

Status: Point in time view as at 31/01/2017.

Changes to legislation: Coroners and Justice Act 2009, Cross Heading: Seriousness is up to date with all changes known to be in force on or before 14 July 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)

SCHEDULES

SCHEDULE 17

TREATMENT OF CONVICTIONS IN OTHER MEMBER STATES ETC

Seriousness

- 6 (1) Section 143 of the Criminal Justice Act 2003 (determining the seriousness of an offence) is amended as follows.
- (2) In subsection (4)—
- (a) omit “or” at the end of paragraph (a) and insert—
 - “(aa) a previous conviction by a court in another member State of a relevant offence under the law of that State,” and
 - (b) after paragraph (b) insert “or
 - (c) a finding of guilt in respect of a member State service offence.”
- (3) For subsection (5) substitute—
- “(5) Subsections (2) and (4) do not prevent the court from treating—
- (a) a previous conviction by a court outside both the United Kingdom and any other member State, or
 - (b) a previous conviction by a court in any member State (other than the United Kingdom) of an offence which is not a relevant offence,
- as an aggravating factor in any case where the court considers it appropriate to do so.
- (6) For the purposes of this section—
- (a) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time of the conviction of the defendant for the current offence,
 - (b) “member State service offence” means an offence which—
 - (i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and
 - (ii) would constitute an offence under the law of any part of the United Kingdom, or a service offence (within the meaning of the Armed Forces Act 2006), if it were done in any part of the United Kingdom, by a member of Her Majesty's forces, at the time of the conviction of the defendant for the current offence,
 - (c) “Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006, and

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- (d) “service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.”

Commencement Information

II Sch. 17 para. 6 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(iii)

- 7 (1) Section 238 of the Armed Forces Act 2006 (c. 52) (deciding the seriousness of an offence) is amended as follows.

- (2) In subsection (3)—

- (a) omit “or” at the end of paragraph (a), and
 (b) at the end of paragraph (b), insert—
 “(c) a previous conviction by a court in a member State other than the United Kingdom of a relevant offence under the law of that State, or
 (d) a finding of guilt in respect of a member State service offence.”

- (3) For subsection (4) substitute—

“(4) Nothing in this section prevents the court or officer from treating—
 (a) a previous conviction by a court outside both the British Islands and any member State, or
 (b) a previous conviction by a court in any member State (other than the United Kingdom) of an offence which is not a relevant offence or a member State service offence,
 as an aggravating factor in any case where the court or officer considers it appropriate to do so.

- (5) For the purposes of this section—

- (a) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time of the conviction in respect of the current offence,
 (b) “member State service offence” means an offence which—
 (i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and
 (ii) would constitute an offence under the law of any part of the United Kingdom, or a service offence, if it were done in any part of the United Kingdom, by a member of Her Majesty's forces, at the time of the conviction of the defendant for the current offence, and
 (c) “service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.”

Commencement Information

I2 Sch. 17 para. 7 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(iii)

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