



# Courts-Martial (Appeals) Act 1968

## 1968 CHAPTER 20

### PART II

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

##### *Right of appeal and initiating procedure*

#### <sup>F1</sup>8 Right of appeal.

- (1) Subject to the provisions of this Act, a person convicted by [<sup>F2</sup>the Court Martial] may, with the leave of the Appeal Court, appeal to the Court [<sup>F3</sup>—
- (a) against his conviction; and
  - (b) against any sentence (not being a sentence fixed by law) passed on him for the offence for which he was convicted [<sup>F4</sup>, whether passed on conviction or in subsequent proceedings].]

[<sup>F5</sup>(1ZA) In subsection (1) above, the reference to a sentence fixed by law does not include a reference to an order made under [<sup>F6</sup>section 321 of the Sentencing Code] in relation to a life sentence (as defined in [<sup>F7</sup>section 324 of that Code]) that is fixed by law.]

- <sup>F8</sup>(1A) .....
- <sup>F8</sup>(2) .....
- <sup>F8</sup>(3) .....
- <sup>F8</sup>(4) .....
- <sup>F9</sup>(5) .....

#### Textual Amendments

- F1** Pt. 2 heading 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. 6](#); 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 8. (See end of Document for details)*

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- F2** Words in s. 8(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. 7(a)(i)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F3** S. 8(1): hyphen and sub-paras (a) and (b) substituted (1.4.1997 with savings) for words by 1996 c. 46, **s. 17(2)(a)**; S.I. 1997/304, **art. 2** (with art. 3)
- F4** Words in s. 8(1)(b) 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. 7(a)(ii)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F5** S. 8(1ZA) inserted (E.W.) (18.12.2003) by **Criminal Justice Act 2003 (c. 44)**, **ss. 271(2)**, 336(2)
- F6** Words in s. 8(1ZA) substituted (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 24 para. 14(a)** (with **Sch. 24 para. 447**, **Sch. 27**); S.I. 2020/1236, reg. 2
- F7** Words in s. 8(1ZA) substituted (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 24 para. 14(b)** (with **Sch. 24 para. 447**, **Sch. 27**); S.I. 2020/1236, reg. 2
- F8** S. 8(1A)-(4) repealed (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. 7(b)**, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F9** S. 8(5) repealed (1.4.1997 with savings) by 1996 c. 46, **ss. 17(2)(c)**, 35(2), **Sch. 7 Pt. II**; S.I. 1997/304, **art. 2**, **Sch. 1** (with art. 3)

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

- C1** S. 8 extended by 1995 c. 35, s. 12A(5)(6) (as inserted (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. 11 para. 2**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4)
- C2** S. 8(1) modified (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), **108(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Courts-Martial (Appeals) Act 1968, Section 8.