
STATUTORY INSTRUMENTS

2000 No. 2372

The Summary Appeal Court (Air Force) Rules 2000

PART II

BRINGING AND ABANDONMENT OF APPEALS

Determination of application for leave by the authority carrying out a review

13.—(1) The powers of the court under section 115(5A) or (5B) of the Act shall be exercised by a judge advocate sitting alone.

(2) The judge advocate may determine an application for leave made under section 115(5A) or (5B) of the Act without a hearing.

(3) Where the judge advocate directs the court administration officer to convene a hearing for the purposes of determining the application, the court administration officer shall—

- (a) determine the time and place of the hearing; and
- (b) serve notice of those matters on—
 - (i) the authority making the application;
 - (ii) the person to whom the application relates;
 - (iii) that person's commanding officer; and
 - (iv) the prosecuting authority.

(4) If, having notified a person in accordance with paragraph (3), the court administration officer changes the time or place of the hearing, he shall notify the person of the change.

(5) The judge advocate shall give notice in writing of his decision to the court administration officer who shall serve a copy of it on the persons listed in paragraph (3)(b).

(6) Where the judge advocate refuses an application for leave made under section 115(5A) or (5B) of the Act, he shall set out in writing his reasons for doing so, and those reasons shall be included in the notice given in accordance with paragraph (5).

(7) For the purposes of these Rules, a reference to the court under section 115(5A) or (5B) of the Act shall be treated as an appeal brought by the person to whom the finding or punishment relates against the finding or punishment.