
STATUTORY INSTRUMENTS

2000 No. 2228

The Courts-Martial Appeal (Amendment) Rules 2000

4. After rule 6 there shall be inserted—

“Crime (Sentences) Act 1997

6A.—(1) This rule applies where—

- (a) a person has been convicted by a court-martial of an offence under section 70 of the Army Act 1955(1), section 70 of the Air Force Act 1955(2) or section 42 of the Naval Discipline Act 1957(3);
- (b) the corresponding civil offence is one to which section 2 of the Crime (Sentences) Act 1997(4) would apply;
- (c) the court-martial has imposed on that person the sentence required by subsection (2) of section 2; and
- (d) any previous conviction of his without which that section would not have applied has subsequently been quashed by the Defence Council, or set aside on appeal.

(2) Where no petition was presented to the Defence Council within the period allowed by rule 6(1), a petition against the sentence may be presented within 28 days from the date on which the previous conviction was quashed or set aside.

(3) Where a petition was presented to the Defence Council, an application for leave to appeal to the court against the sentence may be lodged within 28 days from the date on which the previous conviction was quashed or set aside.”

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- (1) **1955 c. 18.** Section 70 was amended by paragraph 1(1) of Schedule 4 to the Crime (Sentences) Act 1997 (c. 43). The reference in section 70(3A) to section 2 of the Crime (Sentences) Act 1997 will from 25th August 2000 be repealed and replaced by a reference to section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), pursuant to paragraph 8 of Schedule 9 to that Act.
 - (2) **1955 c. 19.** Section 70 was amended by paragraph 2(1) of Schedule 4 to the Crime (Sentences) Act 1997. The reference in section 70(3A) to section 2 of the Crime (Sentences) Act 1997 will from 25th August 2000 be repealed and replaced by a reference to section 109 of the Powers of Criminal Courts (Sentencing) Act 2000, pursuant to paragraph 13 of Schedule 9 to that Act.
 - (3) **1957 c. 53.** Section 42 was amended by paragraph 3(1) of Schedule 4 to the Crime (Sentences) Act 1997. The reference in section 42(1A) to section 2 of the Crime (Sentences) Act 1997 will from 25th August 2000 be repealed and replaced by a reference to section 109 of the Powers of Criminal Courts (Sentencing) Act 2000, pursuant to paragraph 18 of Schedule 9 to that Act.
 - (4) Section 2 of the Crime (Sentences) Act 1997 will on 25th August 2000 be repealed and replaced by section 109 of the Powers of Criminal Courts (Sentencing) Act 2000, and section 2(2) of the 1997 Act will become section 109(2) of the 2000 Act.