
STATUTORY INSTRUMENTS

2004 No. 652

**The Ministry of Defence Police
Appeal Tribunals Regulations 2004**

Notice of appeal

6.—(1) Subject to regulation 8, an appeal may be instituted by giving notice of appeal within 21 days from the date on which the decision appealed against was notified to the appellant in writing in pursuance of the Conduct Regulations unless the case is a relevant criminal case.

(2) Subject to regulation 8, in a relevant criminal case an appeal is to be instituted by giving notice of appeal within 28 days from—

- (a) the conclusion of any criminal proceedings in which the appellant is charged with an offence in respect of the conduct to which the decision appealed against is related, or
- (b) the date on which the appellant receives notification of the decision that no criminal proceedings in respect of that conduct will be instituted by the Director of Public Prosecutions, the Procurator Fiscal or some other person who has responsibility for considering whether to institute criminal proceedings in respect of the conduct.

(3) In this regulation “relevant criminal case” means—

- (a) a case to which regulation 38 of the Ministry of Defence Police (Conduct) Regulations 2004 applies, where the decision appealed against was given in pursuance of those Regulations as modified by Schedule 2 to those Regulations, or
- (b) a case to which regulation 23 of the Ministry of Defence Police (Conduct) (Senior Officers) Regulations 2004 applies, where the decision appealed against was given in pursuance of those Regulations as modified by Part 2 of the Schedule to those Regulations.

(4) The notice of appeal must be given in writing to the Head of Civilian Management and he must cause a copy of the notice to be sent to the respondent.