



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).

Status: This is the original version (as it was originally enacted).

(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 \(S.I. 2020/1520\)](#).”