



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART X

#### GENERAL OFFENCES

##### *Desertion and absence without leave from service, duty or training*

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

- (1) An offence under section 37 or 38 of the Army Act 1955 or the Air Force Act 1955 or section 16 or 17 of the Naval Discipline Act 1957 (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 as well as by court-martial.
- (2) A member of a reserve force convicted by court-martial of an offence under section 96(1) or 97(1) is punishable as for an offence under service law of desertion or absence without leave (as the case may be).
- (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 service law of desertion or absence without leave,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 court-martial, to the same punishment as for an offence under service law of absence without leave;
  - (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).
- (5) A person convicted by a civil court of an offence mentioned in this section, if sentenced to a term of imprisonment or if such a term is imposed in default of payment of any fine, is liable to be taken into military, air-force or naval custody (as the case may require).

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*Status: This is the original version (as it was originally enacted).*

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- (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.