



Courts-Martial (Appeals) Act 1951

1951 CHAPTER 46

PART I

APPEALS FROM COURTS-MARTIAL

Supplementary Provisions relating to Appeals

14 Suspension of death sentences

- (1) Where a conviction by court-martial involves sentence of death—
- (a) the sentence shall not in any case be executed until the expiration of the period prescribed under this Part of this Act as the period within which an application for leave to appeal to the Court against the conviction must be lodged;
 - (b) if such an application is duly lodged, the sentence shall not be executed until either the application is finally refused or is withdrawn or the appeal is determined or abandoned;
 - (c) if leave to appeal is granted and the appeal is dismissed, the sentence shall not be executed until the expiration of the period within which an application may be made under section seven of this Act for a certificate of the Attorney General; and
 - (d) if an application under the said section seven is duly made, the sentence shall not be executed until the grant of a certificate is refused or the application is withdrawn or the further appeal that lies to the House of Lords by virtue of the grant of a certificate is determined or abandoned:

Provided that, where a sentence of death passed on a person on active service by an army or air force court-martial is confirmed, and the authority who confirms the sentence certifies that it is essential in the interests of discipline and for the purpose of securing the safety of the force with which that person is present that the sentence should be carried out forthwith, the foregoing provisions of this subsection shall not apply to the sentence.

- (2) Any appeal to the Court against a conviction by a court-martial involving sentence of death, any application for leave to appeal to the Court against any such conviction and

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any appeal to the House of Lords against a decision of the Court on an appeal thereto against any such conviction shall be heard and determined with as much expedition as practicable.

15 Restitution of stolen, and c, property

- (1) The operation of any order made under section seventy-five of the Army Act or section seventy-five of the Air Force Act (which relate to the restitution of stolen property) on a conviction by a court-martial shall (unless the authority making the order directs to the contrary in any case in which, in the opinion of that authority, the title to the property is not in dispute) be suspended—
 - (a) in any case, until the expiration of the period prescribed under this Part of this Act as the period within which an application for leave to appeal to the Court against the conviction must be lodged; and
 - (b) if such an application is duly lodged, until either the application is finally refused or is withdrawn or the appeal is determined or abandoned ;
 and where the operation of any such order as aforesaid is suspended under this subsection, it shall not take effect if the conviction is quashed on appeal.
- (2) The Court may by order annul or vary any such order as aforesaid although the conviction is not quashed and the order, if annulled, shall not take effect and, if varied, shall take effect as varied.
- (3) Provision may be made by rules of court for securing the safe custody of any property to which any such order as aforesaid relates during the period during which the operation of the order is suspended under this section.

16 Person not to be tried again where conviction is quashed

Where the conviction of a person by court-martial for an offence has been quashed under this Part of this Act, he shall not be liable to be tried again for that offence by a court-martial or by any other court.

17 Removal of prisoners for purposes of proceedings under Part I

Rules under—

- (a) section one hundred and thirty-two of the Army Act (either as it applies by virtue of that Act or as it applies by virtue of subsection (2) of section eighty-one of the Naval Discipline Act);
- (b) section one hundred and thirty-three of the Army Act;
- (c) section one hundred and thirty-two or one hundred and thirty-three of the Air Force Act;
- (d) section fifty-two of the Criminal Justice Act, 1948 ;
- (e) section fifty-three of the Criminal Justice (Scotland) Act, 1949; or
- (f) section thirteen of the General Prisons (Ireland) Act, 1877, or any corresponding enactment of the Parliament of Northern Ireland for the time being in force ;

may provide in what manner an appellant, when in custody, is to be taken to, kept in custody at, and brought back from any place at which he is entitled to be present for the purposes of this Part of this Act or any place to which the Court or a judge thereof may order him to be taken for the purpose of any proceedings of the Court.

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18 Furnishing, on appeal, of documents relating to trial

In the case of every appeal, or application for leave to appeal, under this Part of this Act to the Court against a conviction by a naval court-martial, it shall be the duty of the Admiralty to furnish to the registrar, in accordance with rules of court, the proceedings of the court-martial and any petition presented by the person convicted, and in the case of every such appeal or application for leave to appeal as aforesaid against a conviction by an army or air-force court-martial it shall be the duty of the Judge Advocate General to furnish to the registrar, in accordance with rules of court, the proceedings of the court-martial (including any proceedings with respect to the revision of the finding or sentence of the court-martial in pursuance of subsection (2) of section fifty-four of the Army Act or subsection (2) of section fifty-four of the Air Force Act, as the case may be) the proceedings with respect to the confirmation of the finding and sentence of the court-martial and any petition presented by the person convicted.

19 Duties of registrar with respect to appeals, and c

- (1) The registrar shall take all necessary steps for obtaining the determination of an appeal or application under this Part of this Act, and shall obtain and lay before the Court in proper form all documents, exhibits and other things relating to the proceedings in the court-martial before which the appellant or applicant was tried which appear necessary for the proper determination of the appeal or application.
- (2) The registrar shall furnish the necessary forms and instructions relating to applications for leave to appeal under this Part of this Act to any person who demands them, to persons in charge of places where persons sentenced by court-martial may lawfully be confined for the purpose of serving their sentences and to such other persons as he thinks fit; and every person in charge of such a place as aforesaid shall cause the forms and instructions to be placed at the disposal of persons confined in that place who desire to make application for leave to appeal under this Part of this Act.