



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART IV

MISCELLANEOUS AND GENERAL

Interpretation

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F1 Act repealed (prosp.)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

132 Definitions of Her Majesty's ships, forces, etc.

- (1) In this Act "Her Majesty's ships" means commissioned ships flying the white ensign, and "Her Majesty's vessels" means ships and vessels, other than Her Majesty's ships, engaged in the naval service of Her Majesty, whether belonging to Her Majesty or not; but "Her Majesty's ships" and "Her Majesty's vessels" do not include ships or vessels of a Commonwealth country or maintained by a colony, other than ships or vessels placed at the disposal of [^{F1}the Defence Council] or placed at the disposal of Her Majesty for general service in the Royal Navy.
- (2) In this Act "Her Majesty's naval establishments" means establishments [^{F1}under the control of the Secretary of State and maintained for any purpose of the naval service], whether within or without Her Majesty's dominions.
- (3) Where persons subject to this Act are appointed or drafted to one of Her Majesty's ships or naval establishments for duty in any or any other of Her Majesty's ships, vessels or naval establishments, those persons shall be treated for the purposes of this Act as belonging to the ship or establishment to which they are appointed or drafted.
- (4) In this Act "Her Majesty's aircraft" means aircraft in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include aircraft belonging to a Commonwealth country or to any colony other than aircraft placed at the disposal of

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[^{F1}the Defence Council] or placed at the disposal of Her Majesty for general service in the Royal Navy.

- (5) In this Act “Her Majesty’s naval forces” means the Royal Navy [^{F2}. . . , ^{F3}. . .] the naval reserve forces (as defined by this section) and such of the marine forces, and of the naval forces of a Commonwealth country or raised under the law of any colony, as are for the time being subject to this Act.
- (6) In this Act “Her Majesty’s military forces” and “Her Majesty’s air forces” include forces raised under the law of a colony but do not include the forces of any Commonwealth country.
- [^{F4}(7) In this Act “the marine forces” means the Royal Marines, the Royal Marines Reserve and the Royal Fleet Reserve so far as it consists of [^{F5}marine officers and persons who were transferred to that force from the Royal Marines or who enlisted as marines.]].
- [^{F6}(8) In this Act “naval reserve forces” means the Royal Fleet Reserve (except so far as it consists of marine officers and persons who were transferred from the Royal Marines or who enlisted as marines) and the Royal Naval Reserve.]

Textual Amendments

- F1** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F2** Words in s. 132(5) repealed (11.5.2001) by 2001 c. 19, ss. 34, 38, 39(3)(f)(g), Sch. 6 Pt. 5 para. 24, [Sch. 7 Pt. 6](#)
- F3** Words in s. 132(5) repealed (1.10.1996) by 1996 c. 46, s. 135(2), [Sch. 7 Pt. III](#); [S.I. 1996/2474, art. 2, Sch.](#)
- F4** [S. 132\(7\)\(8\)](#) substituted by [Armed Forces Act 1981 \(c. 55\), s. 12](#)
- F5** Words in s. 132(7) substituted (1.4.1997) by 1996 c. 14, s. 131(1), [Sch. 10 para. 13\(a\)](#) (with s. 72(5)); [S.I. 1997/305, art. 2](#)
- F6** [S. 132\(8\)](#) substituted (1.4.1997) by 1996 c. 14, s. 131(1), [Sch. 10 para. 13\(b\)](#) (with s. 72(5)); [S.I. 1997/305, art. 2](#)

133 Definitions of officer, rating and superior officer.

- (1) In this Act “officer”, in relation to any of Her Majesty’s naval forces, means a person of or above the rank of cadet, and in relation to any other forces means an officer of rank corresponding to the said rank or any superior rank.
- [^{F7}(2) In this Act “rating” means a member of Her Majesty’s naval forces of or below the rate of warrant officer; and any reference in this Act to a rating, or to a rating of any particular rate, shall include a reference to any warrant officer who is subject to this Act without being a member of those forces, and to any non-commissioned officer, marine, soldier or airman who is so subject, or, as the case may be, to any such warrant officer or non-commissioned officer of rank corresponding to that rate].
- (3) In this Act “superior officer”, in relation to any person means an officer or a rating not below the rate of [^{F8}leading seaman], who is of rank or rate higher than that person, or senior to that person in the same rank or rate.
- (4) Any reference in this Act to a specific rank or rate in Her Majesty’s naval forces includes a reference to any other rank or rate in those forces which is equivalent to that rank or rate.

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- (5) In this Act “corresponding rank” in relation to any rank or rate in any of Her Majesty’s naval, military or air forces, means such rank or rate in any other of those forces as may be declared by Queen’s Regulations . . . ^{F9} for the time being in force to correspond therewith.

Textual Amendments

- F7** S. 133(2) substituted by [Armed Forces Act 1971 \(c. 33\)](#), [Sch. 3 para. 5\(4\)](#)
F8 Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), [Sch. 1 para. 2\(4\)](#)
F9 Words repealed by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

134 Definition of active service.

[^{F10}(1)] For the purposes of this Act a force shall be deemed to be on active service when engaged in operations against an enemy, when situated in an area in which such operations are taking place, or when [^{F11}engaged elsewhere than in the United Kingdom in operations] for the protection of life or property, and a person shall be deemed to be on active service when serving in or with a force which is on active service.

[^{F12}(2) Where any of Her Majesty’s naval forces is serving outside the United Kingdom, and it appears to the appropriate authority that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the force should be deemed to be on active service, the appropriate authority may declare that for such period, not exceeding three months, beginning with the coming into force of the declaration as may be specified therein that force shall be deemed to be on active service.

(3) Where it appears to the appropriate authority that it is necessary for the public service that the period specified in a declaration under subsection (2) above should be prolonged or, if previously prolonged under this subsection, should be further prolonged, the appropriate authority may declare that the said period shall be prolonged by such time, not exceeding three months, as may be specified in the declaration under this subsection.

(4) If at any time while any force is deemed to be on active service by virtue of the foregoing provisions of this section it appears to the appropriate authority that there is no necessity for the force to continue to be treated as being on active service, the appropriate authority may declare that as from the coming into operation of the declaration the force shall cease to be deemed to be on active service.

(5) Before any declaration is made under this section, the appropriate authority shall, unless satisfied that it is not possible to communicate with sufficient speed with the Secretary of State, obtain the consent of the Secretary of State to the declaration; and in any case where that consent has not been obtained before the making of a declaration under this section, the appropriate authority shall report the making thereof to the Secretary of State with the utmost practicable speed.

(6) The Secretary of State may, if he thinks fit, direct that any declaration whereby any force is deemed to be, or to continue, on active service shall cease to have effect as from the coming into force of the direction; but any direction under this subsection shall be without prejudice to anything done by virtue of the declaration before the coming into force of the direction.

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- (7) A declaration under this section shall have effect not only as respects the members of the force to which it relates but also as respects other persons the application to whom of any provisions of this Act depends on whether that force is on active service.
- (8) In this section the expression “the appropriate authority” means, in relation to any force, the Commander-in-Chief or flag officer in operational command of that force.
- (9) Any declaration or direction under this section shall come into operation on being published in local orders.]

Textual Amendments

- F10** S. 134 re-numbered as s. 134(1) by [Armed Forces Act 1971 \(c. 33\), s. 74](#)
- F11** Words substituted by [Armed Forces Act 1971 \(c. 33\), s. 74](#)
- F12** S. 134(2)-(9) added by [Armed Forces Act 1971 \(c. 33\), s. 74](#)

135 General interpretation.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“aircraft” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

“aircraft material” includes—

- (a) parts of, and components of or accessories for, aircraft, whether for the time being in aircraft or not;
- (b) engines, armaments, ammunition and bombs and other missiles of any description in, or for use in, aircraft;
- (c) any other gear, apparatus or instruments in, or for use in, aircraft;
- (d) any apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft; and
- (e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft or aircraft material;

“aircraft papers” has the meaning assigned to it by the ^{M1}Naval Prize Act 1864;

[^{F13}“air signal” means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft;

[^{F14}“appropriate superior authority” means a person who may act as an appropriate superior authority by virtue of section 52EE of this Act;]

“before the enemy”, in relation to a person, means that he is in action against the enemy or about to go into action against the enemy, or is under attack or threat of imminent attack by the enemy;]

“civil court” means a court of ordinary criminal jurisdiction but does not, except where otherwise expressly provided, include any such court outside Her Majesty’s dominions;

“civil prison” means a prison in which a person sentenced by a civil court to imprisonment can be confined;

[^{F15}“the commanding officer,” in relation to a person charged with [^{F16}, or in custody in connection with,] an offence, has the meaning assigned to it by section 52E(1) of this Act;]

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“committal order” means an order committing a person sentenced under this Act to imprisonment or detention to any establishment in which, by virtue of subsection (1) or (2) of section eighty-one of this Act, he may be confined during the term of the sentence:

[^{F17}“Commonwealth country” means Canada, the Commonwealth of Australia, New Zealand, [^{F18}South Africa,]India, [^{F19}Pakistan,] Ceylon, Ghana, Malaysia, the Republic of Cyprus, Nigeria, Sierra Leone, Tanganyika, Jamaica, Trinidad and Tobago, Uganda, Kenya, Zanzibar, Malawi, Zambia, Malta, The Gambia, Guyana, Botswana, Lesotho, Singapore, Barbados, Mauritius, Swaziland, Tonga, Fiji, the Bahamas, Bangladesh, Grenada, Seychelles, Solomon Islands, Tuvalu, Dominica, Saint Lucia, Kiribati, Saint Vincent and the Grenadines, Papua New Guinea, Western Samoa, Nauru, the New Hebrides, Zimbabwe, Belize or Antigua and Barbuda [^{F20}or Saint Christopher and Nevis][^{F21}or Brunei or Maldives][^{F22}or Namibia][^{F23}or Cameroon or Mozambique]]

“constable” includes any person having powers corresponding with those of a constable [^{F24}but does not include a provost officer or a person exercising authority under or on behalf of a provost officer];

[^{F15}“court administration officer” and “the court administration officer” have the meanings assigned to them by section 53A of this Act;]

“court-martial” means a court-martial under this Act;

[^{F13}“damage” includes destruction, and references to damaging shall be construed accordingly;]

“decoration” includes medal, medal ribbon, clasp and good conduct badge;

“desertion” has the meaning assigned to it by section fifteen of this Act, and “desert” shall be construed accordingly;

“enemy” includes all persons engaged in armed operations against Her Majesty’s forces [^{F25}or any forces co-operating therewith], and also includes all armed mutineers, armed rebels, armed rioters and pirates;

“Governor”, in relation to any colony, means the Governor-General, Governor or other officer, however styled, who is for the time being administering the government of the colony . . . ^{F26}, but where two or more colonies or the parts of any colony are under local governments and also under a central government, references to the Governor shall be construed as references to the Governor-General, Governor or other officer, however styled, who is for the time being administering the central government;

[^{F27}“handles” has the same meaning as in the ^{M2}Theft Act 1968]

[^{F28}“Her Majesty’s forces” includes forces raised under the law of a colony but does not include a force of any Commonwealth country];

[^{F29}“hospital order” has the meaning assigned to it by section 63A(6) of this Act;]

[^{F15}“the judge advocate”, in relation to a court-martial, has the meaning assigned to it by section 53B(1) of this Act;]

[^{F30}“judicial officer” means a person appointed under section 47M of this Act;]

“mutiny” has the meaning assigned to it by section eight of this Act;

“naval detention quarters” means premises or vessels, or parts of premises or vessels, set apart by [^{F31}the Defence Council] under subsection (1) of section eighty-two of this Act;

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“prize court” means a prize court within the meaning of the ^{M3}Naval Prize Act 1864;

“property” includes real property in England and Wales or Northern Ireland, heritable property in Scotland and property outside the United Kingdom of the nature of real property;

[^{F15}“the prosecuting authority” has the meaning assigned to it by section 52H(1) of this Act;]

[^{F32}“provost officer” means an officer (of any of Her Majesty's forces) who is a service policeman;]

“public or service property” means property belonging to any department of Her Majesty's Government in the United Kingdom or of the Government of Northern Ireland, or held for the purposes of any such department, and property belonging to or connected with Her Majesty's naval forces, the naval forces of any Commonwealth country or naval forces raised under the law of any colony, or any part of any of those forces;

[^{F33}“Queen's Regulations” means the Queen's Regulations for the Royal Navy;]

[^{F34}“the relevant time” in relation to a person arrested under section 45 of this Act, means the time of the arrest;]

[^{F35}“restriction order” has the meaning assigned to it by section 63A(6) of this Act;]

[^{F36}“the Royal Air Force Police” includes the Provost Marshal of the Royal Air Force and any officer appointed to exercise the functions conferred by or under the Air Force Act 1955 on provost officers;]

“service law” has the meaning assigned by section eight of this Act;

[^{F37} “service policeman” means anyone who is, or by reason of section 375(5) of the Armed Forces Act 2006 (c. 52) is to be treated as, a service policeman for the purposes of that Act;]

“ship papers” has the meaning assigned to it by the ^{M4}Naval Prize Act 1864;

[^{F38}“steals” has the same meaning as in the ^{M5}Theft Act 1968, and references to “stolen goods” shall be construed as if contained in that Act]

[^{F39}“the summary appeal court” means the court established by section 52FF of this Act;]

[^{F40}“supervision order” has the meaning assigned to it by section 63A(6) of this Act;]

- (2) Any reference in this Act to an offence under Part I thereof includes a reference to a civil offence punishable on conviction thereunder by virtue of section forty-two of this Act.

[^{F41}(2A) References in this Act, in relation to any of the armed forces of the Crown, to an officer holding a commission include references to a person to whom a commission is required to be issued; and for the purposes of this Act, where a commission issued to any person takes effect from a date earlier than the date of its issue, that earlier date shall be conclusively presumed to be the date on which the requirement to issue the commission arose.]

- (3) Any reference in this Act to an enactment is a reference thereto as amended by or under any subsequent enactment.

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- (4) Any power conferred by this Act to make an Order in Council or order shall include power to vary or revoke the Order in Council or order by a subsequent Order in Council or order.
- (5) Any Order in Council, order or regulations made under this Act may make different provision for different circumstances or cases, or may make provision for particular circumstances or cases only.

Textual Amendments

- F13 Definitions inserted by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\), Sch. 1 para. 2\(5\)](#)
- F14 Definition of "appropriate superior authority" in s. 135(1) inserted (28.2.2002) by [2001 c. 19, s. 17, Sch. 1 para. 17; S.I. 2002/345, art. 2](#) (subject to [art. 3](#))
- F15 Definitions in s. 135(1) inserted (1.4.1997 with savings) by [1996 c. 46, s. 5, Sch. 1 Pt. IV para. 94\(a\)-\(d\); S.I. 1997/304, art. 2](#) (with [art. 3](#))
- F16 Words in definition of "the commanding officer" in s. 135(1) inserted (2.10.2000) by [2000 c. 4, s. 10, Sch. 1 para. 11\(a\); S.I. 2000/2366, art. 2](#)
- F17 Definition of "Commonwealth country" printed as amended by enactments listed in [Chronological Table of the Statutes, Belize Act 1981 \(c. 52\), Sch. 2 para. 1](#) and [S.I. 1981/1105, Sch. para. 2\(b\)](#)
- F18 Words in the definition in s. 135(1) inserted (23.3.1995) by [1995 c. 3, s. 1, Sch.](#)
- F19 Words inserted (*retrospectively*: 1.10.1989) by [Pakistan Act 1990 \(c. 14, SIF 26:30\), s. 1, Sch. para. 3](#)
- F20 Words added by [S.I. 1983/882, art. 5, Sch. para. 1](#)
- F21 Words added by [Brunei and Maldives Act 1985 \(c. 3, SIF 26:9A\), s. 1, Sch. para. 4](#)
- F22 Words in s. 135(1) added (*retrospectively*: 21.3.1990) by [Namibia Act 1991 \(c. 4\), ss. 1, 2\(2\), Sch. para. 2](#)
- F23 Words in s. 135(1) inserted (7.1.2003) by [Commonwealth Act 2002 \(c. 39\), ss. 2, 4\(2\), Sch. 2](#) {para. 1(c)}
- F24 Words in the definition of "constable" in s. 135(1) inserted (1.10.2001) by [2001 c. 19, s. 34, Sch. 6 Pt. 6 para. 49\(c\); S.I. 2001/3234, art. 2](#) (subject to transitional provisions in [art. 3](#))
- F25 Words inserted by [Armed Forces Act 1966 \(c. 45\), s. 36\(2\)](#)
- F26 Words repealed by [Zanibar Act 1963 \(c. 55\), Sch. 3](#)
- F27 Definition inserted by [Theft Act 1968 \(c. 60\), Sch. 2 Pt. II](#)
- F28 Definition inserted by [Armed Forces Act 1966 \(c. 45\), s. 36\(1\)](#)
- F29 Definition of "hospital order" in s. 135(1) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 26, 60, Sch. 3 para. 5](#) (with [Sch. 12 para. 8](#)); [S.I. 2005/579, art. 3\(b\)](#)
- F30 Definition of "judicial officer" in s. 135(1) inserted (2.10.2000) by [2000 c. 4, s. 10, Sch. 1 para. 11\(b\); S.I. 2000/2366, art. 2](#)
- F31 Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F32 S. 135(1): definition of "provost officer" substituted (18.7.2008) by [The Armed Forces \(Alignment of Service Discipline Acts\) Order 2008 \(S.I. 2008/1694\), art. 13](#)
- F33 Definition in s. 135(1) inserted (1.10.1996) by [1996 c. 46, s. 35\(1\), Sch. 6 para. 12; S.I. 1996/2474, art. 2](#)
- F34 Definition of "the relevant time" in s. 135(1) inserted (2.10.2000) by [2000 c. 4, s. 10, Sch. 1 para. 11\(c\); S.I. 2000/2366, art. 2](#)
- F35 Definition of "restriction order" in s. 135(1) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 26, 60, Sch. 3 para. 5](#) (with [Sch. 12 para. 8](#)); [S.I. 2005/579, art. 3\(b\)](#)
- F36 Definition of "the Royal Air Force Police" in s. 135(1) inserted (1.10.2001) by [2001 c. 19, s. 34, Sch. 6 Pt. 6 para. 46; S.I. 2001/3234, art. 2](#) (subject to transitional provisions in [art. 3](#))
- F37 S. 135(1): definition of "service policeman" inserted (18.7.2008) by [The Armed Forces \(Alignment of Service Discipline Acts\) Order 2008 \(S.I. 2008/1694\), art. 13](#)
- F38 Definition substituted by [Theft Act 1968 \(c. 60\), Sch. 2 Pt. II](#)

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- F39** Definition of "the summary appeal court" in s. 135(1) inserted (2.10.2000) by 2000 c. 4, s. 25, **Sch. 3 para. 24**; S.I. 2000/2366, **art. 2** (with Sch. para. 15)
- F40** Definition of "supervision order" in s. 135(1) inserted (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 26, 60, **Sch. 3 para. 5** (with Sch. 12 para. 8); S.I. 2005/579, **art. 3(b)**
- F41** S. 135(2A) inserted (*retrospectively*) by Armed Forces Act 1986 (c. 21, SIF 7:1), s. 16(1), **Sch. 1 para. 10(2)**

Marginal Citations

- M1** 1864 c. 25.
M2 1968 c. 60.
M3 1864 c. 25.
M4 1864 c. 25.
M5 1968 c. 60.

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