

SCHEDULES

SCHEDULE 2

DESERTERS AND ABSENTEES WITHOUT LEAVE

Proceedings before a civil court where persons suspected of illegal absence

- 5 (1) This paragraph applies where—
- (a) the accused does not admit that he is illegally absent from a reserve force; or
 - (b) the court is not satisfied of the truth of any such admission.
- (2) The court shall consider the evidence with a view to determining whether there is sufficient evidence to justify his being tried under this Act for an offence of desertion or absence without leave.
- (3) Where the court considers that there is sufficient evidence to justify his being tried under this Act for an offence of desertion or absence without leave, the court shall (unless he is in custody for some other cause) cause him to be delivered into military, air-force or naval custody (as the case may require) or commit him as mentioned in paragraph 4(2)(b).
- If the accused is in custody for some other cause, the court may act as mentioned in this paragraph.
- (4) If the court does not consider that there is sufficient evidence to justify the trial of the accused for an offence of desertion or absence without leave, he shall be discharged.