

*These notes refer to the Armed Forces Act 2006 (c.52)  
which received Royal Assent on 8 November 2006*

# **ARMED FORCES ACT 2006**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

#### *First Group of Parts – Discipline*

#### **Part 1 – Offences**

#### **Desertion and absence without leave**

##### *Section 8: Desertion*

59. Under this section desertion is committed if a person subject to service law is absent without permission and either intends:
- not to return at all, or
  - to avoid service on operations against an enemy, or service abroad on operations to protect life or property, or service on military occupation of a foreign country or territory.
60. It is an offence if the person has the necessary intention at the time of going absent or if he develops the intention at some point during the period of absence.
61. The maximum sentence for desertion is generally two years' imprisonment. But the maximum is life imprisonment if the offender intended to avoid a period of "active service" as defined in the section.

##### *Section 9: Absence without leave*

62. Persons subject to service law commit an offence if they are absent from duty without permission. The offence may be committed through negligence, or recklessness as to whether the individual's conduct will result in such absence, or where he is intentionally absent without permission.

##### *Section 10: Failure to cause apprehension of deserters or absentees*

63. Under this section it is an offence if a person subject to service law fails to do what can reasonably be expected of him to cause a deserter or absentee without leave (or a person attempting to commit either offence) to be detained.