

*Status: Point in time view as at 02/07/2013.*

*Changes to legislation: Coroners and Justice Act 2009, Cross Heading: Evidence of bad character is up to date with all changes known to be in force on or before 15 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

##### *Evidence of bad character*

- 1 (1) The Criminal Justice Act 2003 (c. 44) is amended as follows.
- (2) In section 103 (matter in issue between the defendant and the prosecution), after subsection (6) add—
  - “(7) Where—
    - (a) a defendant has been convicted of an offence under the law of any country outside England and Wales (“the previous offence”), and
    - (b) the previous offence would constitute an offence under the law of England and Wales (“the corresponding offence”) if it were done in England and Wales at the time of the trial for the offence with which the defendant is now charged (“the current offence”),subsection (8) applies for the purpose of determining if the previous offence and the current offence are of the same description or category.
  - (8) For the purposes of subsection (2)—
    - (a) the previous offence is of the same description as the current offence if the corresponding offence is of that same description, as set out in subsection (4)(a);
    - (b) the previous offence is of the same category as the current offence if the current offence and the corresponding offence belong to the same category of offences prescribed as mentioned in subsection (4)(b).
  - (9) For the purposes of subsection (10) “foreign service offence” means an offence which—
    - (a) was the subject of proceedings under the service law of a country outside the United Kingdom, and
    - (b) would constitute an offence under the law of England and Wales or a service offence (“the corresponding domestic offence”) if it were done in England and Wales by a member of Her Majesty's forces at the time of the trial for the offence with which the defendant is now charged (“the current offence”).
  - (10) Where a defendant has been found guilty of a foreign service offence (“the previous service offence”), for the purposes of subsection (2)—
    - (a) the previous service offence is an offence of the same description as the current offence if the corresponding domestic offence is of that same description, as set out in subsection (4)(a);

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- (b) the previous service offence is an offence of the same category as the current offence if the current offence and the corresponding domestic offence belong to the same category of offences prescribed as mentioned in subsection (4)(b).

(11) In this section—

“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006;

“service law”, in relation to a country outside the United Kingdom, means the law governing all or any of the naval, military or air forces of that country.”

(3) In section 108 (offences committed by defendant when a child), after subsection (2) insert—

“(2A) Subsection (2B) applies where—

- (a) the defendant has been convicted of an offence under the law of any country outside England and Wales (“the previous offence”), and
- (b) the previous offence would constitute an offence under the law of England and Wales (“the corresponding offence”) if it were done in England and Wales at the time of the proceedings for the offence with which the defendant is now charged.

(2B) For the purposes of subsection (2), the previous offence is to be regarded as triable only on indictment if the corresponding offence is so triable.”

#### Commencement Information

**II** Sch. 17 para. 1 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(i)

2 (1) The Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501 (N.I. 10)) is amended as follows.

(2) In Article 8 (matter in issue between the defendant and the prosecution), after paragraph (6) add—

“(7) Where—

- (a) a defendant has been convicted of an offence under the law of any country outside Northern Ireland (“the previous offence”), and
- (b) the previous offence would constitute an offence under the law of Northern Ireland (“the corresponding offence”) if it were done in Northern Ireland at the time of the trial for the offence with which the defendant is now charged (“the current offence”),

paragraph (8) applies for the purpose of determining if the previous offence and the current offence are of the same description or category.

(8) For the purposes of paragraph (2)—

- (a) the previous offence is of the same description as the current offence, if the corresponding offence is of that same description, as set out in paragraph (4)(a);
- (b) the previous offence is of the same category as the current offence, if the current offence and the corresponding offence belong to the

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same category of offences prescribed as mentioned in paragraph (4) (b).”

(3) In Article 13 (offences committed by a defendant when a child), after paragraph (1) insert—

“(1A) Paragraph (1B) applies where—

- (a) the defendant has been convicted of an offence under the law of any country outside Northern Ireland (“the previous offence”), and
- (b) the previous offence would constitute an offence under the law of Northern Ireland (“the corresponding offence”) if it were done in Northern Ireland at the time of the proceedings for the offence with which the defendant is now charged.

(1B) For the purposes of paragraph (1), the previous offence is to be regarded as triable only on indictment if the corresponding offence is so triable.”

**Commencement Information**

**I2** Sch. 17 para. 2 in force at 18.4.2011 for N.I. by S.R. 2011/182, art. 2(d)(i)

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