
STATUTORY INSTRUMENTS

2000 No. 2371

The Summary Appeal Court (Army) Rules 2000

PART IV

**CONSTITUTION OF SUMMARY APPEAL
COURT TO HEAR PARTICULAR APPEALS**

Officers qualified for membership of the summary appeal court

23.—(1) Subject to section 83ZC of the Act and rule 24, a naval or air-force officer falling within paragraph (2) shall be qualified under that section for membership of the court for the purposes of hearing an appeal if the court administration officer considers that the necessary number of military officers so qualified is not (with due regard to the public service) available to sit as members of the court for the purposes of that hearing.

(2) A naval or air-force officer falls within this paragraph if he has held a commission in any of Her Majesty's naval, military or air forces for a period of not less than two years or for periods amounting in the aggregate to not less than two years.

(3) In this rule—

“air-force officer” means an officer belonging to Her Majesty's air forces and subject to air force law; and

“naval officer” means an officer belonging to Her Majesty's naval forces and subject to the Naval Discipline Act 1957.

Officers who are ineligible to hear particular appeals

24. An officer shall not be eligible to sit as a member of the court for the purposes of hearing an appeal (although otherwise qualified under section 83ZC of the Act or rule 23) if—

- (a) he has been the appellant's commanding officer at any time between—
 - (i) the date on which any offence to which the appeal relates was reported to the appellant's commanding officer under section 76(1) of the Act, and
 - (ii) the date of the hearing of the appeal;
- (b) he acted as the appropriate superior authority under section 76B of the Act in relation to any charge to which the appeal relates;
- (c) he was the higher authority to whom any charge to which the appeal relates was referred under section 76(5) of the Act;
- (d) as higher authority, he approved or otherwise consented to any punishment awarded in respect of any charge to which the appeal relates;
- (e) he has at any time investigated the subject matter of any charge to which the appeal relates;
- (f) he has at any time held, or has acted as one of the persons holding, an inquiry into matters relating to the subject matter of any charge to which the appeal relates.

Waiting member

25. The court administration officer shall specify one person, who is qualified for membership of the court under section 83ZC of the Act or rule 23, to be a reserve member of the court for the purposes of hearing the appeal (referred to in these Rules as “the waiting member”).

Appointment of court officials

26. The court administration officer may at any time appoint a person or persons to act as—

- (a) court recorder;
- (b) interpreter,

at a hearing before the court (including a hearing before a judge advocate sitting alone).