



Courts-Martial (Appeals) Act 1951

1951 CHAPTER 46

PART I

APPEALS FROM COURTS-MARTIAL

The Courts-Martial Appeal Court

1 Constitution of Courts-Martial Appeal Court

- (1) There shall be a Courts-Martial Appeal Court (in this Part of this Act referred to as "the Court") whereof the judges shall be—
 - (a) the Lord Chief Justice and the puisne judges of the High Court;
 - (b) such of the Lords Commissioners of Justiciary as the Lord Justice General may from time to time nominate for the purpose;
 - (c) such of the judges of His Majesty's High Court of Justice in Northern Ireland as the Lord Chief Justice of Northern Ireland may from time to time nominate for the purpose; and
 - (d) such other persons, being persons of legal experience, as the Lord Chancellor may appoint:
- (2) The appointment of a person under paragraph (d) of the foregoing subsection to be a judge of the Court shall be for such term as may be determined by the Lord Chancellor, with the approval of the Treasury, before his appointment, and shall be subject to such conditions as may be so determined; and a person appointed as aforesaid to be a judge of the Court who ceases to hold office as such a judge shall be eligible for re-appointment.
- (3) There may be paid to the persons appointed under paragraph (d) of subsection (1) of this section to be judges of the Court such remuneration, and to all the judges of the Court such travelling and subsistence allowances, as the Lord Chancellor may, with the approval of the Treasury, determine.
- (4) There shall be a registrar of the Court (in this Part of this Act referred to as "the registrar ") to be appointed by the Lord Chancellor, and the Lord Chancellor may

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appoint such other officers and servants of the Court as he may, with the approval of the Treasury as to numbers, determine.

- (5) The remuneration of the officers and servants of the Court shall be such as the Lord Chancellor may, with the approval of the Treasury, determine, and the Superannuation Acts, 1834 to 1950, shall have effect as if service as an officer or servant of the Court were service in an established capacity in the permanent civil service of the State in an appointment held directly from the Crown.
- (6) There shall be defrayed out of moneys provided by Parliament—
 - (a) the remuneration of persons appointed under paragraph (d) of subsection (1) of this section to be judges of the Court;
 - (b) the travelling and subsistence allowances of the judges of the Court;
 - (c) the remuneration of the officers and servants of the Court and such other expenses of the Court as the Treasury may sanction ; and
 - (d) any increase attributable to the last foregoing subsection in the sums which, under the Superannuation Acts, 1834 to 1950, are payable out of moneys so provided.

2 Supplementary provisions relating to the Court

- (1) For the purpose of hearing and determining appeals under this Part of this Act, or any matter preliminary or incidental to an appeal, the Court shall be summoned in accordance with directions given by the Lord Chief Justice with the consent of the Lord Chancellor, and shall be deemed to be duly constituted if—
 - (a) it consists of an uneven number of judges, not being less than three; and
 - (b) (subject as hereinafter provided) at least one of the number of judges of which it consists is a judge of the Court by virtue of paragraph (a), (b) or (c) of subsection (1) of section one of this Act.
- (2) If the Lord Chief Justice so directs, the Court may sit in two or more divisions.
- (3) The Court shall sit in such place as the Lord Chief Justice shall direct, whether within or outside the United Kingdom.
- (4) Where the Court is directed to sit at a place outside the United Kingdom, the Lord Chancellor may, if he thinks it expedient so to do, direct that paragraph (b) of subsection (1) of this section shall not have effect in relation to the Court while sitting at that place.
- (5) The determination of any question before the Court shall be according to the opinion of the majority of the judges of the Court hearing the case.
- (6) The Court shall be a superior court of record and shall, for the purposes of and subject to the provisions of this Part of this Act, have full power to determine, in accordance with this Part of this Act, any question necessary to be determined for the purpose of doing justice in any case before the Court.
- (7) Any direction which may be given under this section by the Lord Chief Justice may, in the event of a vacancy in the office or the incapacity of the Lord Chief Justice to act for any reason, be given by the senior puisne judge of the King's Bench Division of the High Court.