
STATUTORY INSTRUMENTS

2013 No. 1852

The Armed Forces (Retrial for Serious Offences) Order 2013

PART 5

Application for Retrial

Evidence

14.—(1) For the purposes of an application under article 8(1), the Court Martial Appeal Court may, if it thinks it necessary or expedient in the interests of justice—

- (a) order the production of any document, exhibit or other thing, the production of which appears to the court to be necessary for the determination of the application; and
- (b) order any witness who would be a compellable witness in proceedings pursuant to an order made on the application to attend for examination and be examined before the court.

(2) Not less than 14 days before the day of the hearing under article 13(1) a party may apply to the Court Martial Appeal Court for an order under paragraph (1).

(3) An application under paragraph (2) must be in the form set out as Form 3 in Schedule 2 and must be sent to the registrar and a copy sent to each party to the application under article 8(1).

(4) If the Court Martial Appeal Court makes an order under paragraph (1) on its own motion or on an application from the prosecuting officer, it must serve notice and reasons for that order on all parties to the application under article 8(1).