



# Armed Forces Act 2016

## 2016 CHAPTER 21

### *Offenders assisting investigations and prosecutions*

PROSPECTIVE

#### **8 Undertakings as to use of evidence U.K.**

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.

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*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)*

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- (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.