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STATUTORY INSTRUMENTS

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**2009 No. 2657**

**COURTS-MARTIAL (APPEALS)**

**The Court Martial Appeal Court Rules 2009**

*Made* - - - - - *2nd October 2009*  
*Laid before Parliament* *6th October 2009*  
*Coming into force* *31st October 2009*

**THE COURT MARTIAL APPEAL COURT RULES 2009**

**PART 1**

**PRELIMINARY**

1. Citation and commencement
2. Interpretation

**PART 2**

**SERVICE OF DOCUMENTS**

3. Interpretation of Part 2
4. Service on a person to whom proceedings relate
5. Service on the registrar
6. Service on the Director, Attorney General, Judge Advocate General or Secretary of State
7. Service on other individuals
8. Service on a corporation
9. Service by another method
10. Deemed service
11. Date of service
12. Proof of service

**PART 3**

**PROCEEDINGS: GENERAL**

13. Notification of proceedings to the person to whom proceedings relate
14. Evidence through live link
15. Oaths and affirmations
16. Interpretation, translation and communication through an intermediary

*Changes to legislation:* There are currently no known outstanding effects for the  
The Court Martial Appeal Court Rules 2009. (See end of Document for details)

- 16A Interpretation and translation for witnesses other than a person to whom proceedings relate
- 17. Rights of audience
- 18. Legal representatives

#### PART 4

#### DOCUMENTS

- 19. Registrar's powers to require information from the Judge Advocate General or the Court Martial
- 20. Documents and exhibits
- 21. Copies of document, etc
- 22. Security of documents, etc
- 23. Public interest

#### PART 5

#### PARTICULAR CIRCUMSTANCES

- 24. Declaration of incompatibility with a Convention right
- 25. Reference by the Commission
- 26. Reference of a question to a special commissioner

#### PART 6

#### APPEALS IN PRELIMINARY PROCEEDINGS AND AGAINST CERTAIN ORDERS

##### CHAPTER 1

##### APPEALS AGAINST AN ORDER OR RULING MADE IN PRELIMINARY PROCEEDINGS OF THE COURT MARTIAL

- 27. Application of Chapter 1
- 28. Service of appeal notice
- 29. Appeal notice
- 30. Respondent's notice

##### CHAPTER 2

##### APPEALS AGAINST A REPORTING OR PUBLIC ACCESS ORDER

- 31. Application of Chapter 2
- 32. Service of appeal notice
- 33. Appeal notice
- 34. Advance notice of an appeal
- 35. Duty of applicant
- 36. Respondent's notice

##### CHAPTER 3

##### POWERS OF THE COURT AND THE REGISTRAR UNDER PART 6

- 37. Application and interpretation of Chapter 3
- 38. Power to vary requirements of Chapters 1 and 2
- 39. Hearings

40. Notice of hearings and decisions
41. Right to attend a hearing
42. Powers of a judge of the court
43. Exercise by a judge of the court or the registrar of a power under this Part
44. Determination of appeal

#### PART 7

##### APPEALS AGAINST CONVICTION, SENTENCE, FINDING OF INSANITY OR UNFITNESS TO PLEAD OR HOSPITAL ORDER

45. Applicability of this Part
46. Application for permission to appeal
47. Prescribed period
48. Prescribed period: appeals where previous convictions set aside
49. Respondent's notice
50. Extension of time
51. References by the Commission, the Judge Advocate General or the Secretary of State

#### PART 8

##### APPEAL FROM A DECISION OF THE REGISTRAR OR A SINGLE JUDGE

52. Notification
53. Further applications to a judge or to the court: additional rules

#### PART 9

##### REFERENCE TO THE COURT OF AN UNDULY LENIENT SENTENCE

54. Attorney General's reference of unduly lenient sentence
55. Service of notice of reference and application for permission
56. Notice of reference and application for permission
57. Registrar's notice to offender
58. Respondent's notice
59. Variation or withdrawal of notice of reference or application for permission

#### PART 10

##### ABANDONMENT OF APPEAL OR GROUNDS OF APPEAL

60. Abandonment of appeal
61. Abandoning a ground of appeal or opposition

#### PART 11

##### WITNESSES

62. Witnesses

#### PART 12

##### APPEALS TO THE SUPREME COURT

63. Applications in relation to the Supreme Court
64. Hearings

**Changes to legislation:** There are currently no known outstanding effects for the  
The Court Martial Appeal Court Rules 2009. (See end of Document for details)

## PART 13

### MISCELLANEOUS PROVISIONS

65. Notifying results of an appeal, etc
66. Register and cause list
67. Non-compliance with Rules
68. Enforcement of duties

## PART 14

### REVOCATIONS AND TRANSITIONAL PROVISIONS

69. Revocation and transitional arrangements  
Signature

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#### SCHEDULE 1 — OATHS AND AFFIRMATIONS

The words prescribed are— (a) for witnesses, “... the evidence...

#### SCHEDULE 2 — NOTICE OF APPLICATION FOR PERMISSION TO APPEAL

#### SCHEDULE 3 — NOTICE OF REQUISITION UNDER SECTION 36(2)

#### SCHEDULE 4 — TRANSITIONAL PROVISIONS

1. Interpretation
2. General modification of these Rules
3. Modifications consequent on revocation of the 1968 Rules

#### SCHEDULE 5 — REVOCATION SCHEDULE

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Court Martial Appeal Court Rules 2009.