



Naval Discipline Act 1957

CHAPTER 53

NAVAL DISCIPLINE ACT 1957

PART I

ARTICLES OF WAR

Public worship

- 1 Public worship to be performed.

Misconduct in action and other offences arising out of naval service

- 2 Misconduct in action.
- 3 Assisting the enemy.
- 4 Obstructing operations, giving false air signals, etc.
- 5 Looting.
- 6 Offences by or in relation to sentries, persons on watch etc.
- 7 Failure to attend for duty, neglect of duty etc.

Mutiny

- 8 Definition of “mutiny”.
- 9 Offences of mutiny.
- 10 Failure to suppress mutiny.

Insubordination and similar offences

- 11 Insubordinate behaviour.
- 12 Disobedience to lawful commands.
- 12A Failure to provide a sample for drug testing.
- 12B Failure to provide sample after serious incident
- 13 Fighting and quarrelling.

Status: Point in time view as at 28/02/2002.

Changes to legislation: Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 July 2024.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. (See end of Document for details)

- 14 Obstruction of provost officers.
- 14A Disobedience to standing orders.

Desertion and absence without leave

- 15 Definition of “desertion”.
- 16 Offences of desertion.
- 17 Absence without leave etc.
- 18 Failure to report deserters and absentees.

Navigation and flying offences

- 19 Loss or hazarding of ship or aircraft.
- 20 Dangerous flying, etc.
- 21 Low flying.
- 22 Annoyance by flying.

Prize offences

- 23 Prize offences by commanding officers.
- 24 Other prize offences.

Other offences in respect of ships and aircraft

- 25 Inaccurate certification.
- 26

Malingering and drunkenness

- 27 Malingering.
- 28 Drunkenness.

Offences relating to property

- 29 Damage to, and loss of, public or service property etc.
- 29A Damage to, and loss of, Her Majesty’s aircraft or aircraft material.
- 29B Interference etc. with equipment, messages or signals.
- 30 Misapplication and waste of public or service property.
- 31 Offences relating to issues and decorations.

Offences relating to billeting and requisitioning of vehicles, etc.

- 32 Billeting offences.
- 33 Offences in relation to requisitioning of vehicles, etc.

Offences relating to, and by, persons in custody 33A.

- 33A Permitting escape, and unlawful release of prisoners.
- 33B Resistance to arrest.
- 33C Escape from confinement.

Miscellaneous offences

- 34 Unauthorised disclosure of information.
- 34A False statements on entry.
- 35 Falsification of documents.
- 35A Offences against civilian population.

Status: Point in time view as at 28/02/2002.

Changes to legislation: Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 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. (See end of Document for details)

- 35B Offences against morale.
- 36 Cruelty or scandalous conduct by officers.
- 36A Ill-treatment of persons of inferior rank etc.
- 37 Disgraceful conduct.
- 38 Offences in relation to courts-martial.
- 39 Conduct to the prejudice of naval discipline.

Attempts and aiding and abetting

- 40 Attempt to commit naval offence.
- 41 Aiding and abetting etc., and inciting.

Civil offences

- 42 Civil offences.

Punishments

- 43 Scale of punishments, and supplementary provisions.
- 43A Juveniles
- 43AA Young service offenders: custodial orders.
- 43AB Reasons to be given where custodial sentence awarded to young offender.
- 43B Power to impose imprisonment for default in payment of fines.

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Arrest

- 45 Duty to bring offenders to justice and powers of arrest.
- 45A Power of arrest in anticipation of commission of offence
- 46 Provisions for avoiding delay after arrest.
- 47 Evidence of arrest or surrender.

Custody

- 47A Limitations on custody without charge.
- 47B Authorisation of custody without charge.
- 47C Review of custody by commanding officer.
- 47D Extension of custody without charge.
- 47E Custody without charge: other cases.
- 47F Custody without charge: supplementary.
- 47G Custody after charge.
- 47H Review of custody after charge.
- 47J Custody during court-martial proceedings.
- 47K Release from custody after charge or during proceedings.
- 47L Arrest during proceedings.
- 47M Judicial officers.
- 47N Custody rules.

Jurisdiction

- 48 Jurisdiction of courts-martial.
- 49 Summary trial.
- 50 Disciplinary courts.

Status: Point in time view as at 28/02/2002.

Changes to legislation: Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 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. (See end of Document for details)

- 51 Jurisdiction to try offenders no longer subject to this Act.
- 52 Limitation of time for trial.
- 52A Power to stay further proceedings.

Investigation and summary trial

- 52B Investigation of charges by commanding officer
- 52C Powers of higher authority.
- 52D Summary trial.
- 52E Commanding officers.
- 52EE Officers who may act as appropriate superior authorities
- 52F Regulations as to summary trial etc.

The summary appeal court

- 52FF The summary appeal court.
- 52FG Judge advocates.
- 52FH Officers qualified for membership of summary appeal court.
- 52FJ Constitution of summary appeal court for appeals.
- 52FK Right of appeal.
- 52FL Hearing of appeals.
- 52FM Powers of court.
- 52FN Making of, and appeals from, decisions of court.
- 52FP Rules of summary appeal court.
- 52FQ Administration of oaths to members of summary appeal court.
- 52FR Privileges of witnesses and others.

Disciplinary courts

- 52G Disciplinary courts.

The prosecuting authority

- 52H The prosecuting authority.
- 52I Functions of the prosecuting authority.
- 52II Cases where charge may be referred back to commanding officer.
- 52IJ Power of prosecuting authority to advise police forces
- 52J Prosecuting officers.

Constitution of courts-martial

- 53 Ordering of courts-martial.
- 53A Court administration officers.
- 53B Judge advocates.
- 53C Ordering of courts-martial.
- 54 Composition of courts-martial
- 55 Officials of courts-martial.
- 56 Place and time of sittings of courts-martial.
- 56A Dissolution of courts-martial.
- 57 Quorum.

Proceedings of courts-martial

- 58 Rules.
- 58A Preliminary hearings as to plea
- 59 Challenge by accused.

Status: Point in time view as at 28/02/2002.

Changes to legislation: Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 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. (See end of Document for details)

- 60 Administration of oaths.
- 61 Courts-martial to sit in open court.
- 62 Finding and sentence.
- 62ZA Powers of court-martial where accused elected court-martial trial.
- 63 Special finding of insane at time of trial or offence.
- 62A Fitness to stand trial.
- 63 Findings of insanity.
- 63A Powers to deal with persons not guilty by reason of insanity or unfit to stand trial.
- 63B Admission orders.
- 63C Guardianship orders.
- 63D Supervision and treatment orders.
- 63E Provisions supplementary to sections 62A to 63D.
- 64 Summoning of witnesses.
- 64A Rules of evidence
- 64B Proofs at courts-martial by written statement
- 64C Proof of service facts and records.
- 64D Privilege of witnesses and others at courts-martial
- 65 Contempt of court-martial by civilians.
- 66 Record of proceedings of courts-martial.
- 66A Right of penalised parent or guardian to copy of record of court-martial proceedings.
- 62B Finding that the accused did the act or made the omission charged
- 65A Powers to compel attendance of witnesses

Power to convict of mitigated or alternative offence

- 67 Power to convict of mitigated offence.
- 68 Power to convict of alternative offence.
- 69 Power to convict of attempt notwithstanding proof of completed offence.

Review of finding and sentence

- 70 Review of findings and sentences of courts-martial.
- 71 Powers of the reviewing authority.
- 71A Power to authorise retrial.
- 71AB Scope of section 71AC
- 71AC Review of sentences by Courts-Martial Appeal Court
- 71B Review of summary findings and awards.
- 72 Power to remit or alter sentences.
- 73 Saving for functions of Judge Advocate of Her Majesty's Fleet.

Special powers of Admiralty.

- 74 Power to dispense with trial of persons confessing to desertion.
- 75 Forfeiture of pay and effects of certain absentees.
- 76 Restitution or compensation on conviction of larceny, etc.
- 77 Effect of appeal against conviction on order for restitution or compensation.

Execution of sentence of death

- 78 Confirmation and authority for execution.
- 79 Regulations as to execution.

Status: Point in time view as at 28/02/2002.

Changes to legislation: Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 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. (See end of Document for details)

80 Execution in civil prison in the United Kingdom.

Service of sentence of imprisonment or detention

- 81 Place of imprisonment or detention.
- 82 Naval Detention Quarters Rules.
- 82A Country for service of sentence.
- 83 Service of sentence in civil prison in the United Kingdom.
- 84 Removal of certain prisoners.

Commencement and duration of sentences of imprisonment and detention

- 85 Commencement of sentences.
- 85A Sentence of detention awarded on summary trial.
- 86 Consecutive sentences.
- 87 Periods of compassionate release.
- 88 Periods of unlawful absence.
- 89 Limitation of total period of sentences of detention.

Postponement of sentences

- 89A Postponement of sentences.

Suspension and reconsideration of sentences of imprisonment and detention

- 90 Suspension of sentences.
- 91 Committal or re-committal of persons under suspended sentence.
- 91A Activation of suspended sentence by court-martial: appeals
- 91B Activation of suspended sentence by commanding officer
- 91C Partial activation by commanding officer of suspended sentence for more than 90 days
- 91D Activation of suspended sentence by commanding officer: appeals etc.
- 92 Reconsideration of sentences.

PART III

PROVISIONS RELATING TO CIVILIANS AND CIVIL AUTHORITIES

Offences by civilians triable by court-martial

- 93 Spying in ships or in naval establishments abroad.
- 94 Seduction from duty in ships or in naval establishments abroad.
- 95 Arrest and jurisdiction.

Offences punishable by civil courts

- 96 False pretence of desertion or absence without leave.
- 97 Procuring or assisting desertion or absence without leave.
- 98 Unlawful purchase of naval property.
- 99 Illegal dealings in official documents.
- 100 Jurisdiction and application of summary fines.

Process and execution in certain civil proceedings

- 101 Service of proceedings for maintenance, etc.
- 102 Exemption of naval property from execution.

Status: Point in time view as at 28/02/2002.

Changes to legislation: Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 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. (See end of Document for details)

Arrest and detention of offenders by civil authorities

- 103 Arrest under warrants of naval authorities.
- 104 Arrest of persons unlawfully at large.
- 105 Arrest of deserters and absentees.
- 106 Arrest of persons suspected of offences punishable by civil courts.
- 107 Duties of governors of civil prisons, etc.

Powers of civil courts and authorities as to deserters and absentees

- 108 Deserters and absentees surrendering to police.
- 109 Proceedings before summary courts.
- 110 Certificates of arrest or surrender.

PART IV

MISCELLANEOUS AND GENERAL

Persons subject to this Act

- 111 Naval forces, volunteers and trainees.
- 112 Marines.
- 113 Attached military and air forces.
- 114 Commonwealth forces.
- 115 Colonial naval forces.
- 116 Application to deserters, etc. from Commonwealth and colonial naval forces.
- 117 Application to passengers in H.M. ships.
- 118 Application to certain civilians.
- 119 Application to sentenced offenders, etc.

Attachment and powers of command

- 120 Attachment to military or air forces.
- 121 Attachment to commonwealth and other forces.
- 122 Powers of command of members of co-operating military or air forces.

Application to particular countries and territories

- 123 Scotland.
- 124 Northern Ireland.
- 125 Channel Islands and Isle of Man.
- 126 Colonies.
- 127 Protectorates, protected states, trust territories and federated territories.
- 128

Additional provisions as to forfeiture of pay and deductions from pay

- 128A General provisions.
- 128B Deductions for payment of civil penalties.
- 128C Compensation for loss occasioned by wrongful act or negligence.
- 128D Remission of deductions.
- 128E Deductions in respect of judgment debts etc.
- 128F Financial penalty enforcement orders.
- 128G Avoidance of assignment of or charge on naval pay and pensions etc.

Status: Point in time view as at 28/02/2002.

Changes to legislation: Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 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. (See end of Document for details)

Miscellaneous provisions

- 129 Jurisdiction of civil courts.
- 129A Exclusion of enactments requiring fiat of Attorney General etc. in connection with proceedings.
- 129B Proof of outcome of civil trial.
- 129C Evidence of proceedings of court-martial.
- 129D Forfeiture of service for desertion, and restoration of forfeited service.
- 129E Provision as to age.
- 130 Redress of complaints.
- 130A Indemnity for prison officers etc.
- 131 Ships under convoy.

Interpretation

- 132 Definitions of Her Majesty's ships, forces, etc.
- 133 Definitions of officer, rating and superior officer.
- 134 Definition of active service.
- 135 General interpretation.

Supplemental

- 136 Minor amendments.
- 137 Repeals and transitional provisions.
- 138 Savings.
- 139 Short title and commencement.

SCHEDULES

FIRST SCHEDULE — Application of Act to Marine Forces

- 1 The following paragraph shall be substituted for paragraph (h) of...
- 2 For the references to disrating in subsection (4) of the...
- 3 Notwithstanding anything in section two hundred and one of the...
- 4 In subsection (2) of section fifty-two of this Act, for...

SECOND — Application of Act to attached Military and Air Forces SCHEDULE

- 1, 2 ...
- 3 The following paragraph shall be substituted for paragraph (h) of...
- 4 ...
- 5 For the references to disrating in subsection (4) of the...
- 6 Notwithstanding anything in section two hundred and one of the...
- 7 In subsection (1) of section 52G, the reference to an...
- 8 In relation to the trial of a member of the...
- 9 In subsection (2) of section fifty-two of this Act, for...
- 10 Any reference in this Act to the uniform of any...
- 11 ...

THIRD SCHEDULE — Persons subject to Act outside the United Kingdom

- 1 Persons serving Her Majesty, or otherwise employed, in such capacities...
- 2 Persons who are employed by, or in the service of,...
- 3 Persons belonging to or employed by any other organisation so...

Status: Point in time view as at 28/02/2002.

Changes to legislation: Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 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. (See end of Document for details)

- 4 Persons who, for the purposes of their profession , business...
- 5 Persons forming part of the family of members of any...
- 6 Persons forming part of the family of persons falling within...
- 7 Persons employed by members of any of Her Majesty’s naval,...
- 8 Persons employed by persons falling within paragraphs 1 to 6...
- 9 Persons forming part of the family of persons falling within...

FOURTH SCHEDULE — Application of Act to Certain Civilians

- 1 In the application of any enactment contained in Part I...
- 2 . . .
- 3 Any person found committing an offence for which he is...
- 3A In relation to persons to whom Part II of this...
- 3B In relation to such persons— (a) section 47K(2)(b) of this...
- 4 In relation to a person liable to be tried as...
- 4A For the purposes of section 52(2) of this Act a...
- 4B
- 4C (1) Where the summary appeal court hears an appeal brought...
- 5 Section 129B above shall apply to a person to whom...

SCHEDULE 4A — Powers of Court on trial of Civilian

General

- 1 The powers conferred by this Schedule shall be exercisable on...
- 2 (1) In this Schedule— “community supervision order” has the meaning...

Absolute and conditional discharge

- 3 (1) The court by which a civilian is found guilty...

Community supervision orders

- 4 (1) Subject to sub-paragraph (4) below, where a civilian

Absolute and conditional discharge and community supervision orders—supplementary

- 5 (1) If upon finding a person guilty of an offence...

Reception orders and committal into care—general

- 6

Committal into care—England and Wales

- 7

Committal into care—transfer to Scotland

- 8

Committal into care—transfer to Northern Ireland

- 9

Status: Point in time view as at 28/02/2002.

Changes to legislation: Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 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. (See end of Document for details)

Custodial orders

- 10 (1) Where a civilian who has attained the minimum age...

Compensation orders

- 11 (1) The court, on finding a civilian guilty of an...
12 (1) The operation of a compensation order made by a...

Imposition of fines on and making of compensation orders against parents and guardians

- 13 (1) Where— (a) a civilian under 17 years of age...

Orders requiring parents or guardians to enter into recognisance

- 14 (1) Subject to sub-paragraph (2) below, where a civilian under...

Scale of punishments and orders

- 15 (1) In their application to civilians, references in this Act...

Indemnity for persons carrying out orders under Schedule

- 16 No action shall lie in respect of anything done by...

Regulations

- 17 (1) The Secretary of State may by regulations make provision...

FIFTH SCHEDULE — Minor Amendments

SIXTH SCHEDULE — . . .

SEVENTH — . . .
SCHEDULE

Status:

Point in time view as at 28/02/2002.

Changes to legislation:

Naval Discipline Act 1957 (repealed) is up to date with all changes known to be in force on or before 07 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.