
Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1995, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

The Courts-Martial (Appeals) Act 1968 (c.20)

- 5 (1) The Courts-Martial (Appeals) Act 1968 shall be amended as follows.
- (2) In section 12 (disposal of appeal against conviction by court-martial), for subsection (1) (grounds on which Courts-Martial Appeal Court are to allow or dismiss appeal), including the proviso, substitute—
- “ (1) The Appeal Court—
- (a) shall allow an appeal against conviction by court-martial if they think that the conviction is unsafe; and
- (b) shall dismiss such an appeal in any other case.”,
- and, in the side-note, for “wrong in law, etc” substitute “ unsafe ”.
- (3) In section 28 (evidence)—
- (a) in subsection (1) (power to receive evidence etc.), for paragraph (c) substitute—
- “ (c) receive any evidence which was not adduced at the trial.”,
- (b) for subsection (2) (duty to receive evidence in certain circumstances) substitute—
- “ (2) The Appeal Court shall, in considering whether to receive any evidence, have regard in particular to—
- (a) whether the evidence appears to the Court to be capable of belief;
- (b) whether it appears to the Court that the evidence may afford any ground for allowing the appeal;
- (c) whether the evidence would have been admissible at the trial on an issue which is the subject of the appeal; and
- (d) whether there is a reasonable explanation for the failure to adduce the evidence at the trial.”, and
- (c) in subsection (3), after “any” insert “ evidence of a ”.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Paragraph 5.