



Reserve Forces Act 1996

1996 CHAPTER 14

PART X

GENERAL OFFENCES

General

103 Trial of offences as offences under service law

- (1) Any offence which is by virtue of this Part triable by court-martial shall for all purposes of and incidental to the arrest, trial and punishment of the offender (including the summary disposal of the case by an officer having power to deal with the case) be deemed to be an offence under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957, as the case may require.
- (2) References in those Acts to forfeitures and stoppages shall be construed in relation to any such offence as references to such forfeitures and stoppages as may be prescribed.

104 Jurisdiction of civil courts

- (1) A civil court in the United Kingdom with jurisdiction in the place where a person is for the time being shall have jurisdiction to try him for any offence under this Part which is triable by such a court.
- (2) Subsection (1) applies notwithstanding that the alleged offence was committed outside the jurisdiction of the court, except that where it was committed in any part of the United Kingdom it shall be triable only by a court in that part of the United Kingdom.
- (3) Every fine imposed under this Part by a court-martial shall be paid to such authority as may be prescribed.

Status: This is the original version (as it was originally enacted).

105 Trial of offences by civil court

- (1) Any offence to which this section applies which is triable by a court-martial is also triable summarily by a civil court and punishable with imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale (or both).
- (2) Nothing in this section affects the liability of a person charged with an offence to which this section applies to be taken into military, air-force or naval custody.
- (3) This section applies to an offence under service law (other than an offence of desertion or absence without leave) committed by a member of a reserve force when not in permanent service under Part IV or Part V or under a call-out order.

106 Offences triable by court-martial or civil court

- (1) A person charged with an offence which under this Part is triable both by a court-martial and by a civil court may be tried either by a court-martial (or by an officer having power to deal summarily with the case) or by a civil court but not by both of them.
- (2) It is immaterial, for the purposes of any provision of this Part making an offence triable by court-martial, whether the person concerned is otherwise subject to service law.

107 Time for institution of proceedings

- (1) Proceedings against a person before either—
 - (a) a court-martial or an officer having power to deal with the case summarily; or
 - (b) a civil court,in respect of an offence under this Act or under service law and alleged to have been committed by him during his period of service in a reserve force may be instituted whether or not he has ceased to be a member of that reserve force.
- (2) Such proceedings may, notwithstanding anything in any other enactment, be instituted at any time within 2 months after—
 - (a) the time at which the offence becomes known to his commanding officer; or
 - (b) the time at which he is apprehended,whichever is later.

108 Evidence

- (1) Schedule 3 (evidence) shall have effect in relation to proceedings under this Part and any other proceedings for an offence under any other Part of this Act.
- (2) Paragraphs 2 to 8 of that Schedule apply to a member of a reserve force who is tried by a civil court, whether or not he is at the time of the trial subject to service law.
- (3) Where by virtue of any provision of this Act a document is admissible in evidence or is evidence of any matter stated in it in proceedings before a civil court in England and Wales, it shall be sufficient evidence of the matter so stated in such proceedings in Scotland.

109 Meaning of “civil court”

In this Part a reference to a civil court shall be construed as a reference—

- (a) in England and Wales, to a magistrates' court;
- (b) in Scotland, to the sheriff sitting as a court of summary jurisdiction; and
- (c) in Northern Ireland, to a court of summary jurisdiction.