
STATUTORY INSTRUMENTS

2009 No. 2657

The Court Martial Appeal Court Rules 2009

PART 7

**APPEALS AGAINST CONVICTION, SENTENCE, FINDING OF
INSANITY OR UNFITNESS TO PLEAD OR HOSPITAL ORDER**

Respondent's notice

- 49.**—(1) The registrar may serve an appeal notice on any party directly affected by the appeal.
- (2) A party on whom the registrar serves an appeal notice may serve a respondent's notice, and must do so if—
- (a) that person wants to make representations to the court;
 - (b) the registrar so directs; or
 - (c) a judge of the court so directs.
- (3) A party serving a respondent's notice must serve it on—
- (a) the appellant;
 - (b) the registrar; and
 - (c) any other party on whom the appeal notice was served.
- (4) Subject to rule 50, a party serving a respondent's notice must do so not more than 14 days after the registrar serves—
- (a) the appeal notice;
 - (b) a direction to do so.
- (5) The respondent's notice must—
- (a) state the name and address of the respondent;
 - (b) state the date on which the respondent was served with the appeal notice or reference;
 - (c) state any ground of opposition on which the respondent relies, numbering them consecutively (if there is more than one), concisely outlining each argument in support and identifying the ground of appeal to which each relates;
 - (d) identify the relevant sentencing powers of the Court Martial, if sentence is in issue;
 - (e) summarise any relevant facts not already summarised in the appeal notice or reference;
 - (f) identify any authorities the respondent considers relevant;
 - (g) include or attach any application for the following, stating the reasons for the application—
 - (i) an extension of time within which to serve the respondent's notice;
 - (ii) permission to adduce evidence, including hearsay evidence and evidence of bad character;
 - (iii) an order requiring a witness to attend court;

- (h) identify any other document or thing that the appellant thinks the court will need to decide the appeal.

Changes to legislation:

There are currently no known outstanding effects for the The Court Martial Appeal Court Rules 2009, Section 49.