
STATUTORY INSTRUMENTS

2009 No. 2657

The Court Martial Appeal Court Rules 2009

PART 10

ABANDONMENT OF APPEAL OR GROUNDS OF APPEAL

Abandonment of appeal

60.—(1) This rule applies to—

- (a) an appeal under Chapter 1 or 2 of Part 6, and
- (b) an appeal referred to in rule 45(1),

and “appellant”, “appeal notice” and “respondent's notice” shall be construed accordingly.

(2) Where an appellant wants to abandon an application to the court for permission to appeal or an appeal, he—

- (a) may abandon the application or appeal without the court's permission by serving notice of abandonment on—
 - (i) the registrar, and
 - (ii) any other person on whom the registrar or the appellant served an appeal notice, before any hearing of the application or appeal; but
- (b) at any such hearing, may only abandon that application with the court's permission.

(3) A notice of abandonment must be in writing and be signed by the appellant or his legal representative on his behalf.

(4) On receiving notice of abandonment the registrar must—

- (a) date it;
- (b) serve a dated copy on—
 - (i) the appellant;
 - (ii) the custodian, if any; and
 - (iii) every other person on whom the registrar or appellant served the appeal notice; and
- (c) treat the application or appeal as if it had been refused or dismissed by the court.

Abandoning a ground of appeal or opposition

61.—(1) This rule applies where a party wants to abandon—

- (a) a ground of appeal identified in an appeal notice; or
- (b) a ground of opposition identified in a respondent's notice.

(2) Such a party must serve written notice to—

- (a) the registrar, and

(b) every other party,
before any hearing at which that ground will be considered by the court.

Changes to legislation:

There are currently no known outstanding effects for the The Court Martial Appeal Court Rules 2009, PART 10.