
STATUTORY INSTRUMENTS

2024 No. 619

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

Part 4

Miscellaneous, general and amendments

Appeals on behalf of deceased persons

38.—(1) This regulation applies where a person (“P”) has died.

(2) Any relevant appeal which might have been begun by P had P remained alive may be begun by a person approved by the Appeal Court.

(3) Any further step which might have been taken by P in connection with any relevant appeal if P were alive may be taken by a person approved by the Appeal Court.

(4) In this regulation “relevant appeal” means—

- (a) an appeal under section 304D(8) or (9) (review of sentence following offer of assistance) or 304E(7) or (8) (review of sentence following failure to assist) of the 2006 Act,
- (b) an appeal under [regulation 26](#) of these regulations from any decision of the Appeal Court on an appeal under any of those sections.

(5) Approval for the purposes of this regulation may only be given to—

- (a) the widow, widower or surviving civil partner of P,
- (b) a personal representative of P, or
- (c) any other person appearing to the Appeal Court to have, by reason of a family or similar relationship with P, a substantial financial or other interest in the determination of a relevant appeal relating to P.

(6) Except in the case of an appeal begun the Director of Service Prosecutions, an application for such approval may not be made after the end of the period of one year beginning with the date of death.

(7) Where this regulation applies, any reference in these regulations to the offender is to be, where appropriate, construed as including a reference to the person approved under this regulation.

(8) The power of the Appeal Court to approve a person under this section may be exercised by any judge of the Appeal Court in the same manner as by the Appeal Court and subject to the same provisions: but if the judge refuses the application, the applicant is to be entitled to have the application determined by the Appeal Court.

(9) In [paragraph \(5\)\(b\)](#), “personal representative” means—

- (a) for England and Wales, a person who is a personal representative within the meaning of section 55(1)(xi) of the Administration of Estates Act 1925(1),

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- (b) for Scotland, an executor confirmed to the estate of P, or
- (c) for Northern Ireland, a person who is one of the personal representatives within the meaning of the Administration of Estates Act (Northern Ireland) 1955⁽²⁾.

(2) 1955 c. 24.