

**Changes to legislation:** Criminal Justice and Immigration Act 2008, Paragraph 9 is up to date with all changes known to be in force on or before 30 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) View outstanding changes

## SCHEDULES

### SCHEDULE 25

#### AMENDMENTS TO ARMED FORCES LEGISLATION

##### PART 1

##### COURTS-MARTIAL (APPEALS) ACT 1968

###### *Detention of accused pending appeal to Supreme Court*

- 9 (1) Section 43 (as amended by the Armed Forces Act 2006) (detention of accused on appeal by Crown) is amended as follows.
- (2) In subsection (1) for “may make an order under this section” substitute “ shall make one of the orders specified in subsection (1A) ”.
- (3) In subsection (1A)—
- (a) for “An order under this section is” substitute “ The orders specified in this subsection are ”,
  - (b) the word “or” at the end of paragraph (a) is omitted, and
  - (c) after paragraph (b) insert—  
“ (c) an order that the accused be released without bail.”
- (4) After subsection (1B) insert—  
“(1C) The Appeal Court may make an order within subsection (1A)(c) only if they think that it is in the interests of justice that the accused should not be liable to be detained as a result of the decision of the Supreme Court on the appeal.”
- (5) In subsection (2) for “under this section” substitute “ within subsection (1A)(a) or (b) ”.
- (6) For subsection (5) substitute—  
“(5) The accused shall not be liable to be detained again as a result of the decision of the Supreme Court on the appeal if—
- (a) the Appeal Court have made an order within subsection (1A)(c), or
  - (b) the Appeal Court have made an order within subsection (1A)(a) or (b) but the order has ceased to have effect by virtue of subsection (2) or the accused has been released or discharged by virtue of subsection (3).”

#### Commencement Information

II Sch. 25 para. 9 in force at 31.10.2009 by S.I. 2009/1028, art. 2(a)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)