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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision supplementary to those contained in sections 113B and 113C of the Army Act 1955 and the Air Force Act 1955, sections 71AB and 71AC of the Naval Discipline Act 1957 and The Courts-Martial Appeal (Review of Sentencing) (Categories of Offences) Order 2007 with respect to references and applications for review of sentencing by the Courts-Martial Appeal Court where the Attorney General considers a sentence awarded by a court-martial for a qualifying offence to be unduly lenient.

Regulation 2 allows for a time limit of 28 days within which notice of application for leave to refer a case to the Courts-Martial Appeal Court must be given. Regulation 3 requires the registrar to make all proper arrangements for a hearing. Regulation 4 provides for 14 day time limits within which leave must be sought for the House of Lords to conduct a review of sentence.

Regulation 5 allows for time spent in custody by a person whose case is pending review to count as time served for the purpose of his sentence.

Regulation 6 relates to the entitlement for an offender who is in custody and whose sentence is the subject of a review to be present during hearings relating to that review. It also provides that for certain hearings an offender in custody may only be present with the leave of the Court and further provides for the passing of sentence on such an offender by the Courts-Martial Appeal Court in his absence.

Regulation 7 provides that any sentence passed by either appellate Court shall begin to run from the point that it would have run in the original proceedings but for the reference, unless either Court otherwise directs.

Regulation 8 makes provision for the award of reasonable costs to an offender whose sentence is the subject of a review where such a person is represented by Counsel.

These provisions are broadly equivalent to those set out in schedule 3 to the Criminal Justice Act 1988.