



# Armed Forces Act 1996

## 1996 CHAPTER 46

### *Review and appeal*

#### **19 Appeals on behalf of deceased persons.**

Immediately before section 49 of the Courts-Martial (Appeals) Act 1968 there shall be inserted the following section—

##### **“48A Appeals on behalf of deceased persons.**

- (1) Where a person has died—
  - (a) any relevant appeal which might have been begun by him had he remained alive may be begun by a person approved by the Appeal Court; and
  - (b) where any relevant appeal was begun by him while he was alive or is begun in relation to his case by virtue of paragraph (a) above, any further step which might have been taken by him in connection with the appeal if he were alive may be taken by a person so approved.
- (2) In this section “relevant appeal” means—
  - (a) an appeal under section 8, 21 or 24 of this Act; or
  - (b) an appeal under section 39 of this Act from any decision of the Appeal Court on an appeal under any of those sections.
- (3) Approval for the purposes of this section may only be given to—
  - (a) the widow or widower of the dead person;
  - (b) a personal representative of the dead person; or
  - (c) any other person appearing to the Court of Appeal to have, by reason of a family or similar relationship with the dead person, a substantial financial or other interest in the determination of a relevant appeal relating to him.
- (4) An application for such approval may not be made after the end of the period of one year beginning with the date of death.

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996, Section 19. (See end of Document for details)*

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- (5) Where this section applies, any reference in this Act to the appellant shall, where appropriate, be construed as being or including a reference to the person approved under this section.
- (6) The power of the Appeal Court to approve a person under this section may be exercised by any judge of the Appeal Court in the same manner as by the Court and subject to the same provisions; but if the judge refuses the application, the applicant shall be entitled to have the application determined by the Appeal Court.
- (7) In subsection (3)(b) above “personal representative” means—
- (a) for England and Wales, a person who is a personal representative within the meaning of section 55(1)(xi) of the <sup>M1</sup>Administration of Estates Act 1925;
  - (b) for Scotland, an executor confirmed to the estate of the dead person; or
  - (c) for Northern Ireland, a person who is one of the personal representatives within the meaning of the <sup>M2</sup>Administration of Estates Act (Northern Ireland) 1955.”

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**Marginal Citations**

**M1** 1925 c. 23.

**M2** 1955 c. 24 (N.I.).

**Changes to legislation:**

There are currently no known outstanding effects for the Armed Forces Act 1996, Section 19.