



Senior Courts Act 1981

1981 CHAPTER 54

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous provisions

^{X1}145 **Amendment of Courts-Martial (Appeals) Act 1968.**

- (1) The ^{M1}Courts-Martial (Appeals) Act 1968 shall be amended as follows.
- (2) In section 2(1)(a) (under which the judges of the Courts-Martial Appeal Court include such judges of the Queen's Bench Division of the High Court as may be nominated for that purpose by the Lord Chief Justice after consultation with the Master of the Rolls), the words "of the Queen's Bench Division" and "after consultation with the Master of the Rolls" shall be omitted.
- (3) In section 3(a) (under which the powers of the Courts-Martial Appeal Court may be exercised by any judge of the Queen's Bench Division of the High Court), the words "of the Queen's Bench Division" shall be omitted.
- (4) For section 5 (constitution of Appeal Court for particular sittings) there shall be substituted—
 - (1) Subject to subsection (4) below, the Appeal Court shall be duly constituted if it consists of an uneven number of judges not less than three.
 - (2) Where—
 - (a) part of any proceedings before the Appeal Court has been heard by an uneven number of judges greater than three; and
 - (b) one or more members of the Court as constituted for the purpose of those proceedings are unable to continue,

Status: Point in time view as at 01/02/1991.

Changes to legislation: Senior Courts Act 1981, Section 145 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

then, subject to subsection (4) below, the Court shall remain duly constituted for the purpose of those proceedings so long as the number of members (whether even or uneven) is not reduced to less than three.

- (3) Subject to subsection (4) below, the Appeal Court shall, if it consists of two judges, be duly constituted for every purpose except—
- (a) determining an appeal against—
 - (i) conviction; or
 - (ii) a finding of not guilty by reason of insanity; or
 - (iii) a finding of unfitness to stand trial;
 - (b) determining an application for leave to appeal to the House of Lords; and
 - (c) refusing an application for leave to appeal to the Appeal Court against conviction or any such finding as is mentioned in paragraph (a)(ii) or (iii), other than an application which has been refused by a single judge.
- (4) At least one of the judges of which the Appeal Court consists at any sitting must be a judge of the Court by virtue of section 2(1) of this Act, except that where the Court is directed to sit at a place outside the United Kingdom the Lord Chancellor may, if he thinks it expedient to do so, direct that this provision shall not apply to the Court while sitting at that place.
- (5) Where an appeal has been heard by the Appeal Court and the Court as constituted for that purpose consists of an even number of judges, then, if those judges are equally divided, the case shall be re-argued before and determined by an uneven number of judges not less than three.”.
- (5) In section 36(2) (rights of appellant on refusal of single judge to exercise certain powers in his favour) for “for the hearing and determination of appeals” there shall be substituted “for the purpose in accordance with section 5 of this Act”.

Editorial Information

X1 The text of ss. 139(1), 145–148 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M1 1968 c. 20.

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