



# 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 <sup>M1</sup>Army Act 1955, the <sup>M2</sup>Air Force Act 1955 or the <sup>M3</sup>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.

#### **Marginal Citations**

- M1** 1955 c. 18.  
**M2** 1955 c. 19.  
**M3** 1957 c. 53.

#### **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.

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<sup>F1</sup>(3) .....

**Textual Amendments**  
**F1** S. 104(3) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 46, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**105 Trial of offences by civil court.**

(1) Any offence to which this section applies [<sup>F2</sup>is (as well as being triable by the Court Martial)] 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).

<sup>F3</sup>(2) .....

(3) This section applies to [<sup>F4</sup>any service offence (other than an offence under this Act or an offence mentioned in section 98(1))] 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.

**Textual Amendments**  
**F2** Words in s. 105(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 14 para. 47(2)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4  
**F3** S. 105(2) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 47(3), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4  
**F4** Words in s. 105(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 14 para. 47(4)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**Modifications etc. (not altering text)**  
**C1** S. 105(3) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), **201(1)**

<sup>F5</sup>**106 Offences triable by court-martial or civil court.**

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**Textual Amendments**  
**F5** S. 106 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 48, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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## 107 Time for institution of proceedings.

- (1) Proceedings against a person before <sup>F6</sup>...
- <sup>F6</sup>(a) . . . . .
- (b) a civil court,
- in respect of an offence under this Act or [<sup>F7</sup>a service offence] 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.
- [<sup>F8</sup>(3) Subsection (2) applies to proceedings for an offence under section 96(1) committed by a person liable to recall as it applies to proceedings mentioned in subsection (1) of this section.]

### Textual Amendments

- F6** Words in s. 107(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 49\(a\)\(i\)](#), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F7** Words in s. 107(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 49\(a\)\(ii\)](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F8** S. 107(3) added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 49\(b\)](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

### Modifications etc. (not altering text)

- C2** S. 107(1) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [201\(5\)](#)
- C3** S. 107(3) extended (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [201\(6\)](#)

## 108 Evidence.

- [<sup>F9</sup>(1A) The Secretary of State may by regulations make provision with respect to evidence, including the admissibility of evidence, in proceedings before a civil court for an offence under this Act.
- (1B) Regulations under subsection (1A) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (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.

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#### Textual Amendments

- F9** S. 108(1A)(1B) substituted for s. 108(1)(2) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 50](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

### 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.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(2A) inserted by [2003 c. 44 Sch. 3 para. 65](#)