
STATUTORY INSTRUMENTS

1997 No. 171

The Courts-Martial (Royal Air Force) Rules 1997

PART VII

REVIEW OF COURT-MARTIAL FINDING AND SENTENCE

The petition

82.—(1) The period within which an accused may present a petition against finding or sentence or both in accordance with section 113(1) of the Act shall be 28 days following the day on which sentence is announced.

(2) A petition presented in accordance with section 113(1) of the Act shall be in writing and signed by the accused, or on his behalf by his legal adviser.

(3) Petitioners shall have regard to the guidance on the content of a petition contained in Schedule 5 to these Rules.

(4) A petition addressed to the Defence Council shall be treated as having been presented to the Defence Council if it is presented by the petitioner—

(a) to the Deputy Director Personnel Management Agency (P1) (Royal Air Force); or

(b) where the petitioner is—

(i) in custody or detention in any civil prison or institution, to the governor of the prison or institution;

(ii) detained in any air force or military establishment or in naval detention quarters, to the commandant of the establishment or quarters.

(5) A person to whom a petition is presented under paragraph (4)(b) above shall transmit it to the Deputy Director Personnel Management Agency (P1) (Royal Air Force) immediately upon receipt.

Reasons

83. Where the reviewing authority completes a review in accordance with section 113 of the Act, it shall—

(a) if a petition has been presented in accordance with section 113(1) of the Act, or

(b) if it exercises any of its powers under section 113AA of the Act,

give reasons for its decision.