progress towards the Armed Forces Bill in 2026, this will receive close consideration, and further interpretation by me of the statistics, which are readily available at [Murder, manslaughter and sexual offences in the Service Justice System: 2024 - GOV.UK](#), is not required. That said, it is interesting to compare the MoD statistics with those of the CPS for 'rape flagged' cases at [CPS data summary Quarter 4 2024-2025 | The Crown Prosecution Service](#). Rape flagged cases in the CPS data are those which are charged with rape and are counted as rape convictions even where the conviction is for a lesser charge. It can be seen that different methodologies are being used which influences the headline figures for conviction rates in the two jurisdictions. The CPS figures for the conviction rate for adult rape-flagged cases *after trial*, in 2023 is 23.9%¹ and in 2024 is 23.1%². The MOD equivalents, based on very small numbers, are 31% and 29%.

The Service Justice System (SJS) is designed to support the operational effectiveness of the armed forces through the maintenance of discipline, so the various stakeholders share the common goal of delivery of fair, timely and effective justice. This is important for maintaining the morale and effectiveness of operational units which can suffer where there are protracted investigations and lengthy delays waiting for trial.

As the Defence Serious Crime Unit and the Victims and Witness Care Unit approach the end of their third year of operation, the advantages of combining tri-Service investigative expertise with a level of support for complainants, which compares favourably to that offered in the civilian system, have become clear.

The statutory protocol between the Directors of Public and Service Prosecutions which was introduced in 2023 continues to operate well, ensuring that cases are tried in the Court Martial or Magistrates' and Crown Court as appropriate, with over

¹ The 2023 data can be found in the CPS data summary Quarter 4 2023-2024, scrolling to the end of the page, selecting Prosecution Crime Type Data Tables Q4 23-24 and selecting tab 2.5.

² The 2024 data can be found in the CPS data summary Quarter 4 2024-2025, scrolling to the end of the page, selecting Prosecution Crime Type Data Tables Q4 24-25 and selecting tab 2.5.

40% of cases which start life in the Service Justice System being transferred to the civilian jurisdiction.

The Military Court Service (MCS) provides two very well-maintained court centres and has continued to improve 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 held in the region of 7 months after direction for trial by the Service Prosecuting Authority. Trials are conducted with tri-Service boards (jury equivalent) with 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 SJS to deliver justice without undue delay.

In terms of looking to the future, I hosted a meeting with SJS stakeholders on how the system might be prepared for a large-scale conflict of the sort seen in Ukraine. I did this to start the ball rolling on considering what may be a big challenge for the future – it is a possibility, which would be unwise to ignore, that future conflicts involving UK Service personnel may be very different in nature from the more limited conflicts in Iraq and Afghanistan.

The SJS 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 upon it, to visit the courts and see justice being administered.

Lastly, I must acknowledge the outstanding service of Assistant Judge Advocate Andrew Smith MBE TD, who died suddenly and unexpectedly on 29 November. He was a fine man, a good colleague and an excellent judge, who demonstrated the qualities of compassion and judgement to a high degree. He will be much missed.



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

December 2025

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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 during the reporting period, due to the introduction of a “slip rule” for the correction of simple errors in the summary system.

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 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 sits, regularly, 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.

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. The November 2024 report by HM CPS Inspectorate on the Service Prosecuting Authority considered that the protocol was operating well.

Service and Home Office police forces are now working together to reach similar agreements, and publication is anticipated in 2026.

2. Change in Composition of the Board

Changes have been made to the seniority of the president of the board in the Court Martial and Summary Appeal Court. The president's rank has been increased to the OF4 level which equates to Commander (RN), Lieutenant Colonel, and Wing Commander. In my view, this change is to be welcomed as reflecting an appropriate level of experience and seniority for the role of president.

3. Tri-Service Boards

The pilot scheme testing tri-Service boards (equivalent to juries), where each Service is equally represented on the board, has been endorsed by MoD ministers and is now the default for all trials in the Court Martial and the Summary Appeal Court. The pilot, which commenced in September 2023, had received positive feedback from board members and court users. The court may direct a single Service board if it is in the interests of justice to do so i.e. where there are Service-specific technical issues best considered by members of that single Service.

4. The Military Court Centres and Service Judiciary

The two Military Court Centres have felt the effect of recruitment freezes, and other challenges, during the last year but are now either 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. The Service Courts have sat overseas in Cyprus and dealt with a number of cases in the UK where offending was alleged to have occurred abroad.

During this reporting year, two new Deputy Assistant Judge Advocate Generals (DAJAGs) have been recruited: DAJAG Sarah Magill and DAJAG Holly Scott-Mason. DAJAGs are fee-paid judges. DAJAG Sarah Magill started hearing cases in September 2025, after her induction, and DAJAG Holly Scott-Mason will do so when she returns from maternity leave. As stated in the introduction, tragically Assistant Judge

Advocate General Andrew Smith MBE TD died after a sudden illness at the end of November, and plans are being drawn up to recruit his successor.

5. 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 7 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.

6. Complainants, Witnesses and Special Measures in Court

As stated in the introduction to this report, the Victim and Witness Care Unit (VWCU) continue 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 have 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 two s.28 cases were tried during this reporting year with the court technology performing to a very high standard. Whilst it is not anticipated that it will be used very 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 has considered the introduction of Independent Legal Advisers 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. A number of operating models have been considered for this scheme. It is understood that a pilot scheme is being considered as part of the MoD Violence Against Women and Girls strategy.

7. Publication of Sentencing Remarks

Sentencing remarks in cases in the Court Martial, which result in dismissal, are now published on the Military Court Service websiteⁱ. This measure has been introduced to promote transparency and public understanding of the sentencing process in the Court Martial. This policy has also been adopted to emphasise the deterrent effect of cases resulting in convictions and dismissal, by highlighting the serious consequences of unacceptable behaviours.

8. Sentencing Guidelines

Following extensive consultation with the single Services, the Service Prosecuting Authority and the Association of Military Court Advocates, Version 7 of the Judge Advocate General's Guidance on Sentencing in the Service Courts was issued in January 2025. The revised guidance covers a wider range of Service disciplinary offences (e.g. absence without leave), as well as updating the guidance generally. The guide is available online through the Judge Advocate General's website.

9. Improving Management of AWOLs & Financial Penalties

The MCS has taken on responsibility for managing convicted persons through the life cycle of a Service Compensation Orders and fines with the primary objective to ensure victims receive compensation in a timely fashion as directed by the court. As of December 2025, £61,795.31 remains outstanding in unpaid compensation and £6,896.43 in unpaid fines. 55 cases without active Financial Penalty Enforcement Orders have been outstanding since 2014, with no payments made to victims.

I have encouraged the MCS to make clear to those subject to these orders what is required and the consequences of failing to pay. New MCS documentation and engagement with convicted persons, before they leave court and through the life of these orders, is designed to achieve better capture of accurate information about the address and contact details post-conviction. The aim is to clear the backlog through pro-active management and increase the payments made to victims, as ordered by the court. 39 of the 55 cases are now lodged with HMCTS fines and enforcement, with two of the cases having now achieved full compensation recovery.

Similarly, the MCS has now taken in hand another issue where many cases have been poorly managed in the past. As of June 2025, 206 persons were identified as AWOL without a warrant on the Police National Computer. As of 1st December 2025, the number of outstanding warrants has reduced to 90. The periods of absence range from 4 months to 20 years. In many of the older cases, units are in contact with the absentees, but they refuse to return, and no warrants have been applied for. MCS proposes to set a target of no later than the end of April 2026 to clear the backlog.

10. Commonwealth & International Issues

The Office of the Judge Advocate General was very much involved in the running of an international military colloquium in Edinburgh in October. It was attended by colleagues from 6 nations, and items of local and international interest were discussed. The Judge Advocate General spoke on military justice at the Commonwealth Magistrates and Judges Association in The Gambia in September.

11. Looking ahead

An Armed Forces Act is passed in Parliament every five years and the next Act must achieve Royal Assent by December 2026. It is expected that an Armed Forces Bill will be introduced early next year, and it is likely that it will contain a number of measures of relevance to the SJS.

During the next year, the Office of the Judge Advocate General stands ready to assist in the review and development of Service Justice procedures, both inside and outside legislation, designed to support operational effectiveness through the maintenance of discipline in what can be challenging circumstances.

December 2025

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ⁱ [Military Court Service sentencing remarks 2025 - GOV.UK.](#)