



# Visiting Forces Act 1952

## 1952 CHAPTER 67

### PART II

#### DESERTERS AND ABSENTEES WITHOUT LEAVE

#### **13 Apprehension and disposal of deserters and absentees without leave**

- (1) Subject to the provisions of this section, paragraphs (1) to (4) and (9) of section one hundred and fifty-four of the Army Act (which relates to the apprehension and delivery into military custody of deserters and absentees without leave) shall within the United Kingdom apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as they apply in relation to deserters and absentees without leave within the meaning of that section:

Provided that the said paragraph (9) (which, in the case of a person surrendering himself as, and appearing on inquiry to be, a deserter or absentee without leave, authorises a police officer to deliver him into military custody and in such case requires the officer to issue a certificate as to the fact, date and place of surrender) shall so apply as if the words from " and in such case " to the end of the paragraph were omitted.

- (2) The powers conferred by paragraphs (1), (2) and (9) of the said section one hundred and fifty-four as applied by the last foregoing subsection shall not be exercised in relation to a person except in compliance with a request (whether specific or general) of the appropriate authority of the country to which he belongs.
- (3) References in the said paragraphs (4) and (9), as applied by subsection- (1) of this section, to the delivery of a person into military custody shall be construed as references to the handing over of that person to such authority of the country to which he belongs, and at such place in the United Kingdom, as may be designated by the appropriate authority of that country.
- (4) In section one hundred and thirty-one of the Army Act (which imposes duties as to the reception of prisoners, deserters and absentees without leave) references to deserters and absentees without leave shall be construed as including references to deserters and absentees without leave from the forces of any country to which this section applies.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Section one hundred and seventy of the Army Act (which restricts proceedings against persons acting under that Act) shall have effect as if references in that section to that Act included references to any provision of that Act as applied by the foregoing provisions of this Part of this Act.
- (6) In this section references to the country to which a person, belongs are references to the country from whose forces he is suspected of being, or (where he has surrendered himself) appears from his confession to be, a deserter or absentee without leave.
- (7) In so far as the foregoing provisions of this section are applicable to members of a visiting force within the meaning of section eight of this Act, nothing in those provisions shall be construed as limiting the generality of the said section eight.

#### **14 Evidence for purposes of Part II**

For the purposes of any proceedings under or arising out of any provision of the Army Act as applied by the last foregoing section—

- (a) a document purporting to be a certificate under the hand of the Secretary of the Admiralty, the Secretary of the Army Council or the Secretary of the Air Council, stating that a request has been made for the exercise of the powers mentioned in subsection (2) of the last foregoing section, and indicating the effect of the request, shall be sufficient evidence, unless the contrary is proved, that the request has been made and of its effect; and
- (b) a document purporting to be a certificate under the hand of the officer commanding a unit or detachment of any of the forces of a country to which this section applies, stating that a person named and described therein was at the date of the certificate a deserter, or absentee without leave, from those forces shall be sufficient evidence, unless the contrary is proved, of the facts appearing from the document to be so certified.