



Armed Forces Act 2021

2021 CHAPTER 35

Sentencing and rehabilitation

17 Removal of requirement to take into account offences in member States

- (1) AFA 2006 is amended as follows.
- (2) In section 238 (deciding the seriousness of an offence)—
 - (a) in subsection (3)—
 - (i) in paragraph (a) at the end insert “or”;
 - (ii) omit paragraphs (c) and (d);
 - (b) for subsection (4) substitute—

“(4) Nothing in this section prevents the court or officer from treating a previous conviction by a court outside the British Islands as an aggravating factor in any case where the court or officer considers it appropriate to do so.”;
 - (c) omit subsection (5).
- (3) In section 263 (restriction on imposing custodial sentence or service detention on unrepresented offender)—
 - (a) in subsection (2)(b) omit the words from “, or sentenced to detention” to the end;
 - (b) in subsection (6) omit paragraphs (c) and (d).
- (4) In section 270A (exception to restrictions on community punishments)—
 - (a) in subsection (3)—
 - (i) in paragraph (a) omit “, or member State service offence,” and at the end insert “or”;
 - (ii) in paragraph (b) omit “or”;
 - (iii) omit paragraph (c);
 - (b) omit subsection (8).

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2021, Section 17. (See end of Document for details)

(5) In section 415 of the Sentencing Act 2020 (armed forces provisions: extent to Channel Islands, Isle of Man and British overseas territories), after subsection (6) insert—

“(7) In subsection (6) references to this Act include this Act as amended by the [Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#).”

Commencement Information

- I1** S. 17(5) in force at Royal Assent, see [s. 24\(2\)\(a\)](#)
- I2** [S. 17\(1\)-\(4\)](#) in force at 13.11.2023 by [S.I. 2023/1102](#), [reg. 4](#)

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 2021, Section 17.