

SCHEDULES

SCHEDULE 3

STANDING CIVILIAN COURTS

Appeals

- 18 (1) Subject to the provisions of this paragraph and to paragraphs 5(4) and 14(8) of Schedule 5A to the Army Act 1955 and Schedule 5A to the Air Force Act 1955 (no appeal from absolute and conditional discharges, community supervision orders and recognisances entered into by parents or guardians), a person found guilty by the court may appeal to a court-martial—
- (a) if he pleaded guilty, against his sentence ;
 - (b) if he did not, against his conviction or sentence or both.
- (2) A person sentenced by the court for an offence in respect of which an order for conditional discharge or a community supervision order has been previously made under Schedule 5A to the Army Act 1955, Schedule 5A to the Air Force Act 1955 or Schedule 4A to the Naval Discipline Act 1957 may appeal to a court-martial against the sentence.
- (3) The right of appeal conferred by this paragraph shall not be exercisable unless within 21 days of the date of the court's sentence the accused lodges with the prescribed person a notice in the prescribed form and addressed to the directing officer stating his intention to appeal against his conviction or sentence or both.
- (4) When the directing officer receives a notice of appeal lodged under sub-paragraph (3) above, he shall take the steps specified in Rules of Procedure under section 103 of the Army Act 1955 with a view to the appeal being heard by a court-martial.
- (5) An appeal against conviction on any charge shall take the form of a rehearing of that charge.
- (6) An appeal against sentence alone shall not take the form of a rehearing of the charge in respect of which the sentence was imposed.
- (7) The term of any sentence passed by a court-martial on such an appeal shall, unless the court otherwise directs, begin to run from the time from which it would have begun to run if it had been passed in the proceedings from which the appeal was brought; and section 118 of the Army Act 1955 (commencement of sentences) shall accordingly not apply to any such sentence.
- (8) Subject to sub-paragraph (7) above, a sentence passed on such an appeal shall be treated for the purposes of any enactment as if it had been a sentence passed on a trial by court-martial.
- (9) Subject to sub-paragraphs (10) and (11) below, and to any order under paragraph 12 above, the provisions of the Army Act 1955 or the Air Force Act 1955 relating to courts-martial shall apply to appeals under this paragraph.

Status: This is the original version (as it was originally enacted).

- (10) A person who sat in the Standing Civilian Court on the trial shall not attend the court-martial as a member thereof or as judge advocate.
- (11) Whether the appeal is against sentence or against conviction, the court-martial may only award a sentence which a Standing Civilian Court could award.