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STATUTORY INSTRUMENTS

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**2013 No. 1852**

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

**PART 7**

**Custody**

**Service custody after hearing where retrial ordered**

**25.**—(1) At a hearing at which the Court Martial Appeal Court makes an order for a person to be retried under article 9(1)(a) it may—

- (a) by order authorise the keeping of that person in service custody—
  - (i) for such period, ending not later than 8 days after the order is made, as the court think appropriate; or
  - (ii) if the person is legally represented and consents, for such period, not exceeding 28 days, as the court think appropriate; or
- (b) require that person to comply with such requirements as seem to the court to be necessary for a purpose mentioned in section 107(3) of the 2006 Act.

(2) Where the person is in service custody the court may under paragraph (1)(b) impose a requirement that must be complied with before the person may be released.

(3) An order under paragraph (1)(a) is to be treated, for the purposes of Part 4 of the 2006 Act, as made under section 105(2) of that Act.

(4) A requirement imposed under paragraph (1)(b) is to be treated for the purposes of Part 4 of that Act, as imposed under section 107(3) of that Act (and where appropriate, by virtue of section 107(3)(a) of that Act).