



Armed Forces Act 1991

1991 CHAPTER 62

PART II

AMENDMENTS RELATING TO THE ARMED FORCES AND OTHER PERSONS SUBJECT TO PROVISIONS OF THE SERVICES ACTS

Courts-martial

10 Compensation for miscarriages of justice.

[^{F1}(1) Subject to subsection (2) below, when—

- (a) a person has been convicted by a court-martial, and
- (b) subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice,

the Secretary of State shall pay compensation for the miscarriage of justice to the person who has suffered punishment as a result of such conviction or, if he is dead, to his personal representatives, unless the non-disclosure of the unknown fact was wholly or partly attributable to the person convicted.

- (2) No payment of compensation under this section shall be made unless an application for such compensation has been made to the Secretary of State.
- (3) The question whether there is a right to compensation under this section shall be determined by the Secretary of State.
- (4) If the Secretary of State determines that there is a right to such compensation, the amount of the compensation shall be assessed by an assessor appointed by the Secretary of State.
- (5) In this section “reversed” shall be construed as referring to a conviction having been quashed—
 - (a) on an appeal out of time; or
 - (b) on a reference under section 34 of the ^{M1}Courts-Martial (Appeals) Act 1968.

Status: Point in time view as at 28/03/2009.

Changes to legislation: Armed Forces Act 1991, Cross Heading: Courts-martial is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(6) For the purposes of this section a person suffers punishment as a result of a conviction when sentence is passed on him for the offence of which he was convicted.

(7) Schedule 1 to this Act shall have effect.]

Textual Amendments

F1 Ss. 2-15 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Commencement Information

I1 S. 10 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719](#), [art. 2](#)

Marginal Citations

M1 [1968 c. 20](#).

11 **Withdrawal of election to be tried by court-martial under the 1955 Acts: officers, warrant officers and civilians.**

[^{F1}(1) In section 79 of each of the 1955 Acts (further proceedings on charges against officers and warrant officers), in subsection (6) after the words “so elects ” there shall be inserted “and does not subsequently in accordance with Queen’s Regulations withdraw his election ”.

(2) In section 209 of each of those Acts (application of Acts to civilians), in subsection (3) (modifications), in paragraph (d) after the words “so elects ” there shall be inserted “and does not subsequently in accordance with Rules of Procedure withdraw his election ”.]

Textual Amendments

F1 Ss. 2-15 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. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Commencement Information

I2 S. 11 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719](#), [art. 2](#)

12 **Powers of naval courts-martial.**

[^{F1}(1) In section 90 of the 1957 Act (suspension of sentences), in subsection (1) for the words “any such case ” there shall be substituted “any case where a sentence is suspended under this subsection ” and after that subsection there shall be inserted the following subsection—

“(1A) Where any person has been sentenced under this Act by a court-martial to imprisonment or detention, the court-martial may itself exercise the power under subsection (1) above to order the suspension of the sentence.”

Status: Point in time view as at 28/03/2009.

Changes to legislation: Armed Forces Act 1991, Cross Heading: Courts-martial is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In Schedule 4A to the 1957 Act (powers of courts-martial on trial of civilian), in paragraph 4(7) (offences relating to community supervision orders to be treated as offences against provisions of Part II of that Act) for the words “Part II ” there shall be substituted “Part I ”.]

Textual Amendments

- F1** Ss. 2-15 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. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Commencement Information

- I3** S. 12 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719](#), art. 2

13 Damage to public or service property etc.

- [^{F1}(1) In the ^{M2}Army Act 1955, in Schedule 3 (alternative offences of which accused may be convicted by court-martial), after the paragraphs in the first and second columns numbered 7B there shall be inserted—

“7C. Wilfully damaging public or service property or property belonging to another person subject to military law.

7C. By wilful neglect causing damage to public or service property or property belonging to another person subject to military law.”

- (2) The paragraphs set out in subsection (1) above shall also be inserted in the first and second columns of Schedule 3 to the ^{M3}Air Force Act 1955 after the paragraphs numbered 7B, but with the substitution for the words “military law ”, in each place where they occur, of the words “air-force law ”.]

Textual Amendments

- F1** Ss. 2-15 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. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Commencement Information

- I4** S. 13 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719](#), art. 2

Marginal Citations

- M2** 1955 c. 18.
M3 1955 c. 19.

Status:

Point in time view as at 28/03/2009.

Changes to legislation:

Armed Forces Act 1991, Cross Heading: Courts-martial is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.