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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**The Armed Forces (Retrial for Serious Offences) Order 2013**

**PART 7**

**Custody**

**Bail and custody during and after hearing**

**24.**—(1) The Court Martial Appeal Court may, at any adjournment of a hearing under article 13(1)—

- (a) remand the person to whom the application relates on bail; or
- (b) remand him in custody.

(2) At a hearing at which the Court Martial Appeal Court—

- (a) dismisses the application, and
- (b) also gives the prosecuting officer leave to appeal against its decision or the prosecuting officer gives notice that he intends to apply for such leave,

the court may make such order as it sees fit for the custody or bail of the person pending determination of the appeal.

(3) For the purpose of paragraph (2), the determination of an appeal is pending—

- (a) until any application for leave to appeal is disposed of, or the time within which it must be made expires;
- (b) if leave to appeal is granted, until the appeal is disposed of.

(4) The court may at any time, as it sees fit—

- (a) revoke bail granted under this article and remand the person in custody; or
- (b) vary an order under paragraph (2).

(5) Where—

- (a) the court revokes a person's bail under paragraph (4), and
- (b) that person is not before the court when his bail is revoked,

the court must order him to surrender forthwith to custody.

(6) Where a person surrenders himself into custody in compliance with an order under paragraph (5), the court must remand him in custody.

(7) The Court Martial Appeal Court (Bail) Order 2009(1) shall apply to orders made by the Court Martial Appeal Court under paragraph (2) as if they were orders made under that Order.