



Reserve Forces Act 1996

1996 CHAPTER 14

PART X

GENERAL OFFENCES

Offences against good order and discipline

95 Offences against orders and regulations under section 4.

- (1) A member of a reserve force who—
- (a) when required by or in pursuance of orders or regulations under section 4 to attend at any place, fails without reasonable excuse to attend in accordance with the requirement;
 - ^{F1}(b)
 - (c) by any fraudulent means obtains or is an accessory to the obtaining of any pay or other sum contrary to orders or regulations under section 4;
 - (d) knowingly or recklessly makes a statement false in any material particular in giving any information required by orders or regulations under section 4; or
 - (e) fails without reasonable excuse to comply with orders or regulations under section 4,
- is guilty of an offence ^{F2}....

- ^{F3}(1A) A member of a reserve force (“A”) commits an offence if—
- (a) a superior officer (“B”), in pursuance of orders or regulations under section 4, is acting in the execution of his office;
 - (b) A's behaviour towards B is threatening or disrespectful; and
 - (c) A knows or has reasonable cause to believe that B is a superior officer.

- (1B) For the purposes of subsection (1A)—
- (a) “superior officer” has the same meaning as in the Armed Forces Act 2006;
 - (b) section 11(3) of that Act (meaning of “behaviour” and “threatening”) applies.

Changes to legislation: Reserve Forces Act 1996, Part X is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(1C) An offence under this section is triable summarily by a civil court (as well as being triable by the Court Martial).]

(2) A person guilty of an offence under this section is liable—

(a) on conviction by [^{F4}the Court Martial—

(i) in the case of an offence under subsection (1)(a) or (e) or (1A), to any punishment mentioned in rows 5 to [^{F5}14] of the Table in section 164 of the Armed Forces Act 2006;

(ii) in the case of an offence under subsection (1)(c) or (d), to any punishment mentioned in that Table, but any sentence of imprisonment ^{F6}... imposed in respect of the offence must not exceed 51 weeks;]

(b) on summary conviction by a civil court—

(i) in the case of an offence under subsection (1)(a)^{F7}... or (e) [^{F8}or (1A)], to a fine not exceeding level 3 on the standard scale; and

(ii) in the case of an offence under subsection (1)(c) or (d), to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

[^{F9}(2A) For the purposes of determining the Court Martial's powers when sentencing an offender to whom Part 2 of Schedule 3 to the Armed Forces Act 2006 applies (ex-servicemen etc) for an offence under subsection (1)(a) or (e) or (1A), subsection (2)(a)(i) has effect as if the reference to rows 5 to [^{F10}14] were to rows 5 to [^{F11}12].]

[^{F12}(3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, subsection (2)(a)(ii) has effect as if the reference to 51 weeks were to 6 months.]

Textual Amendments

- F1** S. 95(1)(b) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 39\(2\)\(a\)](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F2** Words in s. 95(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 39\(2\)\(b\)](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F3** S. 95(1A)-(1C) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 39\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F4** Words in s. 95(2)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 39\(4\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F5** Word in s. 95(2)(a)(i) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 5\(a\)](#); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3
- F6** Words in s. 95(2)(a)(ii) repealed (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), ss. 15(2)(a), 32(3), [Sch. 5](#); S.I. 2012/669, art. 4(a)(f)(i) (with art. 8)
- F7** Words in s. 95(2)(b)(i) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 39\(4\)\(b\)\(i\)](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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- F8** Words in s. 95(2)(b)(i) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 39\(4\)\(b\)\(ii\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F9** S. 95(2A) substituted for s. 95(3) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 39\(5\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F10** Word in s. 95(2A) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 5\(b\)\(i\)](#); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3
- F11** Word in s. 95(2A) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 5\(b\)\(ii\)](#); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3
- F12** S. 95(3) inserted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), [ss. 15\(2\)\(b\)](#), 32(3); S.I. 2012/669, art. 4(a)

Desertion and absence without leave from service, duty or training

96 Failure to attend for service on call out or recall.

- (1) A member of a reserve force served with a call-out notice under any provision of this Act who, without leave lawfully granted or reasonable excuse—
- (a) fails to present himself for service at the time and place specified in the call-out notice under section 32(3)(b), 43(4)(b) or 58(3)(c) (as the case may be);
 - (b) having so presented himself, fails to remain there until accepted into service or informed that he is not to be accepted into service in pursuance of that notice; or
 - (c) where he has for any reason failed to present himself at the time and place so specified or to remain there, fails —
 - (i) to present himself to a person specified in the call-out notice or to any other authorised officer; or
 - (ii) having so presented himself, to remain until accepted into service or informed that he is not to be accepted into service in pursuance of that notice,
- [^{F13}is guilty of desertion (if section 8(2)(a) or (b) of the Armed Forces Act 2006 applies to him) or absence without leave (if neither of those provisions applies to him).]
- (2) Subsection (1) applies to a person liable to recall as it applies to a member of a reserve force—
- (a) with the substitution for references to a call-out notice of references to a recall notice; and
 - (b) as if paragraph (a) of that subsection referred to the time and place specified in the recall notice under section 70(3)(c).
- (3) An offence under this section is triable [^{F14}summarily by a civil court (as well as being triable by the Court Martial).]

Textual Amendments

- F13** Words in s. 96(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 40\(2\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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F14 Words in s. 96(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 40\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

97 Failure to attend for duty or training.

- (1) A member of a reserve force who has entered into a [^{F15}full-time service][^{F15}section 24] commitment or an additional duties commitment and, without leave lawfully granted or reasonable excuse, fails to appear at the time and place at which he is required to attend—
- (a) in the case of a [^{F16}full-time service][^{F16}section 24] commitment, to begin the period of [^{F17}full-time] service contemplated by the commitment;
 - (b) in the case of an additional duties commitment, to begin a period of service under the commitment,
- [^{F18}is guilty of desertion (if section 8(2)(a) or (b) of the Armed Forces Act 2006 applies to him) or absence without leave (if neither of those provisions applies to him).]
- (2) A member of a reserve force who—
- (a) is required to undergo a period of training in accordance with section 22, a special agreement or an employee agreement (or any other requirement applicable to special members), and
 - (b) fails, without leave lawfully granted or reasonable excuse, to appear at any time and place at which he is required to attend,
- is guilty of absence without leave.
- (3) An offence under this section is triable [^{F19}summarily by a civil court (as well as being triable by the Court Martial).]

Textual Amendments

- F15** Words in s. 97(1) substituted (1.5.2022 for specified purposes) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 2 para. 4\(2\)\(a\)](#) (with Sch. 2 para. 10); S.I. 2022/471, reg. 2(c)
- F16** Words in s. 97(1)(a) substituted (1.5.2022 for specified purposes) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 2 para. 4\(2\)\(b\)](#) (with Sch. 2 para. 10); S.I. 2022/471, reg. 2(c)
- F17** Word in s. 97(1)(a) omitted (1.5.2022 for specified purposes) by virtue of [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 2 para. 4\(2\)\(b\)](#) (with Sch. 2 para. 10); S.I. 2022/471, reg. 2(c)
- F18** Words in s. 97(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 41\(2\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F19** Words in s. 97(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 41\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

98 Punishment etc. of offences of desertion or absence without leave.

- (1) An offence under [^{F20}section 8 or 9 of the Armed Forces Act 2006] (offences under service law of desertion or absence without leave) committed by a member of a reserve force is triable summarily by a civil court [^{F21}(as well as being triable by the Court Martial)].

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- (2) A member of a reserve force convicted by [^{F22}the Court Martial] of an offence under section 96(1) or 97(1) is punishable as for an offence under [^{F23}section 8 or 9 (as the case may be) of the Armed Forces Act 2006.]
- (3) A member of a reserve force convicted by a civil court of—
- (a) an offence under section 96(1) or 97(1), or
 - (b) an offence under [^{F24}section 8 or 9 of the Armed Forces Act 2006],
- is liable to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (4) A person convicted of an offence under section 97(2) is liable—
- (a) if convicted by [^{F25}the Court Martial], to the same punishment as for an offence under [^{F26}section 9 of the Armed Forces Act 2006];
 - (b) if convicted by a civil court, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- ^{F27}(5)
- (6) Where a member of a reserve force or a person liable to recall is convicted of an offence of desertion, the time which elapsed between the time of his desertion and the time of his apprehension or voluntary surrender shall not be taken into account in reckoning his service for the purpose of release from permanent service or discharge.
- [^{F28}(7) Orders or regulations under section 4 may include provision for enabling a determination to be made in prescribed circumstances that subsection (6) is to cease to have effect in relation to a period of time or a part of a period of time.]

Textual Amendments

- F20** Words in s. 98(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 42\(2\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F21** Words in s. 98(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 42\(2\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F22** Words in s. 98(2) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 42\(3\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F23** Words in s. 98(2) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 42\(3\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F24** Words in s. 98(3)(b) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 42\(4\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F25** Words in s. 98(4)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 42\(5\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F26** Words in s. 98(4)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 42\(5\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F27** S. 98(5) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 42\(6\)](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4

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F28 S. 98(7) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 42\(7\)](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Modifications etc. (not altering text)

C1 S. 98(1) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [201\(3\)](#)

C2 S. 98(3) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [201\(3\)](#)

F29⁹⁹ False pretence of illegal absence.

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Textual Amendments

F29 S. 99 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 43](#), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

[F30^{100A} Arrest by civilian police of deserters and absentees without leave

- (1) An officer of a UK police force may arrest without warrant a person who is reasonably suspected of being a member of a reserve force, or a person liable to recall, who has deserted or is absent without leave.
- (2) If an authorised person is satisfied by evidence given under oath or affirmation that a relevant suspect is or is reasonably suspected of being within his jurisdiction, he may issue a warrant for the arrest of the relevant suspect.
- (3) In subsection (2)—
 - “authorised person” means a person who has authority in England and Wales, Scotland or Northern Ireland to issue a warrant for the arrest of a person suspected of an offence;
 - “relevant suspect” means a person reasonably suspected of being a member of a reserve force, or a person liable to recall, who has deserted, is absent without leave or has committed an offence under section 95.
- (4) In this section “UK police force” has the meaning given by section 375 of the Armed Forces Act 2006.]

Textual Amendments

F30 S. 100A substituted for s. 100 (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 44](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

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101 Inducing a person to desert or absent himself.

- (1) A person who, in the United Kingdom or elsewhere, by any means—
- (a) procures or persuades, or attempts to procure or persuade, a member of a reserve force to commit an offence of desertion or absence without leave;
 - (b) knowing that a member of a reserve force is about to commit such an offence, aids or assists him in so doing; or
 - (c) knowing a member of a reserve force to be a deserter or an absentee without leave, procures or persuades or assists him to remain a deserter or absentee, or assists in his rescue from custody,
- is guilty of an offence.
- (2) A person who—
- (a) procures or persuades, or attempts to procure or persuade, a person liable to recall to commit an offence of desertion or absence without leave;
 - (b) knowing that such a person is about to commit such an offence, aids or assists him in so doing; or
 - (c) knowing a person liable to recall to be a deserter or absentee without leave, procures or persuades or assists him to remain a deserter or absentee, or assists in his rescue from custody,
- is guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction—
- (a) in the case of an offence involving an offence of desertion or a deserter, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both); and
 - (b) in the case of an offence of absence without leave or an absentee without leave, to a fine not exceeding level 5 on the standard scale.

^{F31}102 Record of illegal absence.

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Textual Amendments

F31 S. 102 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 45, [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

General

103 Trial of offences as offences under service law.

- (1) Any offence which is by virtue of this Part triable by court-martial shall for all purposes of and incidental to the arrest, trial and punishment of the offender (including the summary disposal of the case by an officer having power to deal with the case) be deemed to be an offence under the ^{M1}Army Act 1955, the ^{M2}Air Force Act 1955 or the ^{M3}Naval Discipline Act 1957, as the case may require.

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- (2) References in those Acts to forfeitures and stoppages shall be construed in relation to any such offence as references to such forfeitures and stoppages as may be prescribed.

Marginal Citations

M1 1955 c. 18.
M2 1955 c. 19.
M3 1957 c. 53.

104 Jurisdiction of civil courts.

- (1) A civil court in the United Kingdom with jurisdiction in the place where a person is for the time being shall have jurisdiction to try him for any offence under this Part which is triable by such a court.
- (2) Subsection (1) applies notwithstanding that the alleged offence was committed outside the jurisdiction of the court, except that where it was committed in any part of the United Kingdom it shall be triable only by a court in that part of the United Kingdom.

^{F32}(3)

Textual Amendments

F32 S. 104(3) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 46, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

105 Trial of offences by civil court.

- (1) Any offence to which this section applies [^{F33}is (as well as being triable by the Court Martial)] triable summarily by a civil court and punishable with imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale (or both).

^{F34}(2)

- (3) This section applies to [^{F35}any service offence (other than an offence under this Act or an offence mentioned in section 98(1))] committed by a member of a reserve force when not in permanent service under Part IV or Part V or under a call-out order.

Textual Amendments

F33 Words in s. 105(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 14 para. 47(2)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F34 S. 105(2) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 47(3), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F35 Words in s. 105(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 14 para. 47(4)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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Modifications etc. (not altering text)

- C3** S. 105(3) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [201\(1\)](#)

^{F36}106 Offences triable by court-martial or civil court.

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Textual Amendments

- F36** S. 106 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 48, [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

107 Time for institution of proceedings.

- (1) Proceedings against a person before ^{F37}...
^{F37}(a)
(b) a civil court,
in respect of an offence under this Act or [^{F38}a service offence] and alleged to have been committed by him during his period of service in a reserve force may be instituted whether or not he has ceased to be a member of that reserve force.
- (2) Such proceedings may, notwithstanding anything in any other enactment, be instituted at any time within 2 months after—
(a) the time at which the offence becomes known to his commanding officer; or
(b) the time at which he is apprehended,
whichever is later.
- [^{F39}(3) Subsection (2) applies to proceedings for an offence under section 96(1) committed by a person liable to recall as it applies to proceedings mentioned in subsection (1) of this section.]

Textual Amendments

- F37** Words in s. 107(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 49(a)(i), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F38** Words in s. 107(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 49\(a\)\(ii\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F39** S. 107(3) added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 49\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Modifications etc. (not altering text)

- C4** S. 107(1) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [201\(5\)](#)

Changes to legislation: Reserve Forces Act 1996, Part X is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- C5** S. 107(3) extended (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [201\(6\)](#)

108 Evidence.

- [^{F40}(1A) The Secretary of State may by regulations make provision with respect to evidence, including the admissibility of evidence, in proceedings before a civil court for an offence under this Act.
- (1B) Regulations under subsection (1A) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (3) Where by virtue of any provision of this Act a document is admissible in evidence or is evidence of any matter stated in it in proceedings before a civil court in England and Wales, it shall be sufficient evidence of the matter so stated in such proceedings in Scotland.

Textual Amendments

- F40** S. 108(1A)(1B) substituted for s. 108(1)(2) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 50](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

109 Meaning of “civil court”.

In this Part a reference to a civil court shall be construed as a reference—

- (a) in England and Wales, to a magistrates’ court;
- (b) in Scotland, to the sheriff sitting as a court of summary jurisdiction; and
- (c) in Northern Ireland, to a court of summary jurisdiction.

Changes to legislation:

Reserve Forces Act 1996, Part X is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(2A) inserted by [2003 c. 44 Sch. 3 para. 65](#)