



# Courts-Martial (Appeals) Act 1951

## 1951 CHAPTER 46

### PART I

#### APPEALS FROM COURTS-MARTIAL

##### *The Courts-Martial Appeal Court*

## 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.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (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.