

## RULES OF APPEAL PROCEDURE.

Chairman  
may make.

- 195.** (1) The Chairman of the Court Martial Appeal Board, with the approval of the Governor in Council, may make rules not inconsistent with this Act respecting,
- (a) the seniority of members of the Board for the purpose of presiding at appeals; 5
  - (b) the practice and procedure to be observed at hearings;
  - (c) the conduct of appeals;
  - (d) the production of the minutes of the proceedings of any court martial in respect of which an appeal is taken; 10
  - (e) the production of all other documents and records relating to an appeal;
  - (f) the extent to which new evidence may be introduced;
  - (g) the circumstances in which the appellant may attend or appear before the Board on the hearing of his appeal, but no such rule shall deprive an appellant of the right to be present on the hearing of his appeal from a sentence of death; and 15
  - (h) provision for and payment of fees of counsel for the appellant. 20

Publication.

- (2) No rule made under this section shall have effect until it has been published in the *Canada Gazette*.

## APPEAL TO SUPREME COURT OF CANADA.

Cases in  
which  
appeals  
lie.

- 196.** (1) A person whose appeal has been wholly or partially dismissed by the Court Martial Appeal Board or any tribunal thereof may, where there has been dissent in the Board or tribunal, appeal to the Supreme Court of Canada with leave of the Attorney General of Canada. 25

Application.

- (2) An application for leave to appeal under subsection one shall be delivered to the Attorney General of Canada within thirty days of notice to the appellant of the decision of the Court Martial Appeal Board or tribunal, and the Attorney General of Canada may grant leave to appeal only if in his opinion a matter of importance affecting the public interest is involved. 30

Powers of  
Supreme  
Court of  
Canada.

- (3) The Supreme Court of Canada shall, in respect of the hearing and determination of an appeal under this section, have the same powers, duties and functions as the Court Martial Appeal Board has under this Act, and sections one hundred and ninety-one to one hundred and ninety-four shall apply with such adaptations and modifications as the circumstances may require. 35 40