

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Desertion and absence without leave is up to date with all changes known to be in force on or before 21 June 2024.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)*



# Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

## PART I

### ARTICLES OF WAR

#### *Desertion and absence without leave*

#### Textual Amendments applied to the whole legislation

**F1** Act repealed (prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#) and the repeal being partly in force, as to which see individual provisions

#### [<sup>F1</sup>15 **Definition of “desertion”.**

A person is guilty of desertion within the meaning of this Act if he—

- (a) leaves or fails to attend at his unit, ship or place of duty with the intention of remaining permanently absent from duty without lawful authority, or, having left or failed to attend at his unit, ship or place of duty, thereafter forms the like intention, or
- (b) absents himself without leave with intent to avoid serving at any place overseas, or to avoid service or any particular service when before the enemy.]

#### Textual Amendments

**F1** [S. 15](#) substituted by [Armed Forces Act 1971 \(c. 33\)](#), ss. 11(3), 78(4)

#### 16 **Offences of desertion.**

- (1) Every person subject to this Act who deserts shall be liable to imprisonment . . . <sup>F2</sup> or any less punishment authorised by this Act.

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- (2) A person convicted of desertion shall, except so far as the court or officer by whom he is tried or <sup>F3</sup>the Defence Council] may otherwise direct, forfeit all pay, bounty, salvage and allowances earned by him, all annuities, pensions and gratuities granted to him, and all clothes and effects left by him on board his ship or at his place of duty.
- (3) . . . <sup>F4</sup>

#### Textual Amendments

- F2** Words repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 4 Pt. I**
- F3** Words substituted by [S.I. 1964/488](#), **Sch. 1 Pt. I**
- F4** [Ss. 16\(3\), 17\(2\), 26](#) repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 4 Pt. I**

### 17 Absence without leave etc.

- (1) Every person subject to this Act who, . . . <sup>F5</sup>,—
- (a) absents himself without leave; or
  - (b) improperly leaves his ship . . . <sup>F5</sup>,
- shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act, and to such other punishment by way of forfeiture of pay or other benefits as may be prescribed by regulations made by <sup>F6</sup>the Defence Council.]
- (2) . . . <sup>F7</sup>

#### Textual Amendments

- F5** Words repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 4 Pt. I**
- F6** Words substituted by [S.I. 1964/488](#), **Sch. 1 Pt. I**
- F7** [Ss. 16\(3\), 17\(2\), 26](#) repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 4 Pt. I**

### 18 Failure to report deserters and absentees.

Every person subject to this Act who, knowing that any other person subject thereto <sup>F8</sup>has committed an offence, or is attempting to commit an offence, under section 16(1) or section 17(1) of this Act],—

- (a) fails to report the fact without delay; or
- (b) fails to take any steps within his power to cause that person to be apprehended,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

#### Textual Amendments

- F8** Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 13(3), 78(4)**

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