
STATUTORY INSTRUMENTS

2009 No. 2041

The Armed Forces (Court Martial) Rules 2009

PART 16

APPELLATE PROCEEDINGS

Application of Act and Rules to appellate proceedings

128.—(1) In relation to appellate proceedings, references in Part 7 of the 2006 Act to a defendant are to be read as references to an appellant.

(2) In relation to an appeal against conviction, Part 8 (preliminary proceedings) shall apply as it applies in relation to a charge allocated for Court Martial trial, with the following modifications—

- (a) rule 45 (listing of initial preliminary proceedings) shall not apply, and the appellant shall not be re-arraigned on the charge on which he was convicted;
- (b) rule 46 (listing of further preliminary proceedings) shall apply as if the word “further” were omitted wherever it appears; and
- (c) any reference to the trial proceedings is to be read as a reference to the appellate proceedings.

(3) In relation to appellate proceedings on an appeal against conviction, Parts 11 to 13 shall apply as they apply in relation to trial proceedings.

(4) In Parts 8 and 11 to 13 as they apply by virtue of this rule—

- (a) references to a defendant are to be read as references to an appellant;
- (b) references to the date on which a charge was brought are to be read as references to the date on which notice of appeal was given.

(5) Where two or more defendants were convicted in the same proceedings by the Service Civilian Court and both or all of them appeal against conviction, their appeals shall be heard together.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Court Martial) Rules 2009, Section 128.