
STATUTORY INSTRUMENTS

2009 No. 2657

The Court Martial Appeal Court Rules 2009

PART 3

PROCEEDINGS: GENERAL

Evidence through live link

14.—(1) If for the time being section 32(1) of the Criminal Justice Act 1988 ^{M1} has effect in relation to proceedings before the Court Martial Appeal Court—

- (a) any application for a person other than the accused to give evidence under section 32(1) of that Act must be made by serving a notice in writing on the registrar stating—
 - (i) the grounds of the application;
 - (ii) the name of the witness;
 - (iii) the country and place where it is expected the witness will be when giving evidence;
- (b) the application must not, without the permission of the court, be made fewer than 14 days before the date fixed for the hearing to which the application relates.

(2) If for the time being section 33A(2) of the Youth Justice and Criminal Evidence Act 1999 ^{M2} applies to proceedings before the Court Martial Appeal Court—

- (a) any application under section 33A(2) of that Act must be made by serving a notice in writing on the registrar stating the grounds of the application;
- (b) the application must not, without the permission of the court, be made fewer than 14 days before the date fixed for the hearing to which the application relates.

(3) The registrar must, as soon as practicable after receiving a notice referred to in paragraph (1) or (2), send a copy of the notice to the other parties to the proceedings.

(4) An application under paragraph (1) or (2) shall be decided without a hearing unless the court otherwise directs, and the registrar must notify the applicant and the other parties to the proceedings of the time and place of any hearing and of the decision of the court in relation to an application.

Marginal Citations

- M1** 1988 c. 33. Paragraph 8(1) of Schedule 13 to the Criminal Justice Act 1988 provides that the Secretary of State may by order direct that section 32(1), as modified by paragraph 8(2) of that Schedule, shall have effect in relation to proceedings before the Court Martial Appeal Court.
- M2** 1999 c. 23. Section 33A was inserted by section 47 of the [Police and Justice Act 2006 \(c. 48\)](#) and under section 61(1) of the 1999 Act may by order of the Secretary of State be applied, subject to such modifications as the Secretary of State may specify, to proceedings before the Court Martial Appeal Court.

Changes to legislation:

There are currently no known outstanding effects for the The Court Martial Appeal Court Rules 2009, Section 14.