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STATUTORY INSTRUMENTS

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**2000 No. 2372**

**The Summary Appeal Court (Air Force) Rules 2000**

**PART II**

**BRINGING AND ABANDONMENT OF APPEALS**

**Bringing of appeals**

**8.—(1)** For the purposes of section 83ZE(2) of the Act—

- (a) a person brings an appeal when he serves on his commanding officer a notice in writing in the form set out in Schedule 2; and
- (b) the date on which the appeal is brought is—
  - (i) where the notice is delivered to the commanding officer or left at his proper address, the date on which it is so delivered or left;
  - (ii) where the notice is sent by post to the commanding officer at his proper address, the date on which it is received at that address; or
  - (iii) where the notice is transmitted by FAX or other means of electronic data transmission, the date on which it is so transmitted.

(2) Where two or more charges have been tried summarily together and an appeal is brought against more than one of the findings made in respect of those charges, it shall be sufficient for the purposes of paragraph (1) for the appellant to serve a single notice of appeal relating to all matters against which an appeal is brought.

(3) Where notice of appeal is served on a person's commanding officer in accordance with paragraph (1), the commanding officer shall as soon as reasonably practicable—

- (a) forward it to the court administration officer; and
- (b) serve a copy of it on the prosecuting authority together with—
  - (i) the Record of Summary Dealing;
  - (ii) a list of persons whose evidence was not adduced in the proceedings on summary dealing but who appear to the commanding officer to be potential witnesses in the proceedings before the court;
  - (iii) any material in the possession of the commanding officer which is not annexed to or referred to in the Record of Summary Dealing but which in his opinion may be material to the proceedings before the court;
  - (iv) copies of any conduct sheets of the appellant; and
  - (v) a document specifying the appellant's age and, where applicable, his rank, service record and any recognised acts of gallantry.

(4) In these Rules, the reference to the Record of Summary Dealing is to any record of proceedings on summary dealing required to be made in accordance with regulations under section 83 of the Act in respect of the charge to which the appeal relates.