#### STATUTORY INSTRUMENTS

# 2000 No. 2370

# **DEFENCE**

# The Summary Appeal Court (Navy) Rules 2000

Made - - - - 4th September 2000

Laid before Parliament 7th September 2000

Coming into force 2nd October 2000

# THE SUMMARY APPEAL COURT (NAVY) RULES 2000

#### PART I

# **GENERAL**

- 1. Citation and commencement
- 2. Interpretation
- 3. Service of documents
- 4. Service by FAX or other means of electronic data transmission
- 5. Summary appeal court sitting in camera or closed court
- 6. Representation of appellant in proceedings on an appeal
- 7. Qualifications to be held by legal representatives

## PART II

## BRINGING AND ABANDONMENT OF APPEALS

- 8. Bringing of appeals
- 9. Application for leave to extend time for appealing and for leave to bring an appeal out of time
- 10. Determination of applications
- 11. Notice of decision of the judge advocate on an application
- 12. Application by the authority carrying out a review for leave to refer a case to the summary appeal court
- 13. Determination of application for leave by the authority carrying out a review
- 14. Hearings of applications
- 15. Abandonment of appeals

#### PART III

# PROCEDURE ON THE BRINGING OF AN APPEAL

- 16. Respondent to give notice of intentions on receipt of notice of appeal
- 17. Uncontested appeals
- 18. Respondent's papers
- 19. Service of additional evidence
- 20. Witness not called by respondent
- 21. Service of statement of relevant matters by respondent in an appeal against punishment
- 22. Notification of the time and place for the hearing of an appeal

#### PART IV

# CONSTITUTION OF SUMMARY APPEAL COURT TO HEAR PARTICULAR APPEALS

- 23. Officers qualified for membership of the summary appeal court
- 24. Officers who are ineligible to hear particular appeals
- 25. Spare members
- 26. Appointment of court officials

#### PART V

#### **EVIDENCE**

- 27. Rules of evidence etc.
- 28. Admission of facts or matters contained in the respondent's papers
- 29. Evidence through television link etc.
- 30. Witness summons
- 31. Oaths and affirmations

# PART VI

# MATTERS PRELIMINARY TO THE HEARING OF AN APPEAL

- 32. Power of the summary appeal court to hear more than one appeal at the same time
- 33. Preliminary hearings
- 34. Preliminary hearing without notice to the appellant
- 35. Matters capable of being dealt with at a preliminary hearing
- 36. Preliminary hearings in chambers
- 37. Presence at preliminary hearing by live TV link

#### PART VII

# PRACTICE AND PROCEDURE OF THE SUMMARY APPEAL COURT IN RELATION TO THE HEARING OF AN APPEAL

- 38. Sittings and adjournments
- 39. Challenges by the appellant
- 40. Interruption of hearing where a member of the court is unable to continue
- 41. Refixing of postponed and interrupted hearings
- 42. Procedure to be adopted where more than one appeal against finding
- 43. Questions of practice and procedure not covered by the Act or the Rules

#### **PART VIII**

# APPEALS AGAINST FINDING

- 44. Application of Part VIII
- 45. Power of respondent to give notice that he no longer contests an appeal against finding
- 46. Addresses to the court
- 47. Provisions which are to apply where there are two or more appellants
- 48. Additional evidence during the hearing of the appeal
- 49. Expert evidence
- 50. Exhibits
- 51. Presence of witnesses
- 52. Examination of witnesses
- 53. Submission of no case to answer
- 54. Finding that charge has not been proved after the close of the respondent's case
- 55. Witnesses for the appellant
- 56. Evidence in rebuttal
- 57. Deliberation on finding
- 58. Record of decision of the court on finding

## PART IX

# PRACTICE AND PROCEDURE RELATING TO THE POWERS OF THE COURT TO VARY PUNISHMENT AWARDED

- 59. Application of Part IX
- 60. Information to be provided by the respondent
- 61. Determining disputes of fact
- 62. Evidence on behalf of the appellant etc.
- 63. Deliberation on punishment

# PART X

# RECORD OF PROCEEDINGS

64. Record of proceedings

#### PART XI

# APPLICATION TO SUMMARY APPEAL COURT TO STATE CASE

- 65. Application for case to be stated
- 66. Procedure on stating a case
- 67. Supplementary provisions relating to stating a case Signature

**SCHEDULES** 

Schedule 1 — Proper address

Schedule 2 — Forms

Schedule 3 — Evidence

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

Part I — Modifications to section 9 of the Criminal Justice Act 1967

Part II — Modifications to sections 10 and 11 of the Criminal Justice Act 1967

Part III — Modifications to Parts VII and VIII of the Police and Criminal Evidence Act 1984

Schedule 4 — Witness summons

Schedule 5 — Oaths and affirmations

Part I — Manner of administering oaths and affirmations

Part II — Forms of oaths

Part III — Forms of Scottish oaths
Part IV — Form of solemn affirmation

**Explanatory Note**