



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART V

GENERAL PROVISIONS

Provisions relating to deserters and absentees without leave

186 Arrest of deserters and absentees without leave.

- (1) A constable may arrest any person whom he has reasonable cause to suspect of being an officer, warrant officer, non-commissioned officer or soldier of the regular forces who has deserted or is absent without leave.
 - (2) Where no constable is available, any officer, warrant officer, non-commissioned officer or soldier of the regular forces, or any other person, may arrest any person whom he has reasonable cause to suspect as aforesaid.
 - (3) Any person having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of being, within his jurisdiction an officer, warrant officer, non-commissioned officer or soldier of the regular forces who has deserted or is absent without leave or is reasonably suspected of having deserted or of being absent without leave, may issue a warrant authorising his arrest.
 - (4) Any person in custody in pursuance of this section shall as soon as practicable be brought before a court of summary jurisdiction.
- [^{F1}(4A) A person shall also be brought before a court of summary jurisdiction if, having been brought before such a court by virtue of subsection (4) above and discharged by that court by virtue of section 187(3) below—
- (a) he is subsequently arrested as an alleged or suspected deserter or absentee without leave under section 74 of this Act, or under a warrant issued under section 190A thereof, and
 - (b) the question whether he is in fact in desertion or absent without leave raises any issue which was investigated by the court discharging him, and

Status: Point in time view as at 14/10/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 186. (See end of Document for details)

- (c) he does not admit that he is in desertion or absent without leave to the person arresting him under the said section 74 or, as the case may be, to the person into whose custody he is delivered pursuant to the said section 190A.]

- (5) This section shall have effect in the United Kingdom and in any colony.

Textual Amendments

F1 S. 186(4A) inserted by Armed Forces Act 1971 (c. 33), s. 56(1)

Modifications etc. (not altering text)

C1 S. 186 extended by Guyana Independence Act 1966 (c. 14), s. 5(2)

Textual Amendments applied to the whole legislation

F1 Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of 1996 c. 46, s. 15; S.I. 1997/304, arts. 2, 3, **Sch. 2**

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