STATUTORY INSTRUMENTS

2000 No. 2371

DEFENCE

The Summary Appeal Court (Army) Rules 2000

| Made | 4th September 2000 |
|------------------------|--------------------|
| Laid before Parliament | 7th September 2000 |
| Coming into force | 2nd October 2000 |

THE SUMMARY APPEAL COURT (ARMY) RULES 2000

PART I

GENERAL

- 1. Citation and commencement
- 2. Interpretation
- 3. Service of documents
- 4. Service by FAX or other means of electronic data transmission
- 5. Summary appeal court sitting in camera or closed court
- 6. Representation of appellant in proceedings on an appeal
- 7. Qualifications to be held by legal representatives

PART II

BRINGING AND ABANDONMENT OF APPEALS

- 8. Bringing of appeals
- 9. Application for leave to extend time for appealing and for leave to bring an appeal out of time
- 10. Determination of applications
- 11. Notice of decision of the judge advocate on an application
- 12. Application by the authority carrying out a review for leave to refer a case to the summary appeal court
- 13. Determination of application for leave by the authority carrying out a review
- 14. Hearings of applications
- 15. Abandonment of appeals

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART III

PROCEDURE ON THE BRINGING OF AN APPEAL

- 16. Respondent to give notice of intentions on receipt of notice of appeal
- 17. Uncontested appeals
- 18. Respondent's papers
- 19. Service of additional evidence
- 20. Witness not called by respondent
- 21. Service of statement of relevant matters by respondent in an appeal against punishment
- 22. Notification of the time and place for the hearing of an appeal

PART IV

CONSTITUTION OF SUMMARY APPEAL COURT TO HEAR PARTICULAR APPEALS

- 23. Officers qualified for membership of the summary appeal court
- 24. Officers who are ineligible to hear particular appeals
- 25. Waiting member
- 26. Appointment of court officials

PART V

EVIDENCE

- 27. Rules of evidence etc.
- 28. Admission of facts or matters contained in the respondent's papers
- 29. Evidence through television link etc.
- 30. Witness summons
- 31. Oaths and affirmations

PART VI

MATTERS PRELIMINARY TO THE HEARING OF AN APPEAL

- 32. Power of the summary appeal court to hear more than one appeal at the same time
- 33. Preliminary hearings
- 34. Preliminary hearing without notice to the appellant
- 35. Matters capable of being dealt with at a preliminary hearing
- 36. Preliminary hearings in chambers
- 37. Presence at preliminary hearing by live TV link

PART VII

PRACTICE AND PROCEDURE OF THE SUMMARY APPEAL COURT IN RELATION TO THE HEARING OF AN APPEAL

- 38. Sittings and adjournments
- 39. Challenges by the appellant
- 40. Interruption of hearing where a member of the court is unable to continue
- 41. Refixing of postponed and interrupted hearings
- 42. Procedure to be adopted where more than one appeal against finding
- 43. Questions of practice and procedure not covered by the Act or the Rules

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART VIII

APPEALS AGAINST FINDING

- 44. Application of Part VIII
- 45. Power of respondent to give notice that he no longer contests an appeal against finding
- 46. Addresses to the court
- 47. Provisions which are to apply where there are two or more appellants
- 48. Additional evidence during the hearing of the appeal
- 49. Expert evidence
- 50. Exhibits
- 51. Presence of witnesses
- 52. Examination of witnesses
- 53. Submission of no case to answer
- 54. Finding that charge has not been proved after the close of the respondent's case
- 55. Witnesses for the appellant
- 56. Evidence in rebuttal
- 57. Deliberation on finding
- 58. Record of decision of the court on finding

PART IX

PRACTICE AND PROCEDURE RELATING TO THE POWERS OF THE COURT TO VARY PUNISHMENT AWARDED

- 59. Application of Part IX
- 60. Information to be provided by the respondent
- 61. Determining disputes of fact
- 62. Evidence on behalf of the appellant etc.
- 63. Deliberation on punishment

PART X

RECORD OF PROCEEDINGS

64. Record of proceedings

PART XI

APPLICATION TO SUMMARY APPEAL COURT TO STATE CASE

- 65. Application for case to be stated
- 66. Procedure on stating a case
- 67. Supplementary provisions relating to stating a case Signature

SCHEDULES

Schedule 1 — Proper address

Schedule 2 — Forms

Schedule 3 — Evidence

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Part I Modifications to section 9 of the Criminal Justice Act 1967
- Part II Modifications to sections 10 and 11 of the Criminal Justice Act 1967
- Part III Modifications to Parts VII and VIII of the Police and Criminal Evidence Act 1984

Schedule 4 — Witness summons

- Schedule 5 Oaths and affirmations
 - Part I Manner of administering oaths and affirmations
 - Part II Forms of oaths
 - Part III Forms of Scottish oaths
 - Part IV Form of solemn affirmation

Explanatory Note