



# Courts-Martial (Appeals) Act 1968

## CHAPTER 20

### COURTS-MARTIAL (APPEALS) ACT 1968

#### PART I

##### THE COURT MARTIAL APPEAL COURT

- 1 The Court and its jurisdiction.
- 2 Judges.
- 3 Other senior judges who may exercise powers of Appeal Court.
- 4 Sittings.
- 5
- 6 Power of Master of the Rolls to act for Lord Chief Justice.
- 7 Court staff, salaries and pensions.

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- 8 Right of appeal.
- 9 Application for leave to appeal.
- 10 Alternative procedure for appeal from court-martial abroad.
- 11 Consideration of application by Appeal Court.

###### *Disposal of appeal*

- 12 Power to quash conviction as unsafe.
- 13 Power to re-sentence when some but not all convictions successfully appealed.
- 14 Substitution of conviction on different charge otherwise than after guilty plea.

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- 14A Substitution of conviction on different charge after guilty plea
- 15 Variation of conviction so as to attract different sentence.
- 16 Substitution of finding of insanity or findings of unfitness to stand trial etc.
- 16A Appeals against sentence.
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- 20 Implementation of authority for retrial, and supplementary orders of Appeal Court.

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- 22 Consequences where appeal under s. 21 allowed.
- 23 Substitution of findings of unfitness to stand trial etc.
- 23A Substitution of finding of not guilty.

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- 25B Disposal of appeal under s. 25A

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

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- 56 Modifications for protected prisoners of war
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- 58 Consequential amendments of enactments.
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SCHEDULES

SCHEDULE 1 — Provisions as to Retrial

- 1 This Schedule applies where an order under section 19 is...
- 2 Evidence given at the retrial must be given orally if...
- 3 If the person is convicted on the retrial, the Court...
- 4 In sections 246 and 247 of the 2006 Act (crediting...

SCHEDULE 2 — Procedural and other Modifications for Capital Cases

*Modifications of Part II*

- 1 (1) In the case of a conviction involving sentence of...
- 2 (1) The following shall apply where a conviction by court-martial...
- 3 .....
- 4 Any appeal to the Appeal Court against a conviction involving...
- 5 The Appeal Court shall not have power, by virtue of...

*Modifications of Part III*

- 6 In a case involving sentence of death the power of...
- 7 (1) Where, in a case involving sentence of death, an...

SCHEDULE 3 — Modifications in Relation to Prisoners of War

- ... In this Schedule “protected prisoner of war” has...
- In relation to a protected prisoner of war, this Act...
- In relation to a protected prisoner of war this Act...
- In relation to a protected prisoner of war, sections 16...
- Paragraph 3(1) of Schedule 2 to this Act shall not...

SCHEDULE 4 — Consequential Amendment of Enactments

...

- In subsection (3), for the words “paragraph (b) of subsection...
- In subsection (1), for the words “subsection (7) of section...
- In subsection (9), for the words (in paragraph(a)) “Part I...
- In subsection (3), for the words “paragraph (b) of subsection...
- In subsection (1), for the words “Subsection (7) of section...
- In subsection (9), for the words (in paragraph(a)) “Part I...
- In subsection (3),for the words “paragraph (b) of subsection (3)...
- At the end of the section there shall be insrted...
- In subsection (1), for the words (in paragraph (a)) “Part...
  
- In subsection (1), for the words “subsection (7) of section...

SCHEDULE 5 — Transistional Provisions

- 1 (1) Any right of appeal subsisting immediately before the commencement...
- 2 (1) In so far as any order, appointment, rule or...

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3 The mention of particular matters in this Schedule shall not...

SCHEDULE 6 — Repeals

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**Changes and effects yet to be applied to :**

- s. 1(4) restricted by 2006 c. 52, s. 304D(12) (as inserted) by [2016 c. 21 s. 10](#)
- s. 1(4) restricted by 2006 c. 52, s. 304E(11) (as inserted) by [2016 c. 21 s. 11](#)
- s. 8(1A) text amended by [2001 c. 19 Sch. 6 para. 55\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 6 para. 55 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 8(2)s. 8(3)(4) text amended by [2001 c. 19 Sch. 6 para. 55\(3\)\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 6 para. 55 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 28(1)(b) words substituted by [2006 c. 52 Sch. 8 para. 31\(a\)\(i\)](#)
- s. 36(1)(a) text amended by [2001 c. 19 Sch. 6 para. 56](#) (This amendment not applied to legislation.gov.uk. Sch. 6 para. 56 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 56 repealed by [2011 c. 18 s. 23\(2\)Sch. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#)