
STATUTORY INSTRUMENTS

2013 No. 1852

DEFENCE

The Armed Forces (Retrial for Serious Offences) Order 2013

Made - - - - - *17th July 2013*

Coming into force *1st August 2013*

**THE ARMED FORCES (RETRIAL FOR
SERIOUS OFFENCES) ORDER 2013**

PART 1

Preliminary

1. Citation and commencement
2. Interpretation

PART 2

Cases that may be retried

3. Cases that may be retried

PART 3

Investigation and arrest

4. Authorisation of investigations
5. Urgent investigative steps
6. Arrest under warrant

PART 4

Referral and Charge

7. Referral and charge

PART 5

Application for Retrial

8. Application to Court Martial Appeal Court
9. Determination by the Court Martial Appeal Court
10. New and compelling evidence

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Armed Forces (Retrial for Serious Offences) Order 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

11. Interests of justice
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19. Retrial

PART 7

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PART 8

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26. Service of documents
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28. Powers exercisable by a single judge of the Court Martial Appeal Court
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Signature

SCHEDULE 1 — Qualifying Offences

Offences against the Person

1. Murder
2. Attempted murder
3. Soliciting murder
4. Manslaughter
5. Kidnapping

Sexual Offences

6. Rape
7. Attempted rape
8. Intercourse with a girl under thirteen
9. Incest by a man with a girl under thirteen
10. Assault by penetration

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11. Causing a person to engage in sexual activity without consent
12. Rape of a child under thirteen
13. Attempted rape of a child under thirteen
14. Assault of a child under thirteen by penetration
15. Causing a child under thirteen to engage in sexual activity
16. Sexual activity with a person with a mental disorder impeding choice
17. Causing a person with a mental disorder impeding choice to engage in sexual activity

Drugs Offences

18. Unlawful importation of Class A drug
19. Unlawful exportation of Class A drug
20. Fraudulent evasion in respect of Class A drug
21. Producing or being concerned in production of Class A drug

Criminal Damage Offences

22. Arson endangering life
23. Causing explosion likely to endanger life or property
24. Intent or conspiracy to cause explosion likely to endanger life or property

War Crimes and Terrorism

25. Genocide, crimes against humanity and war crimes
26. Grave breaches of the Geneva Conventions
27. Directing terrorist organisation
28. Hostage-taking

Conspiracy

29. Conspiracy

SCHEDULE 2 — Forms

Explanatory Note

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Changes and effects yet to be applied to :

- art. 7(11) words inserted by [S.I. 2022/1051 reg. 16\(2\)](#)