

SCHEDULES

SCHEDULE 25

AMENDMENTS TO ARMED FORCES LEGISLATION

PART 1

COURTS-MARTIAL (APPEALS) ACT 1968

Power to dismiss certain appeals following references by the CCRC

2 After section 25B insert—

“Appeals following references by the CCRC

25C Power to dismiss certain appeals following references by the CCRC

- (1) This section applies where there is an appeal under this Part following a reference by the Criminal Cases Review Commission under section 12A(1)(a), (7) or (8) of the Criminal Appeal Act 1995.
- (2) Notwithstanding anything in section 12, 21 or 25 of this Act, the Appeal Court may dismiss the appeal if—
 - (a) the only ground for allowing it would be that there has been a development in the law since the date of the conviction or finding that is the subject of the appeal, and
 - (b) the condition in subsection (3) is met.
- (3) The condition in this subsection is that if—
 - (a) the reference had not been made, but
 - (b) the appellant had made (and had been entitled to make) an application for an extension of time within which to seek leave to appeal on the ground of the development in the law,the Court would not think it appropriate to grant the application by exercising the power conferred by section 9(3).”