

Status: Point in time view as at 01/04/2001.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Miscellaneous offences is up to date with all changes known to be in force on or before 14 July 2024.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Naval Discipline Act 1957 (repealed)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

Miscellaneous 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- F1** Act repealed (prosp.)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

34 **Unauthorised disclosure of information.**

- (1) Every person subject to this Act who without lawful authority discloses or purports to disclose, whether orally, in writing, by signal or by any other means whatsoever, information relating to any matter upon which information would or might be useful to an enemy shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.
- (2) It shall be a defence for a person charged with an offence under this section that he did not know and had no reasonable cause to believe that the information disclosed related to a matter upon which information would or might be directly or indirectly useful to an enemy.

[^{F1}34A **False statements on entry.**

Any person who, when offering himself to be entered for service in the Royal Navy, has knowingly made a false answer to any question put to him in connection with his entry into such service by, or by the direction of, an officer or other person authorised under regulations made by the Defence Council to enter persons for such service shall, if he has since become and remains subject to this Act, be liable to imprisonment for a term not exceeding three months or any less punishment authorised by this Act.]

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Textual Amendments

F1 S. 34A inserted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 25**, 78(4)

Modifications etc. (not altering text)

C1 S. 34A extended (E.W.) (S.) by [Rehabilitation of Offenders Act 1974 \(c. 53\)](#), **s. 2(3)(b)**

[^{F2}35 Falsification of documents.

- (1) A person subject to this Act who—
- (a) makes an official document which is to his knowledge false in a material particular, or
 - (b) makes in any official document an entry which is to his knowledge false in a material particular, or
 - (c) tampers with the whole or any part of an official document (whether by altering it, destroying it, suppressing it, removing it or otherwise), or
 - (d) with intent to deceive, fails to make an entry in an official document,
- is liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.
- (2) For the purposes of this section—
- (a) a document is official if it is or is likely to be made use of, in connection with the performance of his functions as such, by a person who holds office under, or is in the service of, the Crown; and
 - (b) a person who has signed or otherwise adopted as his own a document made by another shall be treated, as well as that other, as the maker of the document.
- (3) In this section “document” means anything in which information of any description is recorded.]

Textual Amendments

F2 S. 35 substituted (31.1.1997) by [1995 c. 38, s. 15\(1\)](#), **Sch. 1 para. 3** (with ss. 1(3), 6(4)(5) and 14); [S.I. 1996/3217](#), **art. 2**

[^{F3}35A Offences against civilian population.

Every person subject to this Act who, in any country or territory outside the United Kingdom, commits any offence against the person or property of any member of the civilian population shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.]

Textual Amendments

F3 S. 35A inserted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 27**, 78(4)

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[^{F4}35B Offences against morale.

Any person subject to this Act who spreads (whether orally, in writing, by signal, or otherwise) reports relating to operations of Her Majesty's forces, of any forces co-operating therewith, or of any part of any of those forces, being reports likely to create despondency or unnecessary alarm, shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.]

Textual Amendments

F4 S. 35B inserted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 28(1)(3), 78(4)**

36 Cruelty or scandalous conduct by officers.

Every officer subject to this Act who [^{F5}behaves in a scandalous manner] unbecoming the character of an officer shall be liable to dismissal from Her Majesty's service with or without disgrace.

Textual Amendments

F5 Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 29(3), 78(4)**

Modifications etc. (not altering text)

C2 S. 36 extended (E.W.) (S.) by [Rehabilitation of Offenders Act 1974 \(c. 53\)](#), **s. 2(3)(b)**

[^{F6}36A Ill-treatment of persons of inferior rank etc.

If—

- (a) any officer subject to this Act . . . ^{F7} ill-treats any officer subject thereto of inferior rank or less seniority, or any rating so subject, or
- (b) any rating subject to this Act and of or above the rate of leading seaman . . . ^{F7} ill-treats any rating subject thereto of inferior rate or less seniority,

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

Textual Amendments

F6 S. 36A inserted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 30, 78(4)**

F7 Words repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), **ss. 4(1), 16(2), Sch. 2**

37 Disgraceful conduct.

Every person subject to this Act who is guilty of any [^{F8}disgraceful conduct of a cruel, indecent or unnatural kind] shall be liable to [^{F8}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. 31, 78(4)**

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Modifications etc. (not altering text)

C3 S. 37 extended (E.W.) (S.) by [Rehabilitation of Offenders Act 1974 \(c. 53\), s. 2\(3\)\(b\)](#)

38 Offences in relation to courts-martial.

- (1) Every person subject to this Act who—
- (a) having been duly summoned or ordered to attend before a court-martial, fails to comply with the summons or order;
 - (b) refuses to take an oath or make an affirmation when duly required by a court-martial to do so;
 - (c) refuses to produce any document in his custody or under his control which a court-martial has lawfully required him to produce;
 - (d) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer;
 - (e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or while that person is going to or returning from the proceedings of the court; or
 - (f) wilfully interrupts the proceedings of a court-martial, or otherwise misbehaves before the court,

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

- (2) References in subsection (1) of this section to a court-martial shall include references to a court-martial held in pursuance of the ^{M1}Army Act 1955, or the ^{M2}Air Force Act 1955, or the law of any colony and to a disciplinary court.
- (3) Where an offence against subsection (1) of this section is committed in relation to a court-martial and the court is of opinion that it is expedient that the offender should be dealt with summarily by the court instead of being brought to trial under this Act, the court may by order under the hand of the president sentence [^{F9}the offender—
- (a) if he is an officer, to imprisonment for a term not exceeding twenty-one days, or to a fine not exceeding the amount of his pay for twenty-eight days ^{F10}. . . ,
 - (b) in any other case, to imprisonment or detention for such a term as aforesaid, or to such a fine as aforesaid.]

[^{F11}(3A) If the offender has attained seventeen years of age but is under twenty-one years of age, [^{F12}subsection (3)] above shall have effect in relation to him as if the power to impose a sentence of imprisonment were a power to make an order under section 43AA below.]

[^{F13}(3B) For the purposes of subsection (3) above, a day’s pay shall be taken to be—

- (a) subject to paragraph (b) below, the gross pay which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the order is made;
- (b) if the offender is a special member of a reserve force, the gross pay which would have been issuable to him in respect of that day if he had been an ordinary member of that reserve force of the same rank.

(3C) In subsection (3B)(b) above “special member” and “ordinary member” have the same meaning as in the Reserve Forces Act 1996.]

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[^{F14}(4) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial or to a member of a court-martial include references to a judicial officer or a person appointed under section 75L of the Army Act 1955 or section 75L of the Air Force Act 1955 and, in relation to an offence committed in relation to a judicial officer, subsection (3) of this section shall have effect as if—

- (a) references to a court-martial were references to the judicial officer, and
- (b) the words “under the hand of the president” were omitted.]

[^{F15}(5) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial include references to the summary appeal court, the court established by section 83ZA of the Army Act 1955 or the court established by section 83ZA of the Air Force Act 1955 and, in relation to an offence committed in relation to the summary appeal court, subsection (3) of this section shall have effect as if the reference to a court-martial were a reference to the summary appeal court.]

Textual Amendments

- F9** Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 23(3)**, 78(4)
- F10** Words in [s. 38\(3\)\(a\)](#) repealed (1.1.1999) by [S.I. 1998/3086](#), **reg. 4(1)(b)**
- F11** [S. 38\(3A\)](#) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 58, **Sch. 8 para. 1(1)(2)**
- F12** Words substituted (*retrospectively*) by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), **Sch. 1 para. 2**
- F13** [S. 38\(3B\)](#) and (3C) inserted (1.1.1999) by [S.I. 1998/3086](#), **reg. 4(3)**
- F14** [S. 38\(4\)](#) inserted (2.10.2000) by [2000 c. 4](#), s. 10, **Sch. 1 para. 6**; [S.I. 2000/2366](#), **art. 2** (with [Sch. para. 15](#))
- F15** [S. 38\(5\)](#) inserted (2.10.2000) by [2000 c. 4](#), s. 25, **Sch. 3 para. 3**; [S.I. 2000/2366](#), **art. 2** (with [Sch. para. 15](#))

Marginal Citations

- M1** [1955 c. 18](#).
- M2** [1955 c. 19](#).

39 Conduct to the prejudice of naval discipline.

Every person subject to this Act who is guilty [^{F16}whether by any act or omission or otherwise, of conduct] to the prejudice of good order and naval discipline . . . ^{F17} shall be liable to [^{F18}imprisonment for a term not exceeding two years] or any less punishment authorised by this Act.

Textual Amendments

- F16** Words substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 4(2)
- F17** Words repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 4 Pt. I**
- F18** Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 33**, 78(4)

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