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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**

**Application to Court Martial Appeal Court**

**8.—**(1) Where an acquitted person has been charged with a qualifying offence, a prosecuting officer may apply to the Court Martial Appeal Court for an order—

- (a) quashing the acquitted person's acquittal in proceedings mentioned in article 3(1); and
- (b) ordering him to be retried for the qualifying offence.

(2) An application may be made under paragraph (1) only with the written consent of the Director.

(3) The Director may give his consent only if satisfied that—

- (a) there is evidence as respects which the requirements of article 10 appear to be met;
- (b) it is in the public interest for the application to proceed; and
- (c) any trial pursuant to an order on the application would not be inconsistent with obligations of the United Kingdom under Article 31 or 34 of the Treaty on European Union relating to the principle of *ne bis in idem*.

(4) Not more than one application may be made under paragraph (1) in relation to an acquittal.