



# Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

## PART V

### GENERAL PROVISIONS

*Provisions relating to deserters and absentees without leave*

**187 Proceedings before a civil court where persons suspected of illegal absence.**

- (1) Where a person who is brought before a court of summary jurisdiction is alleged to be an officer, warrant officer, non-commissioned officer or soldier of the regular forces who has deserted or is absent without leave, the following provisions shall have effect.
- (2) If he admits that he is illegally absent from the regular forces and the court is satisfied of the truth of the admission, then—
  - (a) unless he is in custody for some other cause the court shall, and
  - (b) notwithstanding that he is in custody for some other cause, the court may, forthwith either cause him to be delivered into military custody in such manner as the court may think fit or commit him to some prison, police station or other place provided for the confinement of persons in custody, to be kept there for such reasonable time as the court may specify (not exceeding such time as appears to the court reasonably necessary for the purpose of enabling him to be delivered into military custody) or until sooner delivered into such custody.

Any time specified by the court may be extended by the court from time to time if it appears to the court reasonably necessary so to do for the purpose aforesaid.

- (3) If he does not admit that he is illegally absent as aforesaid, or the court is not satisfied of the truth of the admission, the court shall consider the evidence and any statement of the accused, and if satisfied that he is subject to military law and if of opinion that there is sufficient evidence to justify his being tried under this Act for an offence of desertion or absence without leave then, unless he is in custody for some other cause, the court shall cause him to be delivered into military custody or commit him as aforesaid, but otherwise shall discharge him:

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 187. (See end of Document for details)*

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Provided that if he is in custody for some other cause the court shall have power, but shall not be required, to act in accordance with this subsection.

(4) The following provisions of [<sup>F1</sup>the <sup>M1</sup>Magistrates' Courts Act 1980], or any corresponding enactment in force as respects the court in question, that is to say the provisions relating to the constitution and procedure of courts of summary jurisdiction acting as examining justices and conferring powers of adjournment and remand on such courts so acting, and the provisions as to evidence and the issue and enforcement of summonses or warrants to secure the attendance of witnesses, shall apply to any proceedings under this section.

[<sup>F2</sup>(4A) For the purposes of any proceedings under this section, a certificate which states that a person is a member of, and illegally absent from, the regular forces, and purports to be signed by an officer who, if that person were charged with an offence, would be either his commanding officer or authorised to act as his appropriate superior authority, shall be evidence of the matters so stated.]

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

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**Textual Amendments**

**F1** Words substituted by [Magistrates' Courts Act 1980 \(c. 43\)](#), [Sch. 7 para. 12](#)

**F2** [S. 187\(4A\)](#) inserted by [Armed Forces Act 1971 \(c. 33\)](#), [s. 56\(2\)](#)

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**Modifications etc. (not altering text)**

**C1** [S. 187](#) extended by [Guyana Independence Act 1966 \(c. 14\)](#), [s. 5\(2\)](#)

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**Marginal Citations**

**M1** [1980 c. 43](#).

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**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](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 187.