

Status: Point in time view as at 28/03/2009.

Changes to legislation: Armed Forces Act 2006, Paragraph 11 is up to date with all changes known to be in force on or before 10 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)

SCHEDULES

SCHEDULE 8

AMENDMENT OF THE COURTS-MARTIAL (APPEALS) ACT 1968

- 11 For section 13 (adjustment of sentence in case of conviction on two or more charges) substitute—

“13 Power to re-sentence when some but not all convictions successfully appealed

- (1) This section applies where—
- (a) on a single occasion a person is sentenced by the Court Martial in respect of two or more offences; and
 - (b) the Appeal Court allow an appeal against conviction in respect of some but not all of the offences.
- (2) The Court may in respect of any offence of which the appellant remains convicted pass, in substitution for the sentence passed by the Court Martial, any sentence that—
- (a) they think appropriate; and
 - (b) is a sentence that the Court Martial had power to pass.
- (3) But the Court may not exercise their powers under subsection (2) in such a way that the appellant's sentences (taken together) for all the offences of which he remains convicted are more severe than the sentences (taken together) passed on him by the Court Martial on the occasion mentioned in subsection (1)(a).
- (4) The reference in subsection (3) to the sentences passed by the Court Martial includes those passed by that court in respect of offences as respects which appeals against conviction have been allowed.”

Commencement Information

- II** Sch. 8 para. 11 in force at 28.3.2009 for specified purposes by S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

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