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**Changes to legislation:** Criminal Justice and Immigration Act 2008, Cross Heading: Power to dismiss certain appeals following references by the CCRC is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 25

#### AMENDMENTS TO ARMED FORCES LEGISLATION

##### PART 1

##### COURTS-MARTIAL (APPEALS) ACT 1968

*Power to dismiss certain appeals following references by the CCRC*

2 After section 25B insert—

*“Appeals following references by the CCRC*

##### **25C Power to dismiss certain appeals following references by the CCRC**

- (1) This section applies where there is an appeal under this Part following a reference by the Criminal Cases Review Commission under section 12A(1)(a), (7) or (8) of the Criminal Appeal Act 1995.
- (2) Notwithstanding anything in section 12, 21 or 25 of this Act, the Appeal Court may dismiss the appeal if—
  - (a) the only ground for allowing it would be that there has been a development in the law since the date of the conviction or finding that is the subject of the appeal, and
  - (b) the condition in subsection (3) is met.
- (3) The condition in this subsection is that if—
  - (a) the reference had not been made, but
  - (b) the appellant had made (and had been entitled to make) an application for an extension of time within which to seek leave to appeal on the ground of the development in the law,the Court would not think it appropriate to grant the application by exercising the power conferred by section 9(3).”

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##### **Commencement Information**

**II** Sch. 25 para. 2 in force at 31.10.2009 by S.I. 2009/1028, art. 2(a)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)