

SCHEDULE 4

Rule 69(2)

TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

“commencement” means the date on which these Rules come into force; and

“the 1968 Rules” means the Courts-Martial Appeal Rules 1968 ^{M1}.

Marginal Citations

M1 S.I. 1968/1071. The Courts-Martial Appeal Rules 1968 are amended by the Courts-Martial Appeal (Amendment) Rules 1972 (S.I. 1972/798), the Courts-Martial Appeal (Amendment) Rules 1997 (S.I. 1997/580), the Courts-Martial Appeal (Amendment) Rules 2000 (S.I. 2000/2228), the Courts-Martial Appeal (Amendment) Rules 2005 (S.I. 2005/446), the Courts-Martial Appeal (Amendment) Rules 2007 (S.I. 2007/710), the Courts-Martial Appeal (Amendment No. 2) Rules 2007 (S.I. 2007/1298), and the Secretary of State for Justice Order 2007 (S.I. 2007/2128).

General modification of these Rules

2. In these Rules—

any reference to “the Court Martial” includes a reference to a court-martial under the Army Act 1955 ^{M2}, the Air Force Act 1955 ^{M3} or the Naval Discipline Act 1957 ^{M4}; and any reference to “the Service Civilian Court” includes a reference to a Standing Civilian Court ^{M5}.

Marginal Citations

M2 1955 c. 18.

M3 1955 c. 19.

M4 1957 c. 53.

M5 Standing Civilian Courts were established under the [Armed Forces Act 1976 \(c. 52\)](#) and are replaced by the Service Civilian Court under the 2006 Act.

Modifications consequent on revocation of the 1968 Rules

3.—(1) Where a petition presented to the Defence Council in accordance with rule 3 of the Courts-Martial Appeal Rules 1968 before commencement has not been determined, the petition shall be treated as an appeal notice under Part 7, unless the court otherwise directs.

(2) For the purposes of these Rules, the court may treat any other thing done under the 1968 Rules as satisfying anything required to be done under these Rules.

(3) Where the court gives a direction under sub-paragraph (1) or decides that it will not treat something done under the 1968 Rules as satisfying a requirement of these Rules, the court may direct that a period of time shall, notwithstanding any time limit in these Rules, be allowed in which a person directed by the court must or may provide such further information, or do such other thing as the court directs.

(4) The powers of the court under this paragraph may, on an application by a party, be exercised by a judge of the court.

Changes to legislation: *There are currently no known outstanding effects for the The Court Martial Appeal Court Rules 2009, SCHEDULE 4. (See end of Document for details)*

(5) If, on an application, a judge of the court exercises, or refuses to exercise, a power under this paragraph, the registrar shall, within seven days after the date of the exercise or refusal, serve notice of that decision on the parties to the appeal, application or reference to which the decision relates.

(6) If a judge of the court refuses to exercise a power under this paragraph, the applicant shall be entitled to have the application for the exercise of the power determined by the court as duly constituted for the purpose in accordance with section 5.

Changes to legislation:

There are currently no known outstanding effects for the The Court Martial Appeal Court Rules 2009, SCHEDULE 4.