

SCHEDULE 1

Rule 15(2)

OATHS AND AFFIRMATIONS

The words prescribed are—

- (a) for witnesses, “... the evidence I shall give shall be the truth, the whole truth, and nothing but the truth”; and
- (b) for interpreters, “... I will well and faithfully interpret and make true explanation of all such matters and things as shall be required of me according to the best of my skill and understanding”.

SCHEDULE 2

Rule 46(1)

NOTICE OF APPLICATION FOR PERMISSION TO APPEAL

TO THE REGISTRAR OF THE COURT MARTIAL APPEAL COURT Royal Courts of Justice
Strand London, WC2A 2LL **NOTICE OF APPLICATION FOR PERMISSION TO APPEAL**

Details required

Notes

Details of appellant

Name of appellant:

Number:

Unit or Ship:

Address:

Rank/Rate:

Details of Application

Convicted by the Court Martial at:

Offence(s) of which convicted:

Sentence:

Date when sentence passed:

Name of place of detention/address:

If not in custody set out the appellant's address in full.

I the above named applicant give notice that I apply to the Court Martial Appeal Court for the following:

The reasons why you consider that your conviction should be quashed and/or that your sentence should be reduced should be set out in a separate document(s) and attached to this form. Where grounds of appeal have been settled by counsel they must be signed by counsel and attached to this form. There is no obligation to include a copy of counsel's advice although in some cases it may be helpful to do so. Grounds must be settled with sufficient detail to enable matters relied upon to be clearly identified. Wording such as “the conviction is unsafe and unsatisfactory” or “the sentence is in

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all the circumstances too severe” will be ineffective as grounds and an extension of time may have to be applied for.

Extension of time within which to apply for permission to appeal: If this form is lodged outside of the prescribed period it must be accompanied by the reasons why the application was delayed.

Yes/No?

Permission to appeal against conviction:

Yes/No?

Permission to appeal against sentence:

Yes/No?

Leave to call a witness:

Yes/No?

Leave to be present:

Yes/No?

Legal aid:

Yes/No?

If you are applying for legal aid is any solicitor, solicitor advocate or Counsel now acting for you?

Yes/No?

If yes, please give his name and address.

Signed:

This notice must be signed by the appellant or by his legal representative.

Dated:

SCHEDULE 3

Rule 53(3)

NOTICE OF REQUISITION UNDER SECTION 36(2)

TO THE REGISTRAR OF THE COURT MARTIAL APPEAL COURT Royal Courts of Justice Strand London, WC2A 2LL **NOTICE OF REQUISITION UNDER SECTION 36(2)**

Details required

Notes

Details of appellant

Name of appellant:

Number:

Unit or Ship:

Address:

If not in custody set out the appellant's address in full.

Rank/Rate:

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Details of Application

I the above named applicant having received Insert date of receipt.
on—

your notification that my application for— Insert details of application.

has/have been refused by a judge of the
court, give you notice that I desire that the
said application(s) shall be considered and
determined by the full court.

State any reasons, in addition to those set out You must not repeat reasons that you have already
by you in your original application, that you stated in previous applications.
wish give—

Signed: This notice must be signed by the appellant or by
his legal representative.

Dated:

SCHEDULE 4

Rule 69(2)

TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

“commencement” means the date on which these Rules come into force; and

“the 1968 Rules” means the Courts-Martial Appeal Rules 1968 ^{M1}.

Marginal Citations

M1 S.I. 1968/1071. The Courts-Martial Appeal Rules 1968 are amended by the Courts-Martial Appeal (Amendment) Rules 1972 (S.I. 1972/798), the Courts-Martial Appeal (Amendment) Rules 1997 (S.I. 1997/580), the Courts-Martial Appeal (Amendment) Rules 2000 (S.I. 2000/2228), the Courts-Martial Appeal (Amendment) Rules 2005 (S.I. 2005/446), the Courts-Martial Appeal (Amendment) Rules 2007 (S.I. 2007/710), the Courts-Martial Appeal (Amendment No. 2) Rules 2007 (S.I. 2007/1298), and the Secretary of State for Justice Order 2007 (S.I. 2007/2128).

General modification of these Rules

2. In these Rules—

any reference to “the Court Martial” includes a reference to a court-martial under the Army Act 1955 ^{M2}, the Air Force Act 1955 ^{M3} or the Naval Discipline Act 1957 ^{M4}; and any reference to “the Service Civilian Court” includes a reference to a Standing Civilian Court ^{M5}.

Marginal Citations

M2 1955 c. 18.

M3 1955 c. 19.

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M4 1957 c. 53.

M5 Standing Civilian Courts were established under the [Armed Forces Act 1976 \(c. 52\)](#) and are replaced by the Service Civilian Court under the 2006 Act.

Modifications consequent on revocation of the 1968 Rules

3.—(1) Where a petition presented to the Defence Council in accordance with rule 3 of the Courts-Martial Appeal Rules 1968 before commencement has not been determined, the petition shall be treated as an appeal notice under Part 7, unless the court otherwise directs.

(2) For the purposes of these Rules, the court may treat any other thing done under the 1968 Rules as satisfying anything required to be done under these Rules.

(3) Where the court gives a direction under sub-paragraph (1) or decides that it will not treat something done under the 1968 Rules as satisfying a requirement of these Rules, the court may direct that a period of time shall, notwithstanding any time limit in these Rules, be allowed in which a person directed by the court must or may provide such further information, or do such other thing as the court directs.

(4) The powers of the court under this paragraph may, on an application by a party, be exercised by a judge of the court.

(5) If, on an application, a judge of the court exercises, or refuses to exercise, a power under this paragraph, the registrar shall, within seven days after the date of the exercise or refusal, serve notice of that decision on the parties to the appeal, application or reference to which the decision relates.

(6) If a judge of the court refuses to exercise a power under this paragraph, the applicant shall be entitled to have the application for the exercise of the power determined by the court as duly constituted for the purpose in accordance with section 5.

SCHEDULE 5

REVOCATION SCHEDULE

<i>(1)</i> Rules or Order revoked	<i>(2)</i> References	<i>(3)</i> Extent of revocation
The Courts-Martial Appeal Rules 1968	S.I. 1968/1071	The whole Rules
The Courts-Martial Appeal (Amendment) Rules 1972	S.I. 1972/798	The whole Rules
The Courts-Martial Appeal (Amendment) Rules 1997	S.I. 1997/580	The whole Rules
The Courts-Martial Appeal (Amendment) Rules 2000	S.I. 2000/2228	The whole Rules
The Courts-Martial Appeal (Amendment) Rules 2005	S.I. 2005/446	The whole Rules
The Courts-Martial Appeal (Amendment) Rules 2007	S.I. 2007/710	The whole Rules
The Courts-Martial Appeal (Amendment No. 2) Rules 2007	S.I. 2007/1298	The whole Rules

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The Secretary of State for Justice Order 2007 S.I. 2007/2128 Paragraph 12 of Part 2 of
the Schedule

Changes to legislation:

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