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STATUTORY INSTRUMENTS

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**2013 No. 1852**

**The Armed Forces (Retrial for Serious Offences) Order 2013**

**PART 5**

**Application for Retrial**

**Hearing**

**13.**—(1) The Court Martial Appeal Court must consider an application under article 8(1) at a hearing.

(2) The acquitted person—

(a) is entitled to be present at the hearing, unless he is in custody (other than service custody) elsewhere than in England and Wales or Northern Ireland; and

(b) is entitled to be represented at the hearing, whether he is present or not.

(3) If (of its own motion or on application by a party to the proceedings) the Court Martial Appeal Court so directs, the right of the acquitted person under paragraph (2)(a) may be met by attendance by live link.

(4) The Court Martial Appeal Court may at one hearing consider more than one application (whether or not relating to the same person), but only if the offences concerned could be included in the same charge sheet.

(5) An acquitted person who wishes to oppose an application under article 8(1) must serve a response in the form set out as Form 2 in Schedule 2 on the registrar and the prosecuting officer not more than 28 days after receiving notice under article 12(2).

(6) The Court Martial Appeal Court may extend the period for service under paragraph (5), either before or after that period expires.

(7) In paragraph (3) “live link” means an arrangement by which a person, when not in the place where the hearing is being held, is able to see and hear, and be seen and heard by, the court during the hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded).

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**Commencement Information**

**11** Art. 13 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 13.