
STATUTORY INSTRUMENTS

2024 No. 619

**The Armed Forces (Appeals Against
Review of Sentence) Regulations 2024**

Part 3

Appeal from Court Martial Appeal Court to Supreme Court

Costs: application to Supreme Court

34.—(1) Where the Supreme Court dismisses an application for leave to appeal to the Supreme Court and the application was made by the Director of Service Prosecutions, the Supreme Court may direct the payment by the Secretary of State of such sums as appear to the Supreme Court to be reasonably sufficient to compensate the offender for any expenses properly incurred by the offender in resisting the application.

(2) Where the Supreme Court dismisses an application for leave to appeal to the Supreme Court and the application was made by the offender, the Supreme Court may make such order as may be made by the Appeal Court under [regulation 15\(1\)](#) of these Regulations where it dismisses an application for leave to appeal to the Appeal Court and any order under [this paragraph](#) may be enforced in the manner described in [regulation 15\(2\)](#) of these Regulations.

(3) [Regulation 15\(3\)](#) of these Regulations applies in relation to any sum recovered by virtue of [paragraph \(2\)](#).

(4) On determining an appeal from the Appeal Court, the Supreme Court may, if it thinks fit, direct the payment by the Secretary of State of such sums as appear to the Supreme Court to be reasonably sufficient to compensate the offender for any expenses properly incurred by the offender in the proceedings (in the Supreme Court and below) subject to—

- (a) [paragraph \(5\)](#), and
- (b) regulations made under [regulation 35\(1\)\(d\)](#).

(5) The costs which the Supreme Court may direct the Secretary of State to pay do not include legal costs incurred in the proceedings in a court below it, except where regulations made by the Lord Chancellor provide otherwise.

(6) Regulations under [paragraph \(5\)](#) may, in particular, include—

- (a) provision for an exception to arise where a determination has been made by a person specified in the Regulations;
- (b) provision requiring the Supreme Court, when it directs the payment of a sum that includes a sum in respect of legal costs, to include a statement to that effect in the direction;
- (c) provision that the Supreme Court may not direct the payment of a sum in respect of legal costs exceeding an amount specified in the regulations.

(7) Except as provided by [regulations 32, 33](#) and [this regulation](#), no costs are to be allowed on the hearing or determination of an appeal from the Appeal Court to the Supreme Court or of any proceedings preliminary or incidental to such an appeal.