



Courts-Martial (Appeals) Act 1968

1968 CHAPTER 20

PART II

[^{F1}APPEALS FROM THE COURT MARTIAL]

Disposal of appeal

[^{F1}16 Substitution of finding of insanity or findings of unfitness to stand trial etc.

- (1) This section applies where, on an appeal against conviction, the Appeal Court, on the written or oral evidence of two or more registered medical practitioners at least one of whom is duly approved, are of [^{F2}the] opinion—
- (a) that the proper finding would have been one of not guilty by reason of insanity; or
 - (b) that the case is not one where there should have been a finding of not guilty, but that there should have been findings that the accused was unfit to stand trial and that he did the act or made the omission charged against him.

[^{F3}(1A) The Appeal Court shall, instead of allowing or dismissing the appeal, substitute for the finding appealed against—

- (a) a finding of not guilty by reason of insanity; or
- (b) findings that the appellant was unfit to stand trial and that he did the act or made the omission charged against him.

(2) Sections 169(2) to (5) and 170 of, and Schedule 4 to, the 2006 Act apply (with any necessary modifications) in relation to the Appeal Court as they apply in relation to the Court Martial in a case in which section 169 of that Act applies.

(3) Section 172 of that Act (meaning of “duly approved” etc) applies for the purposes of this section (and references there to the defendant are to be read as references to the appellant).]

^{F4}(5)

^{F5}(6)]

*Changes to legislation: There are currently no known outstanding effects for the
Courts-Martial (Appeals) Act 1968, Section 16. (See end of Document for details)*

Textual Amendments

- F1** S. 16 substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, **Sch. 3 para. 7** (with [Sch. 12 para. 8](#)); S.I. 2005/579, art. 3(b)
- F2** Word in s. 16(1) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 8 para. 15(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F3** S. 16(1A)-(3) substituted for (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 8 para. 15(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F4** S. 16(5) repealed (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 25 para. 3](#), **Sch. 28 Pt. 3**; S.I. 2009/1028, art. 2(a)
- F5** S. 16(6) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 8 para. 15\(d\)](#), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Changes to legislation:

There are currently no known outstanding effects for the Courts-Martial (Appeals) Act 1968, Section 16.