

## SCHEDULES

### SCHEDULE 2

#### DESERTERS AND ABSENTEES WITHOUT LEAVE

##### *Certificates of arrest or surrender*

- 7 (1) Where a person is delivered into military, air-force or naval custody under this Schedule, there shall be handed over with him a certificate in such form as may be prescribed signed by a justice of the peace.
- (2) The certificate shall contain such particulars as may be prescribed as to the arrest or surrender of the person concerned and the proceedings before the court.
- (3) For any such certificate there shall be payable to the clerk of the court, by such person as the Defence Council may direct, such fee (if any) as may be prescribed.
- (4) In this paragraph and paragraph 8, “prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument under section 189 of the Army Act 1955 (for a person delivered into military custody), section 189 of the Air Force Act 1955 (for a person delivered into air-force custody) or section 110 of the Naval Discipline Act 1957 (for a person delivered into naval custody).
- 8 (1) Where a person is delivered into military, air-force or naval custody under this Schedule without being brought before a court, there shall be handed over with him a certificate in such form as may be prescribed signed by the police officer who caused him to be delivered into custody.
- (2) The certificate shall contain such particulars as may be prescribed relating to the surrender of the person concerned.
- 9 (1) In proceedings for an offence under section 96 a document purporting to be a duly signed certificate under paragraph 7 or 8 shall be evidence of the matters stated in the document.
- (2) In proceedings for such an offence against a person who was taken into military, air-force or naval custody on arrest or surrender, a certificate—
- (a) purporting to be signed by a provost officer or by any other officer in charge of the guardroom or other place where that person was confined on being taken into custody; and
- (b) stating the fact, date, time and place of arrest or surrender,
- shall be evidence of the matters stated in the certificate.