

Status: Point in time view as at 03/11/2008.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Insubordination and similar offences is up to date with all changes known to be in force on or before 16 July 2024.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)



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART I

ARTICLES OF WAR

Insubordination and similar offences

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- F1** Act repealed (prosp.)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

[^{F1}11 **Insubordinate behaviour.**

Every person subject to this Act who—

- (a) . . . ^{F2} uses violence to, or offers violence to, his superior officer, or
- (b) uses threatening or insubordinate language to, or behaves with contempt to, his superior officer,

shall be liable to imprisonment or any less punishment authorised by this Act:

Provided that it shall be a defence for any person charged under this section, to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was his superior officer.]

Textual Amendments

- F1** [Ss. 11, 12](#) substituted by [Armed Forces Act 1971 \(c. 33\)](#), [ss. 8\(3\)](#), 78(4)
- F2** Words repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), ss. 4(1), 16(2), [Sch. 2](#)

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12 Disobedience to lawful commands.

Any person subject to this Act who, whether wilfully or through neglect, disobeys any lawful command (by whatever means communicated to him) shall be liable to imprisonment or any less punishment authorised by this Act.

[^{F3}12A Failure to provide a sample for drug testing.

- (1) Any person subject to this Act who, when requested to do so by a drug testing officer, fails to provide a sample of his urine for [^{F4}the purpose of ascertaining whether, or to what extent, he has, or has had, drugs in his body] shall, ^{F5} . . . , be liable to imprisonment for a term not exceeding six months or any less punishment provided by this Act.

[A drug testing officer may not request a person to provide a sample under ^{F6}(1A) subsection (1) above if—

- (a) he is that person’s commanding officer, or
- (b) the commanding officer of that person is his commanding officer.

(1B) A request under subsection (1) above may not be made if the sample is sought in connection with—

- (a) an investigation under this Act of an offence, or
- (b) an investigation of such an incident as is referred to in section 32(1)(a) of the Armed Forces Act 2001 (powers to test for alcohol or drugs after serious incident).

(1C) The results of tests performed on a sample provided by a person at the request of a drugs testing officer shall not be admissible in evidence against—

- (a) that person, or
- (b) any other person,

in proceedings before a court-martial, commanding officer or appropriate superior authority.

(1D) Nothing in this section—

- (a) limits the powers conferred by—
 - [^{F7}(i) any provision of the Road Traffic Act 1988 (c. 52),]
 - (ii) sections 62 and 63 of the Police and Criminal Evidence Act 1984 (intimate and other samples), as applied by order under section 113(1) of that Act; or
- (b) affects the admissibility in any proceedings of evidence obtained under those powers.]

(2) For the purposes of this section—

“drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971; and

“drug testing officer” means an officer, warrant officer [^{F8}, chief petty officer, petty officer or leading rating] who is authorised by or in accordance with Queen’s Regulations for the purpose of supervising the conduct of tests for the presence of drugs.]

Textual Amendments

F3 S. 12A inserted (1.10.1996 with savings) by 1996 c. 46, s. 32(3); S.I. 1996/2474, art. 2 (with art. 3)

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- F4** Words in s. 12A(1) substituted (3.2.2006) by 2001 c. 19, ss. 32(9), 39(2), Sch. 5 para. 5(2)(a); S.I. 2006/235, **art. 2** (with art. 3)
- F5** Words in s. 12A(1) omitted (28.2.2002) by virtue of 2001 c. 19, ss. 32(9), 39(2), Sch. 5 para. 5(2)(b) and repealed (prosp.) by 2001 c. 19, s. 38, Sch. 7 Pt. 7; S.I. 2002/345, **art. 2** (subject to art. 3)
- F6** S. 12A(1A)-(1D) inserted (3.2.2006) by 2001 c. 19, ss. 32(9), 39(2), Sch. 5 para. 5(3); S.I. 2006/235, **art. 2** (with art. 3)
- F7** S. 12A(1D)(a)(i) substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 11; S.I. 2004/827, art. 3(ii)**
- F8** S. 12A(2): words in the definition of "drug testing officer" substituted (28.2.2002) by 2001 c. 19, s. 32(9), Sch. 5 para. 5(4); S.I. 2002/345, **art. 2** (subject to art. 3)

[^{F9}12B Failure to provide sample after serious incident

Any person subject to this Act who, without reasonable excuse, fails to comply with a request made under subsection (3) or (4) of section 32 of the Armed Forces Act 2001 (powers to test for alcohol or drugs after serious incident) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or any less punishment provided by this Act.]

Textual Amendments

- F9** S. 12B inserted (3.2.2006) by 2001 c. 19, ss. 32(9), 39(2), Sch. 5 para. 6; S.I. 2006/235, **art. 2** (with art. 3)

13 Fighting and quarrelling.

Every person subject to this Act who [^{F10}without reasonable excuse]—

- (a) fights . . . ^{F11} with any other person, whether subject to this Act or not; or
- (b) uses threatening, abusive, insulting or provocative words or behaviour likely to cause a disturbance,

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

Textual Amendments

- F10** Words inserted by **Armed Forces Act 1971 (c. 33), ss. 16(3), 78(4)**
- F11** Words repealed by **Armed Forces Act 1971 (c. 33), s. 78(4), Sch. 4 Pt. I**

14 Obstruction of provost officers.

Every person subject to this Act who . . . ^{F12} obstructs, or . . . ^{F12} refuses, when called on, to assist, any provost officer, or any person (whether subject to this Act or not) legally exercising authority under or on behalf of a provost officer, shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act:

[^{F13}Provided that it shall be a defence for any person charged under this section to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was a provost officer or, as the case may be, a person legally exercising authority under or on behalf of a provost officer.]

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Textual Amendments

F12 Word repealed by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\)](#), **Sch. 4 Pt. I**

F13 Proviso inserted by [Armed Forces Act 1971 \(c. 33\), ss. 9\(1\)\(b\)\(2\)](#), 78(4)

[^{F14}14A Disobedience to standing orders.

- (1) Every person subject to this Act who contravenes or fails to comply with any provision of orders to which this section applies, being a provision known to him or which he might reasonably be expected to know, shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.
- (2) This section applies to standing orders or other routine orders of a continuing nature made for any formation or unit or body of Her Majesty's forces, or for any command or other area, garrison or place, or for any ship, vessel, train or aircraft.]

Textual Amendments

F14 **S. 14A** inserted by [Armed Forces Act 1971 \(c. 33\), ss. 10\(3\)](#), 78(4)

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