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STATUTORY INSTRUMENTS

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**2006 No. 1786**

**The Courts-Martial (Prosecution Appeals) Order 2006**

**Determination of appeal by the Courts-Martial Appeal Court**

7.—(1) On an appeal under article 4, the Courts-Martial Appeal Court may confirm, reverse or vary any ruling to which the appeal relates.

(2) Paragraphs (3) to (5) apply where the appeal relates to a single ruling.

(3) Where the Courts-Martial Appeal Court confirms the ruling, it must, in respect of the charge or each charge which is the subject of the appeal, order that the accused in relation to that charge be acquitted of that charge.

(4) Where the Courts-Martial Appeal Court reverses or varies the ruling, it must, in respect of the charge or each charge which is the subject of the appeal, do any of the following—

- (a) order that proceedings for that charge may be resumed at court-martial,
- (b) order that a fresh court-martial be convened to try that charge,
- (c) order that the accused in relation to that charge be acquitted of that charge.

(5) But the Courts-Martial Appeal Court may not make an order under paragraph (4)(a) or (b) in respect of a charge unless it considers it necessary in the interests of justice to do so.

(6) Paragraphs (7) and (8) apply where the appeal relates to a ruling that there is no case to answer and one or more other rulings.

(7) Where the Courts-Martial Appeal Court confirms the ruling that there is no case to answer, it must, in respect of the charge or each charge which is the subject of the appeal, order that the accused in relation to that charge be acquitted of that charge.

(8) Where the Courts-Martial Appeal Court reverses or varies the ruling that there is no case to answer, it must in respect of the charge or each charge which is the subject of the appeal, make any of the orders mentioned in paragraph (4)(a) to (c) (but subject to paragraph (5)).