



Armed Forces Act 1996

1996 CHAPTER 46

Review and appeal

17 Appeals against sentence

- (1) The Courts-Martial (Appeals) Act 1968 shall be amended as follows.
- (2) In section 8 (right of appeal)—
 - (a) in subsection (1), for the words from “against” (in the first place it appears) to the end there shall be substituted the words “—
 - (a) against his conviction; and
 - (b) against any sentence (not being a sentence fixed by law) passed on him for the offence for which he was convicted.”;
 - (b) in subsection (1A), paragraph (a) shall cease to have effect;
 - (c) subsection (5) shall cease to have effect.
- (3) For section 17A (appeals by civilians) there shall be substituted the following section—

“17A Appeals by civilians: application of Service Act provisions

For the avoidance of doubt, the exercise of the power conferred by sections 13, 14, 15 and 16A above, in relation to an order 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 (powers of court on trial of civilians) shall be subject to the restrictions contained in paragraph 15 of each of those Schedules.”

- (4) In section 34 (reference of cases by Service authorities), for subsection (4) there shall be inserted the following subsections—
 - “(4) The Secretary of State may, if consideration by the Appeal Court appears to him for any reason desirable, refer the sentence passed on any person convicted by a court-martial to the Appeal Court.

Status: This is the original version (as it was originally enacted).

- (5) Any reference under subsection (4) above shall be treated as an appeal by the person convicted against sentence for all purposes except those of section 32 of this Act.”
- (5) In section 46 (restitution orders), in subsection (2) and subsection (3)(a), after the word “conviction” there shall be inserted the words “or, in the case of an appeal against sentence, the order”.
- (6) In section 53(1) (exclusion of certain appeals) in subsection (1), for the word “against” there shall be substituted the words “in relation to”.
- (7) In section 57 (interpretation), after the definition of “the registrar” there shall be inserted the words “; and
- “sentence”, in relation to an offence, includes any order made by a court when dealing with an offender.”