
STATUTORY INSTRUMENTS

2009 No. 2657

The Court Martial Appeal Court Rules 2009

PART 8

APPEAL FROM A DECISION OF THE REGISTRAR OR A SINGLE JUDGE

Notification

52. Where a judge of the court or the registrar exercises, or refuses to exercise, a power exercisable by him pursuant to section 36, 36A or 36B, the registrar must, within 14 days of the exercise or refusal, serve notice on the appellant and the Director of the exercise of, or refusal to exercise, that power.

Further applications to a judge or to the court: additional rules

53.—(1) Where, following a refusal referred to in rule 52 to exercise a power—

- (a) an appellant wants to make a requisition under section 36(2) to have an application determined by the court as duly constituted or renews an application for the exercise of a power conferred by section 36A under section 36A(2), or
- (b) the Director makes an application under section 36C(5) (appeal against a procedural direction),

he must do so not later than 14 days after the day on which he was served with the notice made under rule 52 of the refusal.

(2) The period in paragraph (1) may be extended by a judge of the court, the registrar or the court as appropriate, before or after the period expires.

(3) A requisition under section 36(2) must be in the form set out in Schedule 3, and an application referred to in paragraph (1) must be in writing.

(4) A requisition or application referred to in paragraph (1) must be made to the registrar and must specify—

- (a) the date on which notice made under rule 52 was served;
- (b) the power exercised by the registrar or single judge which the appellant or the Director, requires or applies to be considered; and
- (c) any additional information not contained in the original application that the appellant or the Director considers relevant.

(5) A requisition or application referred to in paragraph (1) must be signed by the appellant or his legal representative, or by the Director, as appropriate.

(6) Unless the court directs otherwise, an application for an extension of the period referred to in paragraph (1) must be considered at the same time as the requisition or application referred to in that paragraph.

(7) If an appellant makes a requisition under section 36(2) outside the period specified in paragraph (1), as extended (if at all) under these rules, the requisition shall be treated as having been refused.

Changes to legislation:

There are currently no known outstanding effects for the The Court Martial Appeal Court Rules 2009, PART 8.