



Armed Forces Act 2006

2006 CHAPTER 52

PART 1

OFFENCES

Desertion and absence without leave

8 Desertion

- (1) A person subject to service law commits an offence if he deserts.
- (2) For the purposes of this Act a person deserts if he is absent without leave and—
 - (a) he intends to remain permanently absent without leave; or
 - (b) he intends to avoid a period of active service.
- (3) In this section “active service” means service in—
 - (a) an action or operation against an enemy;
 - (b) an operation outside the British Islands for the protection of life or property; or
 - (c) the military occupation of a foreign country or territory.
- (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, and any sentence of imprisonment imposed in respect of the offence—
 - (a) if the offender intended to avoid a period of active service, may be for life;
 - (b) otherwise, must not exceed two years.

Commencement Information

- I1** S. 8 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. 8 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

Status:

Point in time view as at 31/10/2009.

Changes to legislation:

Armed Forces Act 2006, Section 8 is up to date with all changes known to be in force on or before 08 July 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.