



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.

- (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Status: Point in time view as at 01/01/1992. This version of this provision has been superseded.

Changes to legislation: Armed Forces Act 1991, Section 10 is up to date with all changes known to be in force on or before 17 September 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.

Commencement Information

II 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.

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