



Armed Forces Act 2006

2006 CHAPTER 52

First Group of Parts Discipline

PART 10

COURT MARTIAL DECISIONS: APPEALS AND REVIEW

CHAPTER 2

REVIEW OF COURT MARTIAL SENTENCE

274 Reference of point of law to Supreme Court

- (1) Where the Court Martial Appeal Court has concluded its review of a case referred to it under section 273(1), the Attorney General or the offender may refer to the Supreme Court a point of law involved in any sentence passed on the offender in the proceedings.
- (2) A reference under subsection (1) may not be made without the leave of the Court Martial Appeal Court or the Supreme Court.
- (3) Such leave may not be given unless—
 - (a) the Court Martial Appeal Court has certified that the point of law is of general public importance; and
 - (b) it appears to the Court Martial Appeal Court or the Supreme Court (as the case may be) that the point is one which should be considered by the Supreme Court.
- (4) The Supreme Court must give its opinion on any point of law referred to it under subsection (1) and must—
 - (a) remit the case to the Court Martial Appeal Court to be dealt with; or
 - (b) deal with the case itself.
- (5) For the purposes of dealing with a case itself the Supreme Court may exercise any powers of the Court Martial Appeal Court.