
DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

DEFENCE

The Armed Forces (Retrial for Serious Offences) Order 2013

Made - - - - 2013

Coming into force 1st August 2013

**THE ARMED FORCES (RETRIAL FOR
SERIOUS OFFENCES) ORDER 2013**

PART 1

Preliminary

1. Citation and commencement
2. Interpretation

PART 2

Cases that may be retried

3. Cases that may be retried

PART 3

Investigation and arrest

4. Authorisation of investigations
5. Urgent investigative steps
6. Arrest under warrant

PART 4

Referral and Charge

7. Referral and charge

PART 5

Application for Retrial

8. Application to Court Martial Appeal Court
9. Determination by the Court Martial Appeal Court
10. New and compelling evidence

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Armed Forces (Retrial for Serious Offences) Order 2013 No. 1852*

11. Interests of justice
12. Notice of application to the Court Martial Appeal Court
13. Hearing
14. Evidence
15. Appeals to the Supreme Court
16. Restrictions on publication in the interests of justice
17. Variation or revocation of restrictions on publication
18. Offences in connection with publication restrictions

PART 6

Retrial

19. Retrial

PART 7

Custody

20. Custody before application under article 8(1)
21. Custody before hearing under article 13(1)
22. Provision supplementary to articles 20 and 21
23. Taking a person into service custody
24. Bail and custody during and after hearing
25. Service custody after hearing where retrial ordered

PART 8

Supplementary

26. Service of documents
27. Functions of the Director
28. Powers exercisable by a single judge of the Court Martial Appeal Court
29. Powers exercisable by the registrar
30. Determination by the Court Martial Appeal Court
31. Abandonment of the application
Signature

SCHEDULE 1 — Qualifying Offences

Offences against the Person

1. Murder
2. Attempted murder
3. Soliciting murder
4. Manslaughter
5. Kidnapping

Sexual Offences

6. Rape
7. Attempted rape
8. Intercourse with a girl under thirteen
9. Incest by a man with a girl under thirteen
10. Assault by penetration

11. Causing a person to engage in sexual activity without consent
12. Rape of a child under thirteen
13. Attempted rape of a child under thirteen
14. Assault of a child under thirteen by penetration
15. Causing a child under thirteen to engage in sexual activity
16. Sexual activity with a person with a mental disorder impeding choice
17. Causing a person with a mental disorder impeding choice to engage in sexual activity

Drugs Offences

18. Unlawful importation of Class A drug
19. Unlawful exportation of Class A drug
20. Fraudulent evasion in respect of Class A drug
21. Producing or being concerned in production of Class A drug

Criminal Damage Offences

22. Arson endangering life
23. Causing explosion likely to endanger life or property
24. Intent or conspiracy to cause explosion likely to endanger life or property

War Crimes and Terrorism

25. Genocide, crimes against humanity and war crimes
26. Grave breaches of the Geneva Conventions
27. Directing terrorist organisation
28. Hostage-taking

Conspiracy

29. Conspiracy

SCHEDULE 2 — Forms

Explanatory Note