



Armed Forces Act 2016

2016 CHAPTER 21

Offenders assisting investigations and prosecutions

PROSPECTIVE

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.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2016, Section 8. (See end of Document for details)

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

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 2016, Section 8.