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STATUTORY INSTRUMENTS

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**2013 No. 1852**

**The Armed Forces (Retrial for Serious Offences) Order 2013**

**PART 5**

**Application for Retrial**

**New and compelling evidence**

**10.**—(1) The requirements of this article are met if there is new and compelling evidence against the acquitted person in relation to the qualifying offence.

(2) Evidence is new if it was not adduced in the proceedings in which the person was acquitted (nor, if those were appeal proceedings, in earlier proceedings to which the appeal related).

(3) Evidence is compelling if—

(a) it is reliable;

(b) it is substantial; and

(c) in the context of the outstanding issues, it appears highly probative of the case against the acquitted person.

(4) The outstanding issues are the issues in dispute in the proceedings in which the person was acquitted and, if those were appeal proceedings, any other issues remaining in dispute from earlier proceedings to which the appeal related.

(5) For the purposes of this article, it is irrelevant whether any evidence would have been admissible in earlier proceedings against the acquitted person.