



Visiting Forces (British Commonwealth) Act 1933

1933 CHAPTER 6

3 Provisions with respect to deserters from certain forces

- (1) The forces to which this section applies are such of the naval, military and air forces of His Majesty raised in the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, or Newfoundland, as His Majesty may by Order in Council direct.
- (2) Subject to the provisions, of this section, paragraphs (1) to (4) of section one hundred and fifty-four of the Army Act (which relates to the apprehension of deserters and absentees without leave from a home military force) shall within the United Kingdom apply in relation to a deserter, or absentee without leave, from any force to which this section applies (including any member of a reserve or auxiliary force who, having failed to obey a notice calling upon him to appear at any place for service, is by the law of that part of the Commonwealth to which the force belongs liable to the same punishment as a deserter, or to the same punishment as an absentee without leave), as they apply in relation to a deserter, or absentee without leave, from a home military force :

Provided that any reference in the said paragraphs to military custody shall be construed as including a reference to naval or air force custody.

- (3) No person who is alleged to be a deserter from any such force as aforesaid shall be apprehended or dealt with under this section except in compliance with a specific request from the Government of that part of the Commonwealth to which the force belongs, and a person so dealt with shall be handed over to the authorities of that part of the Commonwealth at such place on the coast or frontier of the United Kingdom as may be agreed:

Provided that a person who is alleged to be a deserter or absentee without leave from a visiting force may also be apprehended and dealt with under this section in compliance with a request, whether specific or general, from the officer commanding that force, and shall, if that force is still present in the United Kingdom, be handed over to the officer commanding that force at the place where the force is stationed.

Status: This is the original version (as it was originally enacted).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

- (4) For the purposes of any proceedings under this section—
- (i) 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, that a request has been made under subsection (3) of this section shall be admissible without proof as evidence of the making of such a request;
 - (ii) a document purporting to be a certificate under the hand of the officer commanding a unit or detachment of any force to which this section applies that a named and described person was at the date of the certificate a deserter, or absentee without leave, from that force shall be admissible without proof as evidence of the facts so certified.