



# Armed Forces Act 2021

## 2021 CHAPTER 35

### *Sentencing and rehabilitation*

#### **17 Removal of requirement to take into account offences in member States**

- (1) AFA 2006 is amended as follows.
- (2) In section 238 (deciding the seriousness of an offence)—
  - (a) in subsection (3)—
    - (i) in paragraph (a) at the end insert “or”;
    - (ii) omit paragraphs (c) and (d);
  - (b) for subsection (4) substitute—

“(4) Nothing in this section prevents the court or officer from treating a previous conviction by a court outside the British Islands as an aggravating factor in any case where the court or officer considers it appropriate to do so.”;
  - (c) omit subsection (5).
- (3) In section 263 (restriction on imposing custodial sentence or service detention on unrepresented offender)—
  - (a) in subsection (2)(b) omit the words from “, or sentenced to detention” to the end;
  - (b) in subsection (6) omit paragraphs (c) and (d).
- (4) In section 270A (exception to restrictions on community punishments)—
  - (a) in subsection (3)—
    - (i) in paragraph (a) omit “, or member State service offence,” and at the end insert “or”;
    - (ii) in paragraph (b) omit “or”;
    - (iii) omit paragraph (c);
  - (b) omit subsection (8).

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*Changes to legislation:* There are currently no known outstanding effects for the Armed Forces Act 2021, Section 17. (See end of Document for details)

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(5) In section 415 of the Sentencing Act 2020 (armed forces provisions: extent to Channel Islands, Isle of Man and British overseas territories), after subsection (6) insert—

“(7) In subsection (6) references to this Act include this Act as amended by the [Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#).”

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**Commencement Information**

- I1** S. 17(5) in force at Royal Assent, see [s. 24\(2\)\(a\)](#)
- I2** [S. 17\(1\)-\(4\)](#) in force at 13.11.2023 by [S.I. 2023/1102](#), [reg. 4](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Armed Forces Act 2021, Section 17.