



# 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.

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- 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.

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- 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.

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- 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 Referral of case 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.

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- 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.
- 63E Provisions supplementary to sections 62A to 63D.

*Findings of unfitness to stand trial and insanity*

- 62A Fitness to stand trial
- 62B Finding that the accused did the act or made the omission charged
- 63 Findings of insanity
- 63A Powers to deal with person unfit to stand trial or not guilty by reason of insanity
- 63B Orders under the Mental Health Act
- 63C Supervision orders
- 63D Provisions supplementary to sections 62A to 63C
- 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.
- 65A Powers to compel attendance of witnesses
- 66 Record of proceedings of courts-martial.
- 66A Right of penalised parent or guardian to copy of record of court-martial proceedings.

*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 General.

*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.

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### *Execution of sentence of death*

- 78 Confirmation and authority for execution.
- 79 Regulations as to execution.
- 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 Activation of suspended sentence by court-martial
- 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.

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*Process and execution in certain civil proceedings*

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

*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.

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- 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.

#### *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.

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### 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



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- 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...
- 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 . . . . .

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*Committal into care—transfer to Northern Ireland*

9 .....

*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

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