



# Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

## PART II

TRIAL AND PUNISHMENT OF OFFENCES

*Service of sentence of imprisonment or detention*

### 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**F1** Act repealed (prosp.)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

### 81 Place of imprisonment or detention.

- (1) Any person sentenced under this Act to imprisonment may be confined during the term of the sentence—
  - (a) in any naval detention quarters;
  - (b) in any military establishment or air-force establishment within the meaning of Part II of the <sup>M1</sup>Army Act 1955, or Part II of the <sup>M2</sup>Air Force Act 1955;
  - (c) in any civil prison in any part of Her Majesty's dominions;
  - (d) in any other establishment in which persons may be required to serve sentences of imprisonment passed under the <sup>M3</sup>Army Act 1955, or the <sup>M4</sup>Air Force Act 1955.
- (2) Any person sentenced under this Act to detention may be confined during the term of the sentence—
  - (a) in any naval detention quarters;
  - (b) in any such military or air-force establishment as aforesaid, not being a military or air-force prison;

and may, in such cases and subject to such conditions as may be specified by or under regulations made by [<sup>F1</sup>the Secretary of State], be temporarily detained in a military or air-force prison or a civil prison for any period not exceeding seven days.

*Status: Point in time view as at 03/02/2006.*

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- (3) Subject to the foregoing provisions of this section, the place to which a person sentenced under this Act to imprisonment or detention is to be committed may be determined by any of the following authorities, that is to say:—
- (a) in any case, [<sup>F1</sup>the Defence Council] or the Commander-in-Chief;
  - (b) where the offender is tried on any foreign station, the senior naval officer present at the place where he is tried;
  - (c) where the offender is tried by court-martial, the [<sup>F2</sup>court-martial by which he is tried];
  - (d) where the offender is summarily tried under [<sup>F2</sup>section 52D] of this Act, the officer by whom he is so tried or the officer in command of the ship or naval establishment to which the offender belongs;
- and a committal order made by any such authority shall be sufficient warrant for sending the offender to such place as may be specified therein, there to undergo his sentence according to law, and for detaining him in custody until he reaches that place.

#### Textual Amendments

**F1** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

**F2** Words in s. 81(3)(c) and (d) substituted (1.4.1997 with savings) by [1996 c. 46, s. 5, Sch. 1 Pt. IV para. 90](#); [S.I. 1997/304, art. 2](#) (with [art. 3](#))

#### Marginal Citations

**M1** [1955 c. 18.](#)

**M2** [1955 c. 19.](#)

**M3** [1955 c. 18.](#)

**M4** [1955 c. 19.](#)

## 82 Naval Detention Quarters Rules.

- (1) [<sup>F3</sup>The Defence Council] may set apart any premises or vessels under the control of [<sup>F3</sup>the Secretary of State], or any parts of such premises or vessels, as naval detention quarters, and [<sup>F4</sup>the Secretary of State] may make rules (in this Part of this Act referred to as Naval Detention Quarters Rules) with respect to all or any of the following matters, that is to say—
- (a) the provision, classification, regulation and management of naval detention quarters;
  - (b) the classification, regulation, employment, discipline and control of persons serving sentences of imprisonment or detention passed under this Act in naval detention quarters or otherwise in naval custody;
  - (c) the removal of such persons from such quarters or custody as aforesaid, either temporarily or by way of transfer to another establishment or form of custody, and their release on the expiration or determination of their term of imprisonment or detention;
  - (d) the temporary release of such persons on compassionate grounds, the cases in which, periods for which and conditions subject to which they may be allowed out of such quarters or custody as aforesaid, and the remission of part of their sentences <sup>F5</sup>. . . ;
  - (e) the appointment, powers and duties of inspectors and visitors and of officers and other members of the staff, of naval detention quarters;

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and such rules may apply the provisions of [<sup>F6</sup>the Coroners Acts 1887 to 1926][<sup>F6</sup>the Coroners Act 1988], to naval detention quarters as those provisions apply in relation to prisons.

- (2) Naval Detention Quarters Rules shall not authorise the infliction of corporal punishment.
- (3) Naval Detention Quarters Rules may apply with the necessary modifications all or any of the provisions of sections thirty-nine to forty-two of the <sup>M5</sup>Prison Act 1952 (which relate to offences by persons other than prisoners).
- (4) Naval Detention Quarters Rules may, to such extent as may be provided by the Rules, be made so as to apply to persons detained in naval detention quarters while serving sentences of imprisonment or detention awarded under the <sup>M6</sup>Army Act 1955, or the <sup>M7</sup>Air Force Act 1955, notwithstanding that such persons are not for time being subject to this Act.
- (5) Naval Detention Quarters Rules may contain such incidental and supplementary provisions as are necessary for the purposes of the Rules.
- (6) [<sup>F3</sup>The Secretary of State] may, in respect of any foreign station on which persons subject to this Act are on active service, delegate the power to make Naval Detention Quarters Rules to the Commander-in-Chief or flag officer commanding the station, subject to such restrictions, reservations, exceptions and conditions as [<sup>F3</sup>the Secretary of State] may think fit.
- (7) Naval Detention Quarters Rules made by [<sup>F3</sup>the Secretary of State] under this section shall be made by statutory instrument; and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F3** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F4** Words inserted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F5** Words in s. 82(1)(d) repealed (1.10.1996) by [1996 c. 46, s. 35\(1\)\(2\), Sch. 6 para. 6, Sch. 7 Pt. III; S.I. 1996/2474, art. 2, Sch.](#)
- F6** “the Coroners Act 1988” substituted (E.W.) for “the Coroners Acts 1887 to 1926” by [Coroners Act 1988 \(c. 13, SIF 33\), s. 36\(1\), Sch. 3 para. 12](#)

#### Modifications etc. (not altering text)

- C1** S. 82 amended by [Courts-Martial \(Appeals\) Act 1968 \(c. 20\), s. 52](#)
- C2** S. 82(3) amended (E.W.) by [Criminal Justice Act 1961 \(c. 39\), s. 22\(3\)](#)

#### Marginal Citations

- M5** [1952 c. 52.](#)
- M6** [1955 c. 18.](#)
- M7** [1955 c. 19.](#)

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## [<sup>F7</sup>82A Country for service of sentence.

- (1) A person serving in the United Kingdom a sentence of imprisonment or detention awarded under this Act may (in so far as may be specified by or under Naval Detention Quarters Rules) be removed out of the United Kingdom to, but only to—
  - (a) any colony in which he was entered for service in the Royal Navy, or
  - (b) any place outside the United Kingdom where the ship or naval establishment to which he for the time being belongs is situated.
- (2) Subject to the following provisions of this section, a person sentenced by a court-martial held outside the United Kingdom to imprisonment or detention for a term exceeding twelve months shall as soon as practicable be removed to the United Kingdom.
- (3) Subsection (2) above shall not apply in relation to any person belonging to a class of persons specified by or under Naval Detention Quarters Rules as persons whose removal to the United Kingdom would, for reasons of climate, place of birth or place of entry in the Royal Navy, or for any other reason, not be beneficial.
- (4) Where a person has been sentenced by a court-martial held outside the United Kingdom to imprisonment or detention for a term exceeding twelve months, the Defence Council may, notwithstanding anything in subsection (2) above, direct that he shall not be required to be removed to the United Kingdom until he has served such part of his sentence, not exceeding two years, as may be specified in the direction; and in determining whether or not to exercise the power conferred by this subsection, the Defence Council shall have regard to any recommendation in that behalf made by the court-martial.
- (5) Any direction under subsection (4) above may at any time be revoked by the Defence Council or superseded by a subsequent direction thereunder.
- (6) In ascertaining at any time for the purposes of this section the nature or length of any sentence, regard shall be had to any commutation or remission of the sentence previously directed.]

### Textual Amendments

F7 S. 82A added by [Armed Forces Act 1971 \(c. 33\)](#), s. 52(1)

## 83 Service of sentence in civil prison in the United Kingdom.

The provisions of any enactment, rule or regulation with respect to the confinement, removal and treatment of persons committed to civil prisons in any part of the United Kingdom (including provisions relating to release, discharge and remission) shall apply to any person sentenced under this Act to imprisonment and committed or transferred to any such prison as they apply to a person committed to that prison under a like sentence of a civil court.

## 84 Removal of certain prisoners.

- (1) Subject to the provisions of this section [<sup>F8</sup>the Defence Council], the Commander-in-Chief or the senior naval officer present may by order give directions, in the case of

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any person subject to this Act who is serving a sentence of imprisonment or detention in a civil prison or a military or air-force establishment,—

- (a) for the transfer of that person to any other prison or establishment to which he could have been committed under this Act, there to undergo the remainder of his sentence according to law; or
- (b) for the production of that person for the purpose of attending any proceedings under this Act, whether as a witness or for trial or otherwise, or for any other purpose specified in the order,

and any such order may give directions as to the custody of the person to whom it relates and, in the case of an order under paragraph (b) of this subsection, for his return or transfer to the place from which he is removed or to any other place in which his sentence may be required to be served.

- (2) An order under this section shall be a sufficient warrant for the removal of the person to whom it relates from the prison or establishment in which he is serving his sentence, for his reception in the prison or establishment to which he is transferred or returned in pursuance of the order, and for his detention in custody pending such reception.
- (3) Where the attendance of any such person as aforesaid is required for the purposes of a court-martial under this Act, the power to make an order under paragraph (b) of subsection (1) of this section may be exercised by the Commander-in-Chief or senior naval officer present at the place where that person is confined or where the court-martial is or is to be held.
- (4) Any time during which a person removed in pursuance of an order under this section is in naval, military, air force or civil custody, or is serving any sentence of imprisonment or detention passed on him while so removed, shall be reckoned as part of the sentence current when the order was made.
- (5) The provisions of this section shall be without prejudice to any enactment, rule or regulation authorising the removal of persons from civil prisons or military or air force establishments; but no order shall be made under this section for the transfer of a person confined in a civil prison within the United Kingdom to any other such prison to which he could be removed under the <sup>M8</sup>Prison Act 1952, the <sup>M9</sup>Prisons (Scotland) Act 1952, [<sup>F9</sup>the <sup>M10</sup>Prison Act (Northern Ireland) 1953, or the <sup>M11</sup>Criminal Justice Act 1961].

#### Textual Amendments

**F8** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

**F9** Words substituted by [Criminal Justice Act 1961 \(c. 39\), s. 41\(3\), Sch. 4](#)

#### Marginal Citations

**M8** 1952 c. 52.

**M9** 1952 c. 61.

**M10** 1953 c. 18 (N.I.)

**M11** 1961 c. 39.

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