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STATUTORY INSTRUMENTS

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**2009 No. 1211**

**The Armed Forces (Summary Appeal Court) Rules 2009**

PART 11

EVIDENCE

CHAPTER 2

Evidence of bad character

**Application for leave to adduce evidence of the bad character of a non-appellant**

**66.**—(1) An application for leave to give evidence in appeal proceedings of the bad character of a person other than an appellant must be made in writing to the court administration officer and served on all other parties to the proceedings, unless a judge advocate gives leave for the application to be made orally.

(2) If made in writing, such an application—

- (a) must describe the misconduct to which the evidence relates;
- (b) must state what evidence of the misconduct the applicant seeks to adduce or elicit;
- (c) if made by the Director, must identify any witness whom he intends to call about the misconduct; and
- (d) must state the grounds on which the applicant asserts that the evidence is admissible.

(3) If made by the Director, an application under this rule must be made not more than 14 days after the Director serves advance information in respect of the appeal to which the evidence relates.

(4) If made by an appellant, an application under this rule must be made not more than 14 days after—

- (a) the date on which the Director complies or purports to comply with article 4 of CPIA Order; or,
- (b) if later, the date on which the Director discloses to the appellant the previous convictions of the person to whose misconduct the application relates.

(5) If it is not reasonably practicable to make an application under this rule within the time prescribed by paragraph (3) or (4) (as the case may be), the application must be made as soon as it is reasonably practicable to do so.