

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Offences punishable by civil courts is up to date with all changes known to be in force on or before 19 June 2024.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# Naval Discipline Act 1957 (repealed)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 III

PROVISIONS RELATING TO CIVILIANS AND CIVIL AUTHORITIES

*Offences punishable by civil courts*

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- F1** Act repealed (prosp.)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

### 96 False pretence of desertion or absence without leave.

Every person who, whether within or without [<sup>F1</sup>the United Kingdom], falsely represents himself to any naval, military, air force or civil authority to be a person who is illegally absent from any of Her Majesty's naval forces shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

### Textual Amendments

- F1** Words substituted by [Armed Forces Act 1976 \(c. 52\)](#), s. 15(2)
- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G and (N.I.) S.I. 1984/703 (N.I. 3), arts. 5, 6

### 97 Procuring or assisting desertion or absence without leave.

(1) Every person who, whether within or without [<sup>F3</sup>the United Kingdom],—

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- (a) procures or persuades any person subject to this Act to commit an offence of desertion, of absenting himself without leave or of improperly leaving his ship . . . <sup>F4</sup>; or
  - (b) knowing that any such person is about to commit such an offence as aforesaid, assists him in so doing; or
  - [<sup>F5</sup>(c) knowing any such person to have committed such an offence, procures or persuades or assists him to remain a deserter, absentee without leave or improperly absent from his ship . . . <sup>F5</sup>, or assists in his rescue from custody.]
- shall be guilty of an offence against this section.

- (2) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.

#### Textual Amendments

- F3** Words substituted by [Armed Forces Act 1976 \(c. 52\), s. 15\(2\)](#)  
**F4** Words repealed by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\), Sch. 4 Pt. I](#)  
**F5** [S. 97\(1\)\(c\)](#) substituted by [Armed Forces Act 1966 \(c. 45\), s. 18\(2\)](#)

## 98 Unlawful purchase of naval property.

- (1) Every person who, whether within or without [<sup>F6</sup>the United Kingdom], acquires any naval property, or solicits or procures any person to dispose of any naval property, or acts for any person in the disposing of any naval property, shall be guilty of an offence against this section unless he proves either—
  - (a) that he did not know, and could not reasonably be expected to know, that the chattels in question were naval property; or
  - (b) that those chattels had (by the transaction with which he is charged or some earlier transaction) been disposed of by order of or with the consent of [<sup>F7</sup>the Defence Council] or of some person in authority who had, or whom he had reasonable cause to believe to have, power to give the order or consent; or
  - (c) that those chattels had become the property of an officer who had retired or ceased to be an officer, or of a rating who had been discharged, or of the personal representatives of a person who had died.
- (2) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.
- (3) In this section the following expressions have the meanings hereby respectively assigned to them—
  - “acquire” means, buy, take in exchange, take in pawn or otherwise receive (whether apart from this section the receiving is lawful or not);
  - “dispose” means, sell, give in exchange, pledge or otherwise hand over (whether apart from this section the handing over is lawful or not);

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“naval property” means any chattel of any description belonging to Her Majesty, which has been issued for use for naval purposes or is held in store for the purpose of being so issued when required, and includes any chattel which had belonged, and had been issued or held, as aforesaid at some past time.

#### Textual Amendments

- F6** Words substituted by [Armed Forces Act 1976 \(c. 52\), s. 15\(2\)](#)  
**F7** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

### 99 Illegal dealings in official documents.

- (1) Every person who receives, detains or has in his possession—
- as a pledge or as security for a debt; or
  - with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person,
- any official document issued in connection with the payment to any person of any pay, pension, allowance, gratuity or other payment payable in respect of his or any other person’s service in Her Majesty’s naval forces shall be guilty of an offence against this section.
- (2) Every person who has in his possession without lawful authority or excuse (the proof whereof shall lie on him) any such document as aforesaid, or any official document issued in connection with the mobilisation or demobilisation of any of Her Majesty’s naval forces or any member thereof, shall be guilty of an offence against this section.
- (3) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding [<sup>F8</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.
- (4) For the purpose of this section a document shall be deemed to be in the possession of a person if he has it under his control, and whether he has it for his own use or benefit or for the use or benefit of another.
- (5) References in this section to Her Majesty’s naval forces include references to the naval forces of any Commonwealth country or raised under the law of any colony.

#### Textual Amendments

- F8** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\), arts. 5, 6](#)

### 100 Jurisdiction and application of summary fines.

- (1) A person alleged to have committed an offence under any provision of sections ninety-six to ninety-nine of this Act may, subject to the provisions of this section, be tried by a civil court having jurisdiction in the place where he is for the time being, notwithstanding that the offence was committed outside the jurisdiction of that court.

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- (2) Notwithstanding anything in the foregoing subsection, an offence committed in England and Wales, in Scotland or in Northern Ireland, shall not be triable outside England or Wales, Scotland or Northern Ireland, as the case may be.
- (3) . . . <sup>F9</sup>

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**Textual Amendments**

**F9** S. 100(3) repealed by [Criminal Justice Act 1972 \(c. 71\)](#), [Sch. 6 Pt. II](#)

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