
STATUTORY INSTRUMENTS

2013 No. 1852

The Armed Forces (Retrial for Serious Offences) Order 2013

PART 5

Application for Retrial

Notice of application to the Court Martial Appeal Court

12.—(1) A prosecuting officer who wishes to make an application under article 8(1) must give notice of the application to the registrar in the form, or in substantially the same form as, set out as Form 1 in Schedule 2.

(2) Within two days beginning with the day on which notice under paragraph (1) is given, the prosecuting officer must serve the notice of the application on the acquitted person.

(3) As soon as reasonably practicable after giving notice under paragraph (1) the prosecuting officer must give a copy of the notice of the application to the acquitted person's commanding officer.

(4) A notice given under paragraph (1) or served under paragraph (2) must, where practicable, be accompanied by—

- (a) relevant witness statements which are relied upon as forming new and compelling evidence of guilt of the acquitted person as well as any relevant witness statements from the original trial;
- (b) any unused statements which might reasonably be considered capable of undermining the application under article 8(1) or of assisting the acquitted person's application to oppose that application under article 13(5);
- (c) a copy of the charge sheet and paper exhibits from the original trial;
- (d) copies of the transcript of the summing up and any other relevant transcripts from the original trial; and
- (e) any other documents relied upon to support the application under article 8(1).

(5) The prosecuting officer must, as soon as practicable after service of a notice under paragraph (2), file with the registrar a witness statement or certificate of service which exhibits a copy of that notice.

(6) Paragraph (2) applies whether the acquitted person is in the United Kingdom or elsewhere, but the Court Martial Appeal Court may, on application by the prosecuting officer, extend the time for service under that paragraph if it considers it necessary to do so because of that person's absence from the United Kingdom.

Commencement Information

II Art. 12 in force at 1.8.2013, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Retrial for Serious Offences) Order 2013, Section 12.