

Singapore Armed Forces (Military Court of Appeal) Regulations

Table of Contents

1 Citation

2 Definitions

3 Lodging of notice and petition of appeal

4 Extension of time

5 Notice or petition of appeal where appellant is convicted by field general court martial or in prison or detention or disciplinary barrack

6 Discontinuance of appeal

7 Copies of notice to be forwarded to registrar of subordinate military court and respondent to appeal

8 Documents

9 More than one appellant

10 Documents served on military prosecutor

11 Register and cause list

12 Presence of appellant at hearing of application

13 Copies of proceedings, etc.

14 Documents, exhibits and record of proceedings

15 Security of documents, etc.

16 Withholding of documents, etc.

17 Witnesses

18 Applications to be by motion

19 Filing of applications

20 Notifying results of appeal, etc.

21 Compliance with these Regulations

22 Sitting of Court

23 Evidence in camera or in public

24 Ancillary powers of Court

25 Application of Criminal Procedure Code

26 Scale of costs of Court of Appeal

27 Presentation of case

28 Presentation of case in writing

29 Certificate and notice of rejection of appeal

30 Certificate of Director, Legal Services

31 Form of oath or affirmation

32 Return of exhibits, etc., after appeal determined

THE SCHEDULE

Legislative History

SINGAPORE ARMED FORCES ACT
(CHAPTER 295, SECTION 161)

SINGAPORE ARMED FORCES (MILITARY COURT OF APPEAL) REGULATIONS

Rg 5

G.N. No. S 156/1972

REVISED EDITION 2001

(31st January 2001)

[15th June 1972]

Citation

1. These Regulations may be cited as the Singapore Armed Forces (Military Court of Appeal) Regulations.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“appellant” means a person who has been convicted of an offence by a subordinate military court and includes the person appointed under section 82(5)(a) of the Act;

“Court” means the Military Court of Appeal established under section 127 of the Act;

“exhibit” means any document or thing which has been produced and used in evidence at a trial by a subordinate military court whether it is attached to the proceedings of that court or not;

“president” means a president of the Court;

“registrar” means a registrar of the Court.

(2) A form referred to by its number means the form so numbered in the Schedule, or a form as near thereto as circumstances permit.

Lodging of notice and petition of appeal

3.—(1) An appellant may, within 10 days after the date on which the decision to be appealed against was given or within such extended time as the Court may allow, lodge a notice of appeal in 8 copies to the registrar.

(2) The notice of appeal shall be in Form 1 or 2 as may be appropriate, and shall be signed by the appellant or his advocate and solicitor or defending officer.

(3) The appellant shall, within 10 days or within such extended time as the Court may allow after a copy of the grounds of the decision appealed against and a copy of the record of proceedings have been served under section 129(5) of the Act, lodge a petition of appeal in 8 copies to the registrar.

(4) The petition of appeal shall be in Form 3 and shall be signed by the appellant or his advocate and solicitor or defending officer.

(5) Where an appellant or any other person authorised to make an application or lodge a notice of appeal or a petition of appeal pursuant to these Regulations is unable to write, he may affix his mark thereto, in the presence of a witness who shall attest the same, and thereupon such application or notice of appeal or petition of appeal shall be deemed to be signed by the appellant or other person.

Extension of time

4. An application to the Court for an extension of time within which to lodge a notice of appeal or a petition of appeal shall be in Form 4. Such application shall be lodged with the registrar.

Notice or petition of appeal where appellant is convicted by field general court martial or in prison or detention or disciplinary barrack

5.—(1) For the purposes of section 129(1) or (6) of the Act, a notice of appeal or a petition of appeal, as the case may be, shall be regarded as having been lodged with the registrar if it is lodged by the appellant —

- (a) where he was convicted by a field general court martial with the registrar of that court;
- (b) where he is serving sentence in a prison — with the officer-in-charge of the prison; and
- (c) where he is serving sentence in a detention or disciplinary barrack — with the officer-in-charge of the detention or disciplinary barrack, as the case may be.

(2) Where a notice of appeal or a petition of appeal is lodged with a person other than the registrar in accordance with paragraph (1), it shall be the duty of that person to forward the notice of appeal or the petition of appeal, as the case may be, to the registrar as expeditiously as possible.

Discontinuance of appeal

6.—(1) An appellant may, at any time after he has lodged his notice of appeal, discontinue his appeal by giving to the registrar a notice of discontinuance in Form 5.

(2) If the appellant is insane, a notice of discontinuance may be given and signed by his advocate and solicitor or defending officer.

Copies of notice to be forwarded to registrar of subordinate military court and respondent to appeal

7. On receipt of a notice of appeal the registrar shall forthwith make a note of the particulars of the same in a register to be kept by him and shall forthwith send copies of such notice to the registrar of a general court martial or the registrar of a field general court martial, as the case may be, and the respondent to the appeal.

Documents

8. As soon as practicable after receiving the copy of the notice of appeal, the registrar shall require the registrar of a general court martial or a field general court martial, as the case may be, to forward to him 8 copies each of the following documents:

- (a) the record of proceedings of the subordinate military court;
- (b) all documents and exhibits produced at the trial;
- (c) the written judgment delivered by the president of a subordinate military court; and
- (d) a list of the exhibits at the trial.

More than one appellant

9. Where more persons than one have been convicted at any one trial and more than one of such persons appeal, then in such a case the number of documents to be filed or supplied under these Regulations shall be increased by one for each appellant.

Documents served on military prosecutor

10. As soon as may be practicable the registrar shall cause copies of all the documents mentioned in regulation 8 to be served on the military prosecutor.

Register and cause list

11.—(1) The registrar shall keep a register of all cases in which he receives notice of appeal under the Act and shall cause the register to be open for public inspection at such place and at such hours as he may, subject to the approval of the Court, decide.

(2) The registrar shall also prepare a list of appeals and applications which the Court may consider on the days on which the Court, as constituted for the hearing and