

Defence Instructions and Notices (Not to be communicated to anyone outside HM Service without authority)	
Title:	Recordable Offences – Guidance to Service Personnel on which offences that are capable of being dealt with at a Summary Hearing will be recorded on the Police National Computer on conviction.
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Aim

1. The aim of this DIN is to inform Service personnel as to which of the offences capable of being heard at a Summary Hearing are recordable offences for the purposes of updating the Police National Computer (PNC).

Recordable offences

2. Recordable offences are those that are recorded on the PNC to form part of a person's "criminal record".

3. Not all offences are recordable. The table at the Annex lists all the offences, both disciplinary and criminal conduct, that are capable of being heard at a Summary Hearing, and details whether or not they are recordable on the PNC.

4. It must also be noted that where a person is convicted of a number of offences in the same proceedings, if any of those offences are recordable then all of the offences may also be recorded on the PNC, even if they would not ordinarily be recordable.

Updating the Police National Computer

5. Service Police Crime Bureau (SPCB) will upload offence and conviction information to the PNC, on behalf of all three Services. The SPCB will use data from JPA and REDCAP¹ for this purpose.

Cases heard in the Court Martial

6. This DIN only addresses offences that are capable of being dealt with at a Summary Hearing. A Service person whose case is being dealt with by the Court Martial may wish to seek independent legal advice to determine whether or not the charged offence is recordable.

Changes to the Manual of Service Law (MSL)

7. The following changes to the Manual of Service Law have been made to ensure that individuals who are due to appear at a Summary Hearing can consider before the hearing whether or not the offence they are charged with would, on conviction, be recorded on the PNC.:

- a. **Volume 1, Chapter 9, Annex Q.** The table at the Annex to this DIN has been incorporated into Volume 1 of the Manual of Service Law at Chapter 9, Annex Q and the text at paragraph 115 of Chapter 9 has been updated to signpost the reader to Annex Q.
- b. **'Your rights if you are accused of an offence under the Service Justice System' booklet (Annex G to Chapter 6, Volume 1).** Text has been added to Part 2 (Summary Hearing, Activation Hearing and Appeal) to explain that some offences capable of being heard at a summary hearing are recordable and to signpost the reader to the table in Annex Q of Chapter 9 of the MSL.
- c. **Brief for an Accused's Assisting Officer (AAO) (Annex G to Chapter 9, Volume 1).** Text has been added to the brief to direct the AAO to ensure that the accused is aware of whether or not the offence he is charged with would, in the event of conviction, be recorded on the PNC.

¹ The Service Police database

OFFENCES CAPABLE OF BEING HEARD AT A SUMMARY HEARING AND WHETHER OR NOT THEY ARE RECORDABLE ON THE POLICE NATIONAL COMPUTER²

Disciplinary (non criminal conduct) offences under the Armed Forces Act 2006 that may be heard summarily (section 53 of AFA06)

s4(3) - Looting any vehicle, equipment or stores abandoned by an enemy	No	No
s9 - Absence without leave	No	No
s10 - Failure to cause apprehension of deserters or absentees	No	No
s11 - Misconduct towards a superior officer	Yes - but only when the offence is under s11(1)	Yes - but only when the offence is under s11(1)
s12 - Disobedience to lawful commands	No	No
s13 - Contravention of standing orders	No	No
s14 - Using force against a sentry etc	Yes	Yes
s15 - Failure to attend for or perform a duty	No	No
s16(1)(a) or s16(1)(c) when committed by omission - Malingering	No	No
s17 - Disclosure of information to the enemy	No	No
s18 - Making a false record	No	No
s19 - Conduct to the prejudice of good order and military discipline	No	No
s20 - Unfitness or misconduct through alcohol or drugs	No	No

² It must also be noted that where a person is convicted of a number of offences in the same proceedings, if any of those offences are recordable then all of the offences may also be recorded on the PNC, even if they would not ordinarily be recordable.

s20A - Exceeding alcohol limit for prescribed safety-critical duties	No	No
s21 - Fighting and threatening behaviour	No	No
s22 - Ill-treatment of subordinates	No	No
s23 - Disgraceful conduct of a cruel or indecent kind	No	No
s24 - Damage to or loss of public or Service property	Yes - but only when the offence is under s24(1) and relates to damage to property and not loss of property	Yes - but only when the offence is under s24(1) and relates to damage to property and not loss of property
s25 - Misapplying or wasting public or Service property	No	No
s27 - Obstructing or failing to assist a Service policeman	Yes - but only where the offence is for obstructing a Service Policeman and not failing to assist	Yes - but only where the offence is for obstructing a Service Policeman and not failing to assist
s28 - Resistance to arrest etc	Yes - In the case of an offence under section 28(1), only where the conviction is for conduct within section 28(1)(b) or (c)	Yes - In the case of an offence under section 28(1), only where the conviction is for conduct within section 28(1)(b) or (c)
s29 - Offences in relation to Service custody	Yes	Yes
An offence under s30(1) of negligently doing an act that results in a person's escape, or an offence under section 30(2) - Allowing escape, or unlawful release, of prisoners etc	Yes - but only where the conviction is for conduct within s30(4)(a)	Yes - but only where the conviction is for conduct within s30(4)(a)
s34 - Low flying	No	No
s35 - Annoyance by flying	No	No
s36 - inaccurate certification	No	No
s107 - Failure to attend a hearing after release from custody after charge	No	No
s305 - Failure to provide a sample for a drugs test	No	No
s328 - Enlistment offences	No	No
s343 - Service Inquiry offences	No	No
s96 or s97 of the Reserve Forces Act 1996 - Absence without leave	Yes	No

s93A, s93E, s93G - Offences in relation to testing for drugs and alcohol	No	No
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Criminal conduct offences capable of being heard summarily without permission of higher authority (Part 1 of Schedule 1 of AFA 06)

s1 Theft Act 1968 (theft)	Yes	Yes
s12 Theft Act 1968 (taking vehicle etc without consent)	Yes	N/A
s5(2) Misuse of Drugs Act 1971 (possession of controlled drug)	Yes	Yes
s1(1) Criminal Damage Act 1971 (criminal damage)	Yes	Yes
s3 Theft Act 1978 (making off without payment) where the payment required or expected did not exceed £100	Yes	Yes
s9 Criminal Attempts Act 1981 (interference with vehicles)	Yes	N/A
s39 Criminal Justice Act 1988 (assault and battery)	Yes	N/A
s3 Road Traffic Act 1988 (careless driving etc)	No	N/A
s5 Road Traffic Act 1988 (driving a vehicle where driver has consumed excessive amount of alcohol etc)	Yes	N/A
s25 Road Traffic Act 1988 (tampering with vehicles etc) where the vehicle was on a road	Yes	N/A
s28 Road Traffic Act 1988 (dangerous cycling)	No	N/A
s29 Road Traffic Act 1988 (careless cycling etc)	No	N/A

Criminal conduct offences capable of being heard summarily with the permission of Higher Authority (Part 2 of Schedule 1 of AFA 06)

	Yes	Yes
s47 Offences against the Person Act 1861 (assault occasioning actual bodily harm)	Yes	Yes
s1 Prevention of Crime Act 1953 (possession in public place of offensive weapon)	Yes	Yes
s13 Theft Act 1968 (abstracting of electricity)	Yes	Yes
s139 Criminal Justice Act 1988 (possession in public place of point or blade)	Yes	Yes
s125 Communications Act 2003 (dishonestly obtaining electronic communications services)	Yes	Yes
s126 Communications Act 2003 (possession or supply of apparatus etc for contravening s.125 of that Act)	Yes	Yes
s1 Fraud Act 2006 (fraud)	Yes	Yes
s11 Fraud Act 2006 (dishonestly obtaining services)	Yes	Yes