



Armed Forces Act 2006

2006 CHAPTER 52

First Group of Parts Discipline

PART 10

COURT MARTIAL DECISIONS: APPEALS AND REVIEW

CHAPTER 3

COMPENSATION FOR MISCARRIAGES OF JUSTICE

276 Compensation for miscarriages of justice

- (1) Where—
 - (a) a person has been convicted by the 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 him or, if he is dead, to his personal representatives; but this is subject to subsections (2) and (3).
- (2) Compensation under this section is not payable if the non-disclosure of the unknown fact was wholly or partly attributable to the person convicted.
- (3) Compensation under this section is not payable unless an application for such compensation has been made to the Secretary of State.
- (4) The question whether there is a right to compensation under this section is to be determined by the Secretary of State.
- (5) If the Secretary of State determines that there is a right to such compensation, the amount of the compensation is to be assessed by an assessor appointed by the Secretary of State.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (6) In assessing the amount of compensation payable to or in respect of a person that is attributable to suffering, harm to reputation or similar damage, the assessor must have regard in particular to—
- (a) the seriousness of the offence of which the person was convicted and the severity of the resulting sentence;
 - (b) the conduct of the investigation and prosecution of the offence; and
 - (c) any other convictions of the person and any resulting sentences.
- (7) The reference in subsection (1) to a conviction having been reversed is to be read as a reference to a conviction having been quashed—
- (a) on an appeal out of time;
 - (b) on a reference under section 34 of the Court Martial Appeals Act 1968 (c. 20);
or
 - (c) on a reference under section 12A of the Criminal Appeal Act 1995.
- (8) Schedule 9 (provision with regard to assessors) has effect.