

---

STATUTORY INSTRUMENTS

---

**2024 No. 619**

**The Armed Forces (Appeals Against  
Review of Sentence) Regulations 2024**

**Part 3**

**Appeal from Court Martial Appeal Court to Supreme Court**

**Detention of offender on appeal to the Supreme Court**

**29.**—(1) The Appeal Court must make one of the orders specified in [paragraph \(2\)](#) where—

- (a) but for the decision of the Appeal Court, the offender would be liable to be detained, and
- (b) immediately after that decision, the Director of Service Prosecutions is granted leave to appeal or gives notice of intention to apply for leave to appeal.

(2) The orders specified in this paragraph are—

- (a) an order providing for the detention of the offender so long as any appeal to the Supreme Court is pending;
- (b) an order directing that, so long as any appeal to the Supreme Court is pending, the offender is not to be released except on bail;
- (c) an order that the offender be released without bail.

(3) Where an order within [paragraph \(2\)\(b\)](#) is made, the Appeal Court may grant the offender bail pending the appeal.

(4) The Appeal Court may make an order under [paragraph \(2\)\(c\)](#) only if it thinks it is in the interests of justice that the offender should not be liable to be detained as a result of the decision of the Supreme Court on the appeal.

(5) An order under [paragraph \(2\)\(a\)](#) or [\(b\)](#), unless the appeal has previously been disposed of, is to cease to have effect at the expiration of the period for which the offender would have been liable to be detained but for the decision of the Appeal Court.

(6) Where an order is made under [this regulation](#) for the detention of a person who, but for the decision of the Appeal Court would be liable to be detained in pursuance of an order or direction under United Kingdom mental health legislation (see [paragraph \(7\)](#))—

- (a) the order must authorise that person's continued detention in pursuance of that order or direction, and
- (b) the relevant provisions of that legislation with respect to persons liable to be detained under it (including provision as to the renewal of authority for detention and the removal or discharge of patients) apply accordingly.

(7) The legislation referred to in [paragraph \(6\)](#) above is—

- (a) Part III of the Mental Health Act 1983;
- (b) the Mental Health (Care and Treatment) (Scotland) Act 2003;
- (c) the Mental Health (Northern Ireland) Order 1986.

(8) The relevant provisions of the Mental Health Act 1983 with respect to community treatment orders (within the meaning of that Act) also apply for the purposes of [paragraph \(6\)](#).

(9) The offender is not liable to be detained again as a result of the decision of the Supreme Court on appeal if—

- (a) the Appeal Court has made an order within [paragraph \(2\)\(c\)](#), or
- (b) the Appeal Court has made an order within [paragraph \(2\)\(a\)](#) or [\(b\)](#) but the order has ceased to have effect by virtue of [paragraph \(5\)](#) or the offender has been released or discharged by virtue of [paragraph \(6\)](#).