

*These notes refer to the Armed Forces Discipline Act
2000 (c.4) which received Royal Assent on 25 May 2000*

ARMED FORCES DISCIPLINE ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 9: Bail in proceeding for illegal absence.

31. This section amends each of the SDAs and Schedule 2 of the Reserve Forces Act 1996.

Subsection (1) amends *section 187* of the Army Act 1955 dealing with proceedings before a civil court where a person is suspected of illegal absence. At the moment, if anyone who is illegally absent from the Army is brought before a magistrate on suspicion of being an absentee or a deserter, the legislation requires the magistrate to either deliver him into military custody or hold him in custody. There is no provision for bail. The effect of the amendment is to allow the magistrate to remand him either into custody or on bail, as he sees fit.

Subsection (2) amends *section 187* of the Air Force Act 1955 in the manner described above.

Subsection (3) amends *section 109* of the Naval Discipline Act 1957 to produce the same result as described above.

Subsection (4) amends *Schedule 2* of the Reserve Forces Act 1996 to produce the same result as described above.