



# Armed Forces Act 2006

## 2006 CHAPTER 52

First Group of PartsDiscipline

### PART 13

DISCIPLINE: MISCELLANEOUS AND SUPPLEMENTARY

### CHAPTER 3

ARREST AND DETENTION BY CIVIL AUTHORITIES

*Arrest for service offences*

#### **313 Arrest by civilian police under warrant of judge advocate**

- (1) Where a judge advocate is satisfied by evidence given under oath or affirmation that there are reasonable grounds for doing so, he may issue a warrant for the arrest of a person who is reasonably suspected of having committed a service offence.
- (2) A warrant issued under this section—
  - (a) shall be addressed to an officer or officers of a UK police force or British overseas territory police force; and
  - (b) shall specify the name of the person for whose arrest it is issued and the offence which he is alleged to have committed.
- (3) The Secretary of State may make rules with respect to the practice and procedure which is to apply in connection with warrants issued under this section.
- (4) A person arrested under a warrant issued under this section must as soon as practicable be transferred to service custody.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

*Arrest etc for desertion or absence without leave*

**314 Arrest by civilian police of deserters and absentees without leave**

- (1) An officer of a UK police force or British overseas territory police force may arrest without a warrant a person (“a relevant suspect”) who is reasonably suspected of being a person subject to service law who has deserted or is absent without leave.
- (2) If an authorised person is satisfied by evidence given under oath or affirmation that a relevant suspect is or is reasonably suspected of being within his jurisdiction, he may issue a warrant for the arrest of the relevant suspect.
- (3) In subsection (2) “authorised person” means a person who has authority in a relevant territory to issue a warrant for the arrest of a person suspected of an offence.
- (4) A person arrested under this section must as soon as practicable be brought before a court of summary jurisdiction in the relevant territory in which he was arrested.
- (5) In this section “relevant territory” means—
  - (a) England and Wales;
  - (b) Scotland;
  - (c) Northern Ireland;
  - (d) the Isle of Man; or
  - (e) a British overseas territory.

**315 Deserters and absentees without leave surrendering to civilian police**

- (1) Where—
  - (a) a person surrenders to a civilian policeman as being a person subject to service law who has deserted or is absent without leave, and
  - (b) the surrender occurs at a place in a relevant territory which is not a police station,
 he must be taken to a police station.
- (2) Subsection (3) applies where a person—
  - (a) is brought to a police station under subsection (1), or
  - (b) surrenders to a civilian policeman, at a police station in a relevant territory, as being a person subject to service law who has deserted or is absent without leave.
- (3) The person in charge of the police station, or a person authorised by him, must consider the case.
- (4) If it appears to the person considering the case that the person who has surrendered is a person subject to service law who has deserted or is absent without leave, he may—
  - (a) arrange for him to be transferred to service custody;
  - (b) arrange for him to be brought, as soon as practicable, before a court of summary jurisdiction in the relevant territory in which the police station is situated; or
  - (c) release him subject to a condition that he reports, at or by such time as may be specified in the condition, to such place or person as may be so specified for the purpose of enabling him to be taken into service custody.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

(5) In this section “civilian policeman” means an officer of a UK police force or British overseas territory police force.

(6) In this section “relevant territory” has the same meaning as in section 314.

### **316 Proceedings before civilian court where person suspected of illegal absence**

(1) This section applies where a person is brought before a court of summary jurisdiction in a relevant territory under section 314(4) or 315(4)(b).

(2) Subsection (3) applies if—

- (a) the person admits to the court that he is a person subject to service law who has deserted or is absent without leave; or
- (b) the court has in its possession evidence of a description prescribed by regulations made by the Secretary of State.

(3) Where this subsection applies—

- (a) if the person is not in custody for some other cause, the court must either—
  - (i) arrange for him to be transferred to service custody; or
  - (ii) release him subject to a condition that he reports, at or by such time as may be specified in the condition, to such place or person as may be so specified for the purpose of enabling him to be taken into service custody;
- (b) if the person is in custody for some other cause, the court may arrange for him to be transferred to service custody.

(4) Where subsection (3) does not apply—

- (a) if the person is not in custody for some other cause, the court must release him;
- (b) if the person is in custody for some other cause, the court may release him.

(5) If there is likely to be a delay before a person can be transferred to service custody under subsection (3)(a)(i) or (b), the court may commit him to be held in custody pending his transfer—

- (a) in a prison,
- (b) in a police station, or
- (c) in any other place provided for the confinement of persons in custody, which is situated in the relevant territory in which the court is situated.

(6) The release of a person under subsection (4) does not prevent him from being subsequently arrested under section 67, or under a warrant issued under section 313, as a person who is reasonably suspected of having committed an offence under section 8 or 9.

(7) In this section “relevant territory” has the same meaning as in section 314.

### **317 Warrant for the arrest of persons released under section 315(4)(c) or 316(3)(a)(ii)**

(1) Where a person who is released under section 315(4)(c) or 316(3)(a)(ii) fails to comply with the condition subject to which he was released, a warrant for his arrest may be issued—

- (a) where he was released under section 315(4)(c), by a judge advocate;

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (b) where he was released under section 316(3)(a)(ii), by a judge advocate or by a person who is authorised to issue the warrant by the court that imposed the condition.
- (2) A warrant issued under this section—
  - (a) shall be addressed to an officer or officers of a UK police force or British overseas territory police force; and
  - (b) shall specify the name of the person for whose arrest it is issued.
- (3) The Secretary of State may make rules with respect to the practice and procedure which is to apply in connection with warrants issued under this section by judge advocates.
- (4) A person arrested under a warrant issued under this section must as soon as practicable be transferred to service custody.

#### *Arrest of persons unlawfully at large*

### **318 Arrest by civilian police of persons unlawfully at large**

- (1) A person who has been sentenced to service detention and who is unlawfully at large—
  - (a) may be arrested without a warrant by an officer of a UK police force or British overseas territory police force; and
  - (b) may be taken to the place in which he is required in accordance with law to be detained.
- (2) Section 301(4) (cases where persons temporarily released from service detention are unlawfully at large) applies for the purposes of this section.

#### *Supplementary*

### **319 Certificates in connection with transfer to service custody etc**

- (1) The Secretary of State may by regulations make provision requiring a certificate to be supplied when a person—
  - (a) is transferred to service custody under this Chapter; or
  - (b) is released under section 315(4)(c) or 316(3)(a)(ii).
- (2) Regulations under this section may in particular make provision with respect to—
  - (a) the information to be included in a certificate;
  - (b) the person who is to sign a certificate;
  - (c) the person to whom a certificate is to be supplied;
  - (d) the payment of a fee for the supply of a certificate.

### **320 Power to use reasonable force**

Where a power of arrest is conferred on any person by virtue of this Chapter, he may use reasonable force, if necessary, in the exercise of the power.