



Courts–Martial (Appeals) Act 1951

1951 CHAPTER 46 14 and 15 Geo 6

An Act to establish a Courts–Martial Appeal Court and provide for appeals thereto from courts–martial and certain naval disciplinary courts; to make provision with respect to the offices of Judge Advocate of His Majesty’s Fleet and Judge Advocate General; and for purposes connected with the matters aforesaid. [1st August 1951]

Modifications etc. (not altering text)

- C1 Functions of Treasury under this Act now exercisable by Minister for the Civil Service: [S.I. 1971/2099](#)
- C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

PART I

1–27.^{F1}

Textual Amendments

- F1 Ss. 1–27 repealed by Courts–Martial (Appeals) Act 1968 (c. 20), [Sch. 6](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Courts–Martial (Appeals) Act 1951. (See end of Document for details)

PART II

PROVISIONS WITH RESPECT TO OFFICES OF JUDGE ADVOCATE OF HIS MAJESTY’S FLEET AND JUDGE ADVOCATE GENERAL

Provisions with respect to Office of Judge Advocate of His Majesty’s Fleet

28 Provisions with respect to office of Judge Advocate of His Majesty’s Fleet.

- (1) Any appointment made by His Majesty after the passing of this Act of a person to be the Judge Advocate of His Majesty’s Fleet shall be of a person recommended to His Majesty by the Lord Chancellor.
- (2) No person shall be qualified for appointment as Judge Advocate of His Majesty’s Fleet ^{F2}unless he is—
 - (a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate in Scotland of at least 10 years’ standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 10 years; or
 - (c) a member of the Bar of Northern Ireland of at least 10 years’ standing.]
- (3) The Judge Advocate of His Majesty’s Fleet shall be removable by His Majesty on the ground of inability or misbehaviour upon a recommendation in that behalf made by the Lord Chancellor, and shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy years:
 Provided that, where the Lord Chancellor considers it desirable in the public interest to retain the Judge Advocate of His Majesty’s Fleet in office after the time when his office is required to be vacated under the foregoing provisions of this subsection, the Lord Chancellor may from time to time authorise the continuance of the Judge Advocate of His Majesty’s Fleet in office up to such age (not exceeding seventy–two years) as the Lord Chancellor thinks fit.
- (4) There may be paid to the Judge Advocate of His Majesty’s Fleet, out of moneys provided by Parliament, such salary and such travelling and subsistence allowances as the Lord Chancellor may, with the approval of the Treasury, determine.
- (5) . . . ^{F3}

Textual Amendments

- F2** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 71\(2\), Sch. 10 para. 10](#)
- F3** [S. 28\(5\)](#) repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 76\), s. 125\(7\), Sch. 20](#)

Provisions with respect to Office of Judge Advocate General

29 Appointment of Judge Advocate General.

Any appointment after the passing of this Act of a person to be the Advocate General or Judge Martial of all His Majesty’s regular, auxiliary and reserve land and air forces

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(commonly known, and hereafter in this Part of this Act referred to, as the “Judge Advocate General”) shall be of a person recommended to His Majesty by the Lord Chancellor.

30 Assistants to Judge Advocate General.

- (1) For the purpose of assisting the Judge Advocate General in the exercise and performance of his powers and duties there shall be—
- (a) an officer to be known as the Vice Judge Advocate General, to be appointed by the Lord Chancellor; and
 - (b) such number of officers to be known as Assistant Judge Advocates General, and such number of officers to be known as Deputy Judge Advocates, to be appointed in each case by the Lord Chancellor, as the Lord Chancellor, with the approval of the Treasury, may determine.
- (2) If at any time it appears to the Lord Chancellor that it is expedient that the Judge Advocate General should be temporarily assisted in the exercise and performance of his powers and duties by more persons than hold appointments by virtue of the foregoing subsection, the Lord Chancellor may appoint such persons temporarily to assist the Judge Advocate General in the exercise and performance of his powers and duties as the Lord Chancellor may, with the approval of the Treasury as to numbers, determine.

31 Qualifications of Judge Advocate General and assistants.

- (1) No person shall be qualified for appointment as Judge Advocate General [^{F4}unless he is—
- (a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate in Scotland of at least 10 years' standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 10 years;
 - (c) a member of the Bar of Northern Ireland of at least 10 years' standing;
 - (d) the Vice Judge Advocate General; or
 - (e) an Assistant Judge Advocate General.]
- (2) No person shall be qualified for appointment as the Vice Judge Advocate General or an Assistant Judge Advocate General [^{F5}unless he is—
- (a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate in Scotland of at least 7 years' standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 7 years;
 - (c) a member of the Bar of Northern Ireland of at least 7 years' standing; or
 - (d) a Deputy Judge Advocate General.]
- (3) No person shall be qualified for appointment as a Deputy Judge Advocate [^{F6}unless he is—

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- (a) a person who has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate in Scotland of at least 5 years’ standing, or a solicitor who has been entitled to appear in the Court of Session and the High Court of Justiciary for at least 5 years; or
- (c) a member of the Bar of Northern Ireland of at least 5 years’ standing.]
- (4) Before recommending a person for appointment as Judge Advocate General or appointing a person to be the Vice Judge Advocate General, an Assistant Judge Advocate General or a Deputy Judge Advocate, the Lord Chancellor shall take steps to satisfy himself that the health of the person proposed to be recommended for appointment, or to be appointed, as the case may be, is satisfactory.
- (5) F7

Textual Amendments

- F4** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 11(1)**
- F5** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 11(2)**
- F6** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 11(3)**
- F7** S. 31(5) repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76), s. 125(7), **Sch. 20**

32 Tenure of office of Judge Advocate General and assistants.

- (1) The Judge Advocate General shall be removable by His Majesty on the ground of inability or misbehaviour upon a recommendation in that behalf made by the Lord Chancellor, and the Lord Chancellor may remove the Vice Judge Advocate General, an Assistant Judge Advocate General or a Deputy Judge Advocate for inability or misbehaviour.
- (2) The Judge Advocate General shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy years, and any such officer as is mentioned in subsection (1) of section thirty of this Act shall vacate his office at the end of the completed year of service in the course of which he attains the age of sixty–five years:
 Provided that, where the Lord Chancellor considers it desirable in the public interest to retain the Judge Advocate General or any such officer as aforesaid in office after the time when his office is required to be vacated under the foregoing provisions of this subsection, the Lord Chancellor may from time to time authorise the continuance of the Judge Advocate General or officer in office up to such age (not exceeding seventy–two years in the case of the Judge Advocate General and seventy years in any other case) as the Lord Chancellor thinks fit.
- (3) A person appointed under subsection (2) of section thirty of this Act temporarily to assist the Judge Advocate General in the exercise and performance of his powers and duties shall hold and vacate office in accordance with the terms of his appointment.

33 Salaries of Judge Advocate General and assistants.

There may be paid to the Judge Advocate General and the persons appointed under this Part of this Act to assist him in the exercise and performance of his powers and duties, out of moneys provided by Parliament, such salaries and such travelling and

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subsistence allowances as the Lord Chancellor may, with the approval of the Treasury, determine.

34 F8

Textual Amendments

F8 S. 34 repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36, [Sch. 4](#)

[^{F9}35 **Pensions of assistants to Judge Advocate General.**

The principal civil service pension scheme within the meaning of section 2 of the ^{M1}Superannuation Act 1972 and for the time being in force shall have effect as if employment as such an officer as is mentioned in section 30(1) of this Act were employment in the civil service of the State.]

Textual Amendments

F9 S. 35 substituted by [Superannuation Act 1972 \(c. 11\)](#), s. 29, [Sch. 6 para. 29](#)

Marginal Citations

M1 1972 c. 11.

PART III

SHORT TITLE

36 **Short title.**

This Act may be cited as the Courts–Martial (Appeals) Act, 1951.

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