



# 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 <sup>M1</sup>Army Act 1955 or the <sup>M2</sup>Air Force Act 1955 or section 16 or 17 of the <sup>M3</sup>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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**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to Reserve Forces Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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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.

**Annotations:**

**Marginal Citations**

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

### Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Reserve Forces Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

#### Changes and effects yet to be applied to :

- s. 98(1) modified by [S.I. 2009/1059 art. 201\(3\)](#)
- s. 98(1) words substituted by [2006 c. 52 Sch. 14 para. 42\(2\)\(a\)](#)
- s. 98(1) words substituted by [2006 c. 52 Sch. 14 para. 42\(2\)\(b\)](#)
- s. 98(2) words substituted by [2006 c. 52 Sch. 14 para. 42\(3\)\(a\)](#)
- s. 98(2) words substituted by [2006 c. 52 Sch. 14 para. 42\(3\)\(b\)](#)
- s. 98(3) modified by [S.I. 2009/1059 art. 201\(3\)](#)
- s. 98(3)(b) words substituted by [2006 c. 52 Sch. 14 para. 42\(4\)](#)
- s. 98(4)(a) words substituted by [2006 c. 52 Sch. 14 para. 42\(5\)\(a\)](#)
- s. 98(4)(a) words substituted by [2006 c. 52 Sch. 14 para. 42\(5\)\(b\)](#)
- s. 98(5) repealed by [2006 c. 52 Sch. 14 para. 42\(6\) Sch. 17](#)
- s. 98(7) inserted by [2006 c. 52 Sch. 14 para. 42\(7\)](#)

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

- Act amendment to earlier affecting provision [SI 2010/2470 art. 2 Sch. by S.I. 2016/746 art. 3\(3\)\(b\)](#)
- Act extended (Isle of man) (with modifications) by [S.I. 2010/2470 art. 2 Sch.](#)
- Act power to amend conferred by [2006 c. 52 s. 381](#)
- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 5](#)
- Act words substituted by [2014 c. 20 s. 44\(3\)\(a\)\(4\)](#)
- Act words substituted by [2014 c. 20 s. 44\(3\)\(b\)\(4\)](#)

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

- s. 56(1A) inserted by [2011 c. 18 s. 28](#)
- s. 56(1B) substituted for s. 56(1)(1A) by [2014 c. 20 s. 45\(4\)](#)
- s. 57A(3) words substituted by [2014 c. 20 s. 45\(7\)](#)
- s. 64(1) s. 64 renumbered as s. 64(1) by [2014 c. 20 s. 45\(8\)\(a\)](#)
- s. 64(2) inserted by [2014 c. 20 s. 45\(8\)\(b\)](#)
- s. 84A inserted by [2014 c. 20 s. 46\(1\)](#)
- s. 85(1)(aa)(ab) inserted by [2014 c. 20 Sch. 7 para. 4\(2\)\(c\)](#)
- s. 85(3A) inserted by [2014 c. 20 Sch. 7 para. 4\(5\)](#)
- s. 86(A1) inserted by [2014 c. 20 Sch. 7 para. 6\(2\)](#)
- s. 90(1A) inserted by [2005 c. 4 Sch. 4 para. 241](#)
- s. 91(2A) inserted by [2005 c. 4 Sch. 4 para. 242](#)
- s. 92(2)-(4) substituted for s. 92(2)(3) by [2005 c. 4 Sch. 4 para. 243\(3\)](#)
- s. 92A inserted by [2005 c. 4 Sch. 4 para. 244](#)
- s. 95(2)(a)(ii) words repealed by [2011 c. 18 s. 15\(2\)\(a\) Sch. 5](#)
- s. 107(3) extended by [S.I. 2009/1059 art. 201\(6\)](#)
- s. 113A inserted by [2014 c. 20 s. 47](#)
- Sch. 2 para. 3(2A) inserted by [2003 c. 44 Sch. 3 para. 65](#)
- Sch. 9 para. 12A inserted by [2014 c. 20 Sch. 6 para. 4\(6\)](#)
- Sch. 9 Pt. 3 4 inserted by [2014 c. 20 Sch. 6 para. 4\(7\)](#)

#### Commencement Orders yet to be applied to the Reserve Forces Act 1996

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/910 art. 3](#) commences (2003 c. 39)
- [S.I. 2005/3495 art. 2](#) commences (2005 c. 15)
- [S.I. 2006/1014 art. 2 Sch. 1 2](#) commences (2005 c. 4)

- S.I. 2007/309 art. 2 3 Sch. commences (2006 c. 50)
- S.I. 2007/1442 art. 2 commences (2006 c. 52)
- S.I. 2007/2913 art. 2 3 commences (2006 c. 52)
- S.I. 2009/812 art. 3 commences (2006 c. 52)
- S.I. 2009/1167 art. 3 4 commences (2006 c. 52)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.S.I. 2007/84 art. 3 commences (2006 asp 10)