



Armed Forces Act 2006

2006 CHAPTER 52

PART 13

DISCIPLINE: MISCELLANEOUS AND SUPPLEMENTARY

CHAPTER 3

ARREST AND DETENTION BY CIVIL AUTHORITIES

Arrest etc for desertion or absence without leave

314 Arrest by civilian police of deserters and absentees without leave

- (1) [^{F1}A civilian policeman] may arrest without a warrant a person (“a relevant suspect”) who is reasonably suspected of being a person subject to service law who has deserted or is absent without leave.
 - (2) If an authorised person is satisfied by evidence given under oath or affirmation that a relevant suspect is or is reasonably suspected of being within his jurisdiction, he may issue a warrant for the arrest of the relevant suspect.
 - (3) In subsection (2) “authorised person” means a person who has authority in a relevant territory to issue a warrant for the arrest of a person suspected of an offence.
 - (4) A person arrested under this section must as soon as practicable be brought before a court of summary jurisdiction in the relevant territory in which he was arrested.
- [^{F2}(4A) In this section “civilian policeman” means an officer of a UK police force or British overseas territory police force, other than a force or body constituted in Gibraltar.]
- (5) In this section “relevant territory” means—
 - (a) England and Wales;
 - (b) Scotland;
 - (c) Northern Ireland;

Status: Point in time view as at 19/05/2020.

Changes to legislation: Armed Forces Act 2006, Section 314 is up to date with all changes known to be in force on or before 14 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) the Isle of Man; or
- (e) a British overseas territory [^{F3}other than Gibraltar].

Textual Amendments

- F1** Words in s. 314(1) substituted (12.5.2016) by [Armed Forces Act 2016 \(c. 21\)](#), s. 19(2)(b), **Sch. para. 7(2)**
- F2** [S. 314\(4A\)](#) inserted (12.5.2016) by [Armed Forces Act 2016 \(c. 21\)](#), s. 19(2)(b), **Sch. para. 7(3)**
- F3** Words in s. 314(5)(e) inserted (12.5.2016) by [Armed Forces Act 2016 \(c. 21\)](#), s. 19(2)(b), **Sch. para. 7(4)**

Modifications etc. (not altering text)

- C1** Ss. 314-317 applied (with modifications) by 1952 c. 67, s. 13 (as amended (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. 16 para. 18(2)(a)** (with s. 385); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4)
- C2** S. 314(1)(2) extended by S.I. 1999/1736, Sch. 8 para. 6(1) (as amended) (31.10.2009) by [The Armed Forces Act 2006 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2054\)](#), art. 1(2), **Sch. 1 para. 21(6)(d)**
- C3** S. 314(4) extended by S.I. 1999/1736, Sch. 8 para. 6(3) (as amended) (31.10.2009) by [The Armed Forces Act 2006 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2054\)](#), art. 1(2), **Sch. 1 para. 21(6)(f)**

Commencement Information

- I1** S. 314 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I2** S. 314 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Status:

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Changes to legislation:

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