
Status: Point in time view as at 01/02/1991.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Misconduct in action and other offences arising out of naval service is up to date with all changes known to be in force on or before 21 June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Naval Discipline Act 1957 (repealed)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

Misconduct in action and other offences arising out of naval service

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F1 Act repealed (prosp.)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

[^{F12} Misconduct in action.

- (1) A person subject to this Act shall be guilty of an offence against this section if, without lawful excuse, he—
 - (a) surrenders any place or thing to the enemy, or
 - (b) abandons any place or thing which it is his duty to defend against the enemy or to prevent from falling into the hands of the enemy.
- (2) A person subject to this Act shall be guilty of an offence against this section if, being in the presence or vicinity of the enemy, or being engaged in any action or operation against the enemy or under orders to be prepared for any action or operation by or against the enemy, he—
 - (a) fails to use his utmost exertions to carry the lawful orders of his superior officers into execution, or
 - (b) while on guard duty and posted or ordered to patrol, or while on watch, sleeps or, without having been regularly relieved, leaves any place where it is his duty to be, or
 - (c) behaves in such a manner as to show cowardice, or induces any other person so to behave at a time when that other person, being a member of Her Majesty's forces or of a force co-operating with Her Majesty's forces, is in the presence

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or vicinity of the enemy, or is engaged in any action or operation against the enemy or under orders to be prepared for any action or operation by or against the enemy, or

(d) uses words likely to cause despondency or unnecessary alarm.

(3) A person guilty of an offence against this section shall be liable—

(a) if the offence consisted in an act or omission falling within subsection (1) or paragraph (a) of subsection (2) and was committed with intent to assist the enemy, to suffer death or any less punishment authorised by this Act;

(b) in any other case, to imprisonment or any less punishment authorised by this Act.]

Textual Amendments

F1 Ss. 2-4 substituted for ss. 2-5 by [Armed Forces Act 1971 \(c. 33\)](#), [ss. 2\(1\)\(3\)](#), 78(4)

3 Assisting the enemy.

(1) A person subject to this Act shall be guilty of an offence against this section if, knowingly and without lawful excuse, he—

(a) communicates with, or gives intelligence to, the enemy, or

(b) fails to make known to the proper authorities any information received by him from the enemy, or

(c) furnishes the enemy with supplies of any description, or

(d) having been captured by the enemy, serves with or aids the enemy in the prosecution of hostilities or of measures likely to influence morale, or in any other manner whatsoever not authorised by international usage, or

(e) having been captured by the enemy, fails to take, or prevents or discourages any other person subject to service law who has been captured by the enemy from taking, any reasonable steps to rejoin Her Majesty's service which are available to him or, as the case may be, to that other person, or

(f) harbours or protects an enemy not being a prisoner of war.

(2) A person guilty of an offence against this section shall be liable—

(a) if the offence consisted in an act or omission falling within paragraph (a), (b), (c), (d) or (f) of subsection (1) and was committed with intent to assist the enemy, to suffer death or any less punishment authorised by this Act,

(b) in any other case, to imprisonment or any less punishment authorised by this Act.

4 Obstructing operations, giving false air signals, etc.

(1) A person subject to this Act shall be guilty of an offence against this section if he does any act likely to imperil the success of any action or operation on the part of any of Her Majesty's forces, or wilfully delays or discourages upon any pretext whatsoever any such action or operation.

(2) A person subject to this Act shall be guilty of an offence against this section if, knowingly and without lawful excuse, he gives any false air signal, or alters or interferes with any air signal or any apparatus for giving an air signal.

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- (3) A person guilty of an offence against this section shall be liable—
- (a) if the offence was committed with intent to assist the enemy, to suffer death or any less punishment authorised by this Act;
 - (b) in any other case, to imprisonment or any less punishment authorised by this Act.

[^{F2}5] **Looting.**

Any person subject to this Act who—

- (a) steals from, or with intent to steal searches, the person of anyone killed, wounded or captured in the course of warlike operations, or killed, injured or detained in the course of operations undertaken by Her Majesty's forces for the preservation of law and order or otherwise in aid of the civil authorities, or
- (b) steals any property which has been left exposed or unprotected in consequence of any such operations as are mentioned in paragraph (a) above, or
- (c) takes otherwise than for the public service any vehicle, equipment or stores abandoned by the enemy,

shall be guilty of looting and liable to imprisonment or any less punishment authorised by this Act.]

Textual Amendments

F2 S. 5 inserted by [Armed Forces Act 1971 \(c. 33\), ss. 6\(2\), 78\(4\)](#)

Modifications etc. (not altering text)

C1 S. 5 extended (E.W.) (S.) by [Rehabilitation of Offender's Act 1974 \(c. 53\), s. 2\(3\)\(b\)](#)

[^{F3}6] **Offences by or in relation to sentries, persons on watch etc.**

Any person subject to this Act who—

- (a) while on guard duty and posted or ordered to patrol, or on watch, or under orders to regulate traffic by land, water or air, sleeps or, without having been regularly relieved, leaves any place where it is his duty to be, or
- (b) . . . ^{F4} uses force against a member of Her Majesty's forces, or of any forces co-operating therewith, who is on guard duty and posted or ordered to patrol, or on watch, or under orders to regulate traffic by land, water or air, or
- (c) by the threat of force compels any such person as is mentioned in paragraph (b) above to let him or any other person pass,

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

Textual Amendments

F3 S. 6 substituted by [Armed Forces Act 1971 \(c. 33\), ss. 4\(1\)\(3\), 78\(4\)](#)

F4 Words repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\), ss. 4\(1\), 16\(2\), Sch. 2](#)

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[^{F5}7] **Failure to attend for duty, neglect of duty etc.**

Any person subject to this Act who—

- (a) without reasonable excuse fails to attend for any duty of any description, or leaves any such duty before he is permitted to do so, or
 - (b) neglects to perform, or negligently performs, any duty of any description,
- shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.]

Textual Amendments

F5 S. 7 substituted by Armed Forces Act 1971 (c. 33), ss. 5(1)(3), 78(4)

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