COURTS-MARTIAL (APPEALS)

1955 No. 1883 (L. 16)

The Courts-Martial Appeal (Amendment) Rules, 1955

Made - - - -	*12th December*, 1955
Laid before Parliament	*19th December*, 1955
Coming into Operation	*1st January*, 1957

I, Rayner, Baron Goddard, Lord Chief Justice of England, in exercise of the powers conferred upon me by the Courts-Martial (Appeals) Act, 1951(**a**), and with the approval of the Lord Chancellor, do hereby make the following Rules :—

1.—(1) These Rules may be cited as the Courts-Martial Appeal (Amendment) Rules, 1955, and shall come into operation on the first day of January, 1957.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. The Courts-Martial Appeal Rules, 1952(**c**), shall be amended by the substitution of the following Rule for Rule 19 :—

"(1) Where any property or money has been ordered to be restored or handed over under section 138 of the Army Act, 1955, or under section 138 of the Air Force Act, 1955, and the operation of the order has been suspended under sub-section 9 of either of those sections, unless the property or money is in the custody of the Registrar, the authority which made the order shall cause it to be kept in safe custody for the period during which the operation of the order is suspended.

(2) Any person in whose favour or against whom an order has been made under either of the sections referred to in the preceding paragraph of this Rule, and, with the leave of the Court, any other person, shall, on the final hearing by the Court of the appeal against the conviction on which such order was made, be entitled to have any representations that he may make considered by the Court before any order is made under section 138 (9) (*d*) of the Army Act, 1955, or section 138 (9) (*d*) of the Air Force Act, 1955."

Goddard, C.J.

Dated the 10th day of December, 1955.

Approved,

Kilmuir, C.

12th December, 1955

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

The amendment to these Rules is required in consequence of the repeal of s. 15 of the Courts-Martial (Appeals) Act, 1951 (which relates to the restitution of stolen property) by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955, and its replacement by s. 138 of the Army Act, 1955, and s. 138 of the Air Force Act, 1955.

(**a**) 14 & 15 Geo. 6. c. 46. (**b**) 52 & 53 Vict. c. 63. (**c**) S.I. 1952/194 (1952 I, p. 648).