



# Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

## PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

*[<sup>F1</sup> Review of proceedings of courts-martial]*

### **[<sup>F1</sup>113 Review of findings and sentences of courts-martial.**

- (1) Where a court-martial has found the accused guilty of any offence, the accused may, before the end of the prescribed period after sentence is passed, present a petition to the Defence Council against finding or sentence or both.
- (2) The reviewing authority shall, in accordance with subsections (3) and (4) below, review any finding of guilt made, and sentence passed, by a court-martial.
- (3) The review under this section shall (if it does not begin sooner) begin as soon as is practicable after—
  - (a) in a case where a petition has been presented under this section, the presentation of the petition;
  - (b) in any other case, the end of the period within which a petition under this section may be presented.
- (4) Where an application for leave to appeal to the Courts-Martial Appeal Court against a finding or sentence has been made before the review under this section of the finding or sentence has been completed—
  - (a) the reviewing authority shall complete the review as soon as is practicable; but
  - (b) if leave to appeal is granted before the review has been completed, the authority shall cease considering the review.
- (5) For the purposes of this Act the reviewing authority is—
  - (a) the Defence Council; or
  - (b) any officer to whom all or any of the powers of the Defence Council as reviewing authority may be delegated by the Defence Council.

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*Status: Point in time view as at 01/10/2001. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 113. (See end of Document for details)*

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F2(6) .....]

**Textual Amendments**

- F1** Ss. 113, 113AA substituted (1.4.1997 subject to art. 3 of the commencing S.I.) for s. 113 by 1996 c. 46, s. 16, **Sch. 5 para. 4**; S.I. 1997/304, **art. 2** (with transitional provisions in **Sch. 2**)
- F2** S. 113(6) repealed (11.5.2001) by 2001 c. 19, s. 38, **Sch. 7 Pt. 4**

**Textual Amendments applied to the whole legislation**

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of 1996 c. 46, **s. 15**; S.I. 1997/304, arts. 2, 3, **Sch. 2**

**Status:**

Point in time view as at 01/10/2001. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 113.