
STATUTORY INSTRUMENTS

2009 No. 1059

The Armed Forces Act 2006
(Transitional Provisions etc) Order 2009

PART 15

APPEALS AND REFERENCES TO THE COURT MARTIAL APPEAL COURT

Appeal to House of Lords or Supreme Court

126.—(1) In relation to an appeal brought from a decision of the Appeal Court before commencement, the reference in section 41(3) of CMAA 1968 (powers of the Supreme Court) to the powers of the Appeal Court is to be read as to the powers that the Appeal Court would have had if it had heard the appeal after commencement.

(2) Where—

- (a) the Secretary of State made an application before commencement for leave to appeal to the House of Lords or the Supreme Court, and
 - (b) the Appeal Court, the House of Lords or the Supreme Court dismisses the application,
- section 47(1) of CMAA 1968 applies as if the application had been made by the Director of Service Prosecutions.

(3) In relation to an appeal from a decision of the Appeal Court where the appeal to that court was brought from a court-martial, section 47(3) of CMAA 1968 applies without the amendment made by AFA 2006.