

*These notes refer to the Armed Forces Act 2001  
(c.19) which received Royal Assent on 11 May 2001*

# **ARMED FORCES ACT 2001**

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## **EXPLANATORY NOTES**

### **THE ACT - COMMENTARY ON SECTIONS**

#### **Part 3 – Trial and Punishment of Offences**

##### ***Section 23: Restriction of judicial review of courts-martial***

83. In the civilian system, the High Court's powers of judicial review over the Crown Court are limited, so that it is unable to review the Crown Court's jurisdiction in matters relating to trial on indictment (section 29 of the Supreme Court Act 1981). Appeal to the Court of Appeal (Criminal Division) is considered the appropriate way of obtaining a remedy in relation to a decision made in such a trial.
84. **Section 23** of this Act extends this restriction on the High Court's powers of judicial review to court-martial proceedings, by amending the 1981 Act. The restriction applies to two types of court-martial proceedings. The first, corresponding to that applicable to Crown Court proceedings, relates to court-martial trials of offences. The second applies to courts-martial hearing appeals from Standing Civilian Courts. Where a court-martial hears an appeal, there is a right of further appeal to the Courts-Martial Appeal Court, making the availability of judicial review unnecessary.