



# Courts-Martial (Appeals) Act 1968

## 1968 CHAPTER 20

### PART II

#### [<sup>F1</sup>APPEALS FROM THE COURT MARTIAL]

##### *Disposal of appeal*

<sup>F1</sup>**14 Substitution of conviction on different charge [<sup>F1</sup>otherwise than after guilty plea].**

[<sup>F2</sup>(1) This section applies where—

- (a) an appellant has been convicted of an offence to which he did not plead guilty;
- (b) the Court Martial could lawfully have found him guilty of some other offence; and
- (c) it appears to the Appeal Court on an appeal against conviction that the Court Martial must have been satisfied of facts which prove him guilty of that other offence.]

(2) The Appeal Court may, instead of allowing or dismissing the appeal, substitute for the finding of the [<sup>F3</sup>Court Martial] a finding of guilty of the other offence, and may pass on the appellant, in substitution for the sentence passed on him by the [<sup>F3</sup>Court Martial], [<sup>F4</sup>any sentence that—

- (a) they think appropriate;
- (b) is a sentence that the Court Martial would have had power to pass in respect of that other offence; and
- (c) is not more severe than the sentence passed by the Court Martial.]

#### **Textual Amendments**

- F1** Words in s. 14 added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 8 para. 12\(2\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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*Changes to legislation: There are currently no known outstanding effects for the  
Courts-Martial (Appeals) Act 1968, Section 14. (See end of Document for details)*

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- F2** S. 14(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 8 para. 12\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F3** Words in s. 14(2) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 8 para. 12\(4\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F4** Words in s. 14(2) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 8 para. 12\(4\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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**Modifications etc. (not altering text)**

- C1** S. 14 excluded (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [113](#)
- C2** S. 14(2) modified (31.10.2009) by [The Armed Forces \(Court Martial\) Rules 2009 \(S.I. 2009/2041\)](#), rules 1, [162\(3\)](#)
- C3** S. 14(2)(b) modified by [2006 c. 52, Sch. 3A para. 15\(1\)\(3\)-\(5\)](#) (as inserted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 1](#); S.I. 2012/669, art. 4(b) (with arts. 10-12))

**Changes to legislation:**

There are currently no known outstanding effects for the Courts-Martial (Appeals) Act 1968, Section 14.