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STATUTORY INSTRUMENTS

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**2000 No. 2371**

**The Summary Appeal Court (Army) Rules 2000**

**PART VI**

**MATTERS PRELIMINARY TO THE HEARING OF AN APPEAL**

**Preliminary hearing without notice to the appellant**

**34.**—(1) This rule applies where the respondent applies for a preliminary hearing to be held in accordance with rule 33, but considers that it is in the public interest for the hearing to be held without the participation of the appellant.

(2) The respondent shall include with the notice under rule 33(3) a statement that he considers that it is in the public interest for a preliminary hearing to be held without the participation of the appellant and the reasons why he considers that to be the case.

(3) Rule 33(4) (requirement to serve a copy of the notice of application for a preliminary hearing on the other party) shall not apply.

(4) The court shall determine whether in the interests of justice a preliminary hearing should take place without the participation of the appellant; and where it so determines—

- (a) paragraphs (5) and (6) of rule 33 shall not apply in relation to the application for a preliminary hearing by the respondent; and
- (b) paragraph (8)(b) of that rule shall have effect as if it required the court administration officer only to serve notice of the time and place of the preliminary hearing on the respondent.