
STATUTORY INSTRUMENTS

2009 No. 2657

The Court Martial Appeal Court Rules 2009

PART 7

**APPEALS AGAINST CONVICTION, SENTENCE, FINDING OF
INSANITY OR UNFITNESS TO PLEAD OR HOSPITAL ORDER**

Prescribed period: appeals where previous convictions set aside

48.—(1) Paragraph (2) applies where—

- (a) a sentence has been imposed on any person under section 225(3) of the 2003 Act as a result of section 219(2)(b) of the 2006 Act (dangerous offenders aged 18 or over) or under section 227(2) to (5) of the 2003 Act as applied by section 220(2) of the 2006 Act (certain violent or sexual offences: offenders aged 18 or over);
- (b) the condition in section 225(3A) of the 2003 Act or (as the case may be) section 227(2A) of that Act was met but the condition in section 225(3B) of that Act or (as the case may be) 227(2B) of that Act was not; and
- (c) any previous conviction of his without which the condition in section 225(3A) of the 2003 Act or (as the case may be) section 227(2A) of that Act would not have been met has been subsequently set aside on appeal.

(2) For the purposes of section 9(1), the period within which an appeal notice for an appeal against sentence must be lodged with the registrar is the period of 28 days after the date on which the previous conviction was set aside.

Changes to legislation:

There are currently no known outstanding effects for the The Court Martial Appeal Court Rules 2009, Section 48.