



Reserve Forces Act 1980

1980 CHAPTER 9

PART IV

ARMY RESERVE AND AIR FORCE RESERVE

Offences

73 Failure to attend for permanent service, training etc.

- (1) Any man of the Army Reserve or of the Air Force Reserve who—
- (a) being called out for permanent service or in aid of the civil power,
 - (b) fails—
 - (i) without leave lawfully granted, or
 - (ii) without such reasonable excuse (including sickness) as may be allowed in the prescribed manner,to appear at any time and place at which he is required on being so called out to attend,
- shall be guilty, according to the circumstances, of desertion or absence without leave, and on conviction by court-martial shall be punishable as provided by subsection (2) below.
- (2) On conviction under subsection (1) above a man—
- (a) of the Army Reserve shall be punishable as for an offence under section 37 (desertion) or, as the case may be, section 38 (absence without leave) of the Army Act 1955.
 - (b) of the Air Force Reserve shall be punishable as for an offence under section 37 (desertion) or, as the case may be, section 38 (absence without leave) of the Air Force Act 1955,
- but without prejudice to his liability apart from this subsection and subsection (1) in respect of such an offence.

Status: This is the original version (as it was originally enacted).

- (3) Any man of the Army Reserve or of the Air Force Reserve who, being called out for training, fails without such leave or excuse as is referred to in subsection (1) to appear at any time and place at which he is required on being so called out to attend, shall be guilty of absence without leave, and on conviction by court-martial that person—
- (a) being a man of the Army Reserve, shall be punishable as for an offence under section 38 of the Army Act 1955;
 - (b) being a man of the Air Force Reserve, shall be punishable as for an offence under section 38 of the Air Force Act 1955.
- (4) Any man—
- (a) being a man of the Army Reserve who commits an offence under section 37 or section 38 of the Army Act 1955 may be tried, convicted and punished under that Act whether or not otherwise subject to military law;
 - (b) being a man of the Air Force Reserve who commits an offence under section 37 or section 38 of the Air Force Act 1955 may be tried, convicted and punished under that Act whether or not otherwise subject to air-force law.
- (5) Without prejudice to subsections (1) to (4) above, any man—
- (a) of the Army Reserve who commits an offence contrary to subsection (1) or subsection (3) above, or section 37 or section 38 of the Army Act 1955,
 - (b) of the Air Force Reserve who commits an offence contrary to subsection (1) or subsection (3) above, or section 37 or section 38 of the Air Force Act 1955,
- shall be liable on summary conviction to a fine of not less than £2 and not more than £50, and in default of payment of the fine to imprisonment for any term not less than 7 days and not more than the maximum term allowed by law for non-payment of the fine, and may in any case be taken into military custody or into air-force custody, as the case may be.
- (6) The provisions of Schedule 5 to this Act, in relation to the Army Reserve or the Air Force Reserve, as the case may be, shall apply to a deserter or absentee without leave.
- (7) The delivery under those provisions of a man—
- (a) of the Army Reserve into military custody, or
 - (b) of the Air Force Reserve into air-force custody,
- or the committal of any such man for the purpose of being so delivered, shall not prevent his subsequently being tried as provided by subsection (5) above.