



# Criminal Appeal Act 1995

## 1995 CHAPTER 35

### PART II

#### THE CRIMINAL CASES REVIEW COMMISSION

##### *References to court*

##### **[<sup>F1</sup>12B Cases dealt with by the Service Civilian Court**

- (1) Where a person has been convicted of an offence by the Service Civilian Court, the Commission—
  - (a) may at any time refer the conviction to the Court Martial; and
  - (b) (whether or not they refer the conviction) may at any time refer to the Court Martial any sentence imposed by the Service Civilian Court on, or in subsequent proceedings relating to, the conviction.
- (2) A reference under subsection (1) of a person's conviction shall be treated for all purposes as an appeal by the person under section 285 of the Armed Forces Act 2006 against the conviction (whether or not he pleaded guilty).
- (3) A reference under subsection (1) of a sentence imposed on, or in subsequent proceedings relating to, a person's conviction shall be treated for all purposes as an appeal by the person under section 285 of the Armed Forces Act 2006 against—
  - (a) the sentence, and
  - (b) any other sentence imposed by the Service Civilian Court on, or in subsequent proceedings relating to, the conviction or any connected conviction.
- (4) On a reference under subsection (1) of a person's conviction, the Commission may give notice to the Court Martial that any connected conviction which is specified in the notice is to be treated as referred to the Court Martial under subsection (1).
- (5) On a reference under this section the Court Martial may not impose a sentence more severe than that imposed by the Service Civilian Court.

---

*Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 12B. (See end of Document for details)*

---

(6) For the purposes of this section convictions are “connected” if they are of the same person by the same court on the same day.]

**Textual Amendments**

**F1** Ss. 12A, 12B 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. 11 para. 2](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**Modifications etc. (not altering text)**

**C1** [S. 12B\(1\)](#) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [184\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 12B.