



Armed Forces Act 2016

2016 CHAPTER 21

Offenders assisting investigations and prosecutions

7 Immunity from prosecution

In AFA 2006, after Part 12 insert—

“PART 12A

OFFENDERS ASSISTING INVESTIGATIONS AND PROSECUTIONS

304A Immunity from prosecution

- (1) If the Director of Service Prosecutions (“the Director”) thinks that, for the purposes of the investigation or prosecution of a relevant service offence, it is appropriate to offer a person immunity from prosecution for a service offence, the Director may give the person a written notice under this subsection (an “immunity notice”).
- (2) “Relevant service offence” means—
 - (a) an offence under section 42 as respects which the corresponding offence under the law of England and Wales is an indictable offence under that law; or
 - (b) any other service offence which, if committed by a person aged 18 or over and tried by the Court Martial, is punishable with imprisonment for more than 2 years.
- (3) If a person is given an immunity notice, the person may not be tried for a service offence of a description specified in the notice except in circumstances specified in the notice.
- (4) An immunity notice ceases to have effect in relation to the person to whom it is given if the person fails to comply with any conditions specified in the notice.”