



Courts-Martial (Appeals) Act 1951

1951 CHAPTER 46

PART I

APPEALS FROM COURTS-MARTIAL

Appeals to the Courts-Martial Appeal Court

10 Legal aid to appellants

- (1) The Court may at any time assign to an appellant a solicitor and counsel, or counsel only, in any appeal or proceedings preliminary or incidental to an appeal in which, in the opinion of the Court, it appears desirable in the interests of justice that the appellant should have legal aid and that he has not sufficient means to enable him to obtain that aid.
- (2) If, on a question of granting an appellant legal aid under the foregoing subsection, there is a doubt whether it is desirable in the interests of justice that the appellant should have legal aid or whether he has sufficient means to enable him to obtain that aid, the doubt shall be resolved in favour of granting him legal aid.
- (3) Before a person is granted legal aid under this section he may be required to furnish a written statement in the prescribed form about matters relevant for determining whether his means are insufficient to enable him to obtain legal aid, and if a person in furnishing such a written statement as aforesaid (whether required so to do or not) knowingly makes any false statement or false representation he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both.
- (4) The registrar shall report to the Court or a judge thereof any case in which it appears to him that, although no application has been made for the purpose, legal aid ought to be granted under this section to an appellant.
- (5) A solicitor or counsel assigned to an appellant under this section shall be entitled to be paid by the Admiralty or the Secretary of State (according as to whether the matter in relation to which solicitor or counsel is so assigned arises out of a naval court-martial

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or an army or air force court-martial) such sums in respect of fees and disbursements as may be prescribed by regulations made by the Lord Chancellor.

The power conferred on the Lord Chancellor by this subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.