



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.

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- (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)

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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](#)