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STATUTORY INSTRUMENTS

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**2009 No. 1211**

**The Armed Forces (Summary Appeal Court) Rules 2009**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. These Rules may be cited as the Armed Forces (Summary Appeal Court) Rules 2009 and shall come into force on 31st October 2009.

**Interpretation: proceedings and parties**

2.—(1) Unless otherwise stated, any reference in these Rules to proceedings includes—

- (a) preliminary proceedings,
- (b) appeal proceedings,
- [<sup>F1</sup>(c) variation proceedings,]

but does not include the exercise of any power of the court otherwise than at a hearing.

(2) In these Rules—

“ancillary proceedings” means proceedings under—

- (a) rule 16 for an extension of the initial period or an application for leave to appeal out of time; and
- (b) rule 17 for the consideration of a matter referred to the court by the reviewing authority under section 152(4) or (7);

“appeal proceedings” means proceedings for the hearing of an appeal under section 146;

“preliminary proceedings” means any proceedings of the court held for the purpose of giving directions, orders or rulings for the purpose of appeal or ancillary proceedings;

“related proceedings”, in relation to preliminary proceedings, means—

- (a) appeal proceedings in respect of any charge to which the preliminary proceedings relate; and
- (b) any further preliminary proceedings in relation to such appeal proceedings;

[<sup>F2</sup>“variation proceedings” means proceedings under Part 12A.]

(3) References in these Rules to a party to any proceedings are to—

- (a) a person to whom the proceedings relate (“the appellant”);
- (b) the Director; and
- (c) where the proceedings are for the hearing of an application (and the applicant is not a person to whom the proceedings relate), the applicant.

(4) References in these Rules to a person to whom proceedings relate are to—

- (a) in the case preliminary or appeal proceedings, an appellant;
  - (b) in the case of a hearing under rule 89 (certification of contempt of court), the person whose offence the court is to consider certifying;
  - [<sup>F3</sup>(c) in the case of variation proceedings, an offender in respect of whom a sentence which falls to be varied has been imposed or confirmed.]
- (5) In these Rules—
- “the Director” means the Director of Service Prosecutions;
  - “appellant” means a person who brings an appeal under section 141 or on whose behalf a reviewing authority seeks leave to refer a finding or punishment to the court under section 152.

#### Textual Amendments

- F1** Rule 2(1)(c) inserted (13.11.2023) by [The Armed Forces \(Amendment of Court Rules\) Rules 2023 \(S.I. 2023/1097\)](#), rules 1(2), **7(1)(a)**
- F2** Words in rule 2(2) inserted (13.11.2023) by [The Armed Forces \(Amendment of Court Rules\) Rules 2023 \(S.I. 2023/1097\)](#), rules 1(2), **7(1)(b)**
- F3** Rule 2(4)(c) inserted (13.11.2023) by [The Armed Forces \(Amendment of Court Rules\) Rules 2023 \(S.I. 2023/1097\)](#), rules 1(2), **7(1)(c)**

#### Interpretation: general

**3.—(1)** Any reference in these Rules to a numbered section is to that section of the Act unless otherwise stated.

(2) In these Rules—

- “the Act” means the Armed Forces Act 2006;
- “the 1967 Act” means the Criminal Justice Act 1967 <sup>M1</sup>;
- “the 2003 Act” means the Criminal Justice Act 2003;
- “the CPIA Order” means the Criminal Procedure and Investigations Act 1996 (Application to the Armed Forces) Order 2009 <sup>M2</sup>;
- “advance information” has the meaning given by rule 42(2);
- “bad character” has the meaning given by section 98 of the 2003 Act;
- “civilian police force” means a UK police force or a British overseas territory police force;
- [<sup>F4</sup>“the complainant”, in relation to any offence (or alleged offence), means a person against or in relation to whom the offence was (or is alleged to have been) committed;]
- “the court” means the Summary Appeal Court;
- “DX” means document exchange;
- “the judge advocate”, in relation to any proceedings, means the judge advocate specified for the proceedings under section 142(3);
- “lay members” means those persons who are members of the court by virtue of section 142(1) (b) or (c);
- “legal representative” means a person appointed under rule 41;
- “live link” has the meaning given by rule 25(3)(a);
- “pre-sentence report” has the meaning given by section 257; and
- “unit” means—

- (a) a naval ship or establishment;
- (b) any body of members of Her Majesty's forces formed under the command of a person appointed to be the commanding officer of the body; or
- (c) an air force station.

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**Textual Amendments**

**F4** Words in rule 3(2) inserted (16.11.2015) by [The Armed Forces \(Service Courts Rules\) \(Amendment\) Rules 2015 \(S.I. 2015/1812\)](#), rules 1, 3

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**Marginal Citations**

**M1** 1967 c. 80.

**M2** S.I. 2009/988.

**Changes to legislation:**

There are currently no known outstanding effects for the The Armed Forces (Summary Appeal Court) Rules 2009, PART 1.