



Armed Forces Act 2016

2016 CHAPTER 21

Offenders assisting investigations and prosecutions

8 Undertakings as to use of evidence

After section 304A of AFA 2006 insert—

“304B Undertakings as to use of evidence

- (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 an undertaking that information will not be used against the person in service proceedings, the Director may give the person a written notice under this subsection (a “restricted use undertaking”).
- (2) If a person is given a restricted use undertaking, the information described in the undertaking must not be used against that person in service proceedings except in the circumstances specified in the undertaking.
- (3) In subsections (1) and (2), the references to the use of information in service proceedings are to its use—
 - (a) at a summary hearing in respect of a service offence, or
 - (b) in proceedings in respect of a service offence before—
 - (i) the Court Martial;
 - (ii) the Service Civilian Court;
 - (iii) the Summary Appeal Court;
 - (iv) the Court Martial Appeal Court; or
 - (v) the Supreme Court on an appeal brought from the Court Martial Appeal Court.
- (4) A restricted use undertaking 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 undertaking.

Status: This is the original version (as it was originally enacted).

(5) In this section “relevant service offence” has the same meaning as in section 304A.”