



Courts Act 2003

2003 CHAPTER 39

PART 8

MISCELLANEOUS

Provisions relating to criminal procedure and appeals

90 Appeals to Courts-Martial Appeal Court: procedural directions

- (1) In section 36 of the Courts-Martial (Appeals) Act 1968 (c. 20) (powers of the Appeal Court under Part 2 of that Act exercisable by single judge), in subsection (1), after paragraph (g) insert—
 - “(h) to make orders under section 28(1)(a).”,and at the end of paragraph (f), omit “and”.
- (2) In section 36A of that Act (powers of the Appeal Court under Part 2 of that Act exercisable by registrar), in subsection (1), at the end of paragraph (b) insert “and—
 - (c) to make orders under section 28(1)(a).”,and at the end of paragraph (a), omit “and”.
- (3) After section 36A of that Act insert—

“36B Procedural directions: powers of single judge and registrar

- (1) The power of the Appeal Court to determine an application for procedural directions may be exercised by—
 - (a) a judge of the Appeal Court, or
 - (b) the registrar.
- (2) “Procedural directions” means directions for the efficient and effective preparation of—
 - (a) an application for leave to appeal, or

Status: This is the original version (as it was originally enacted).

(b) an appeal,
under this Part.

- (3) A judge of the Appeal Court may give such procedural directions as he thinks fit—
- (a) when acting under subsection (1);
 - (b) on a reference from the registrar;
 - (c) of his own motion, when he is exercising, or considering whether to exercise, any power of his in relation to the application or appeal.
- (4) The registrar may give such procedural directions as he thinks fit—
- (a) when acting under subsection (1);
 - (b) of his own motion.

36C Appeals against procedural directions

- (1) Subsection (2) applies if a judge of the Appeal Court gives, or refuses to give, procedural directions.
 - (2) The Appeal Court may, on an application to it under subsection (5)—
 - (a) confirm, set aside or vary any procedural directions given by the judge, and
 - (b) give such procedural directions as it thinks fit.
 - (3) Subsection (4) applies if the registrar gives, or refuses to give, procedural directions.
 - (4) A judge of the Appeal Court may, on an application to him under subsection (5)—
 - (a) confirm, set aside or vary any procedural directions given by the registrar, and
 - (b) give such procedural directions as he thinks fit.
 - (5) An application under this subsection may be made by—
 - (a) an appellant;
 - (b) the Defence Council, if the directions—
 - (i) relate to an application for leave to appeal and appear to need the Defence Council’s assistance to give effect to them,
 - (ii) relate to an application for leave to appeal which is to be determined by the Appeal Court, or
 - (iii) relate to an appeal.”
- (4) Sections 36B to 36C of that Act apply to—
- (a) applications for leave to appeal falling to be determined on or after the date on which this section comes into force, and
 - (b) appeals in relation to which leave to appeal is granted on or after that date.