



Armed Forces Act 2016

2016 CHAPTER 21

Offenders assisting investigations and prosecutions

PROSPECTIVE

9 Reduction in sentence

After section 304B of AFA 2006 insert—

“304C Reduction in sentence

- (1) This section applies if a defendant—
 - (a) is convicted of a service offence following a plea of guilty in proceedings in the Court Martial; and
 - (b) has, pursuant to a written agreement made with the Director of Service Prosecutions, assisted or offered to assist the investigator or prosecutor in relation to that or any other offence.
- (2) In determining what sentence to pass on the defendant, the Court Martial may take into account the extent and nature of the assistance given or offered.
- (3) Subsection (2) does not prevent the court from also taking account of any other matter which it is entitled by virtue of any other enactment to take account of for the purposes of determining the sentence.
- (4) The power of a court to act under subsection (2) is not affected by any enactment which requires that a minimum sentence is passed in respect of an offence or an offence of a particular description or by reference to the circumstances of an offender (whether or not the enactment also permits the court to pass a lesser sentence in particular circumstances).
- (5) The power of a court to act under subsection (2) is not affected by any enactment which, in the case of a sentence which is fixed by law, requires the court to take into account certain matters for the purposes of making

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 9. (See end of Document for details)

an order which determines, or has the effect of determining, the minimum period of imprisonment or detention which the offender must serve (whether or not the enactment also permits the court to fix a lesser period in particular circumstances).

- (6) In this section, references to assisting the prosecutor are to assisting the Director or any other prosecutor.”

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