

44. False answers on enrolment.— Any person having become subject to this Act who is discovered to have made at the time of enrolment a willfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

NOTES

1. (a) An offence under this section should not be dealt with summarily under [AA.s.80, 83](#) or [84](#).

(b) 'Having become subject's —It will be observed that the wording of this section differs from the wording of the other penal sections. This is essential since at the time the offence is committed the person is not actually subject to AA; as he does not become so subject until he has signed the enrolment paper ([AA.s.14](#)).

2. A person charged with "fraudulent enrolment" under [AA.s.43\(a\)](#) should not also be charged under this section with "false answer" made on the occasion of such enrolment.

3. (a) The answer must be willfully false; thus where a person might reasonably have been mistaken as to the fact of his having "served", where, for instance, he was discharged as unfit before he had done duty or worn uniform, a conviction would not be upheld.

(b) Where the false answer is as to age, proof must be given by calling some one to prove that the accused is the person referred to in the birth-certificate or register; and a mere production of a birth-certificate or register is not sufficient.

4. *The falsity of the answer must be proved in accordance with the normal rules of evidence. The original enrolment paper must be produced at the trial, see [AA.s.141\(1\)](#).*
5. *If false answers are given to two or more questions in the enrolment paper, each false answer should be included in a separate charge.*
6. *'Enrolling Officer': see [AR7](#).*