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STATUTORY INSTRUMENTS

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**2013 No. 1852**

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

**PART 1**

Preliminary

**Citation and commencement**

1. This Order may be cited as the Armed Forces (Retrial for Serious Offences) Order 2013 and shall come into force on 1st August 2013.

**Interpretation**

2.—(1) In this Order—

“the 1968 Act” means the Court Martial Appeals Act 1968<sup>(1)</sup>;

“the 2003 Act” means the Criminal Justice Act 2003<sup>(2)</sup>;

“the 2006 Act” means the Armed Forces Act 2006;

“Director” means Director of Service Prosecutions;

“new evidence” is to be read in accordance with article 10(2);

“programme service” has the same meaning as in section 201 of the Broadcasting Act 1990<sup>(3)</sup>;

“publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme is to be taken to be so addressed), but does not include a charge sheet or other document prepared for use in particular legal proceedings;

“qualifying offence” means —

- (a) an offence under section 42 of the 2006 Act (criminal conduct) as respects which the corresponding offence under the law of England and Wales is an offence listed in Schedule 1;
- (b) an offence under section 70 of the Army Act 1955<sup>(4)</sup>, section 70 of the Air Force Act 1955<sup>(5)</sup> or section 42 of the Naval Discipline Act 1957<sup>(6)</sup> as respects which the corresponding civil offence (within the meaning of the Act in question) is such an offence;
- (c) an offence under section 1 of the 2006 Act (assisting an enemy);
- (d) an offence under section 2(1) of that Act (surrendering any place or thing to an enemy etc); or

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(1) 1968 c. 20. The short title of this Act was amended by paragraphs 1 and 53 of Schedule 8 to the 2006 Act.

(2) 2003 c. 44.

(3) 1990 c. 42.

(4) 1955 c. 18 (repealed by section 378(2) of, and Schedule 17 to, the 2006 Act).

(5) 1955 c. 19 (repealed by section 378(2) of, and Schedule 17 to, the 2006 Act).

(6) 1957 c. 53 (repealed by section 378(2) of, and Schedule 17 to, the 2006 Act).

(e) an offence under section 3 of that Act (obstructing operations) where the offence relates to an action or operation against an enemy;

“registrar” means the registrar of the Court Martial Appeal Court appointed under section 7(1) of the 1968 Act;

“relevant programme” means a programme included in a programme service.

(2) References in this Order to acquittal are to acquittal in circumstances within article 3(1); and related expressions are to be read accordingly.