

Status: Point in time view as at 01/01/2008.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Persons subject to this Act is up to date with all changes known to be in force on or before 07 July 2024.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Naval Discipline Act 1957 (repealed)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 IV

MISCELLANEOUS AND GENERAL

Persons subject to this Act

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F1 Act repealed (prosp.)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

111 Naval forces, volunteers and trainees.

[^{F1}(1) Every officer on the active list, and every rating, of the Royal Navy, ^{F2}. . . is subject to this Act at all times.

(2) Any officer on any retired or emergency list of officers of the Royal Navy ^{F3}. . . ^{F4}. . . is subject to this Act when ordered on any duty or service for which such an officer is liable, and is so subject from the time appointed to report or attend for that purpose until duly released or discharged.]

[^{F5}(3) Any officer or rating of any of the naval reserve forces is subject to this Act while—

- (a) in permanent service on call out under any provision of the Reserve Forces Act 1980, the Reserve Forces Act 1996 or any other call-out obligations of an officer;
- (b) in full-time service under a commitment entered into under section 24 of the Reserve Forces Act 1996;
- (c) undertaking any training or duty (whether in pursuance of an obligation or not); or
- (d) serving on the permanent staff of the Royal Fleet Reserve or the Royal Naval Reserve.]

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- (4) Without prejudice to subsection (1) of this section, any [^{F6}person recalled to the Royal Navy under section 30 of the Reserve Forces Act 1980 or Part VII of the Reserve Forces Act 1996 is subject to this Act from the time he is accepted into service until duly released or discharged.]
- (5) Any person not otherwise subject to this Act who volunteers or engages for service, training or exercise with the Royal Navy, not being—
- (a) . . . ^{F7}
 - (c) a member of the Sea Cadet Corps or the Combined Cadet Force; or
 - (d) a person excepted from this subsection by directions of [^{F8}the Defence Council,]
- is subject to this Act during the period of service, training or exercise.
- (6) A person not otherwise subject to this Act, being a member of—
- (a) any of the armed forces of the Crown raised outside the United Kingdom; or
 - (b) any armed forces other than armed forces of the Crown,
- not being in either case forces excepted from this subsection by directions of [^{F8}the Defence Council] is subject to this Act when ordered to be trained or exercised on board any of Her Majesty's ships or in any of Her Majesty's naval establishments.
- (7) Where by virtue of this section this Act applies to any person not being a member of the armed forces of the Crown, it shall apply to him (except so far as may be otherwise provided by regulations made by [^{F8}the Defence Council])—
- (a) if he holds any rank or rate in any other naval, military or air forces, as it applies to a person holding the corresponding rank or rate in the armed forces of the Crown;
 - (b) in any other case, as it applies to an able seaman.
- (8) This section applies to chaplains in the Royal Navy or in any of the naval reserve forces as it applies to officers of the Royal Navy, or of that force, as the case may be.

Textual Amendments

- F1** S. 111(1)(2) substituted by [Armed Forces Act 1976 \(c. 52\)](#), s. 4, [Sch. 2 para. 2](#)
- F2** Words in s. 111(1) repealed (11.5.2001) by [2001 c. 19](#), ss. 34, 38, [Sch. 6 para. 23\(a\)](#), [Sch. 7 Pt. 6](#)
- F3** Words in s. 111(2) repealed (11.5.2001) by [2001 c. 19](#), ss. 34, 38, [Sch. 6 para. 23\(b\)](#), [Sch. 7 Pt. 6](#)
- F4** Words in s. 111(2) repealed (1.10.1996) by [1996 c. 46](#), s. 35(2), [Sch. 7 Pt. III](#); [S.I. 1996/2474](#), [art. 2](#) (with [art. 3](#))
- F5** S. 111(3) substituted (1.4.1997) by [1996 c. 14](#), s. 131(1), [Sch. 10 para. 12\(2\)](#) (with s. 72(5)); [S.I. 1997/305](#), [art. 2](#)
- F6** Words in s. 111(4) substituted (1.4.1997) by [1996 c. 14](#), s. 131(1), [Sch. 10 para. 12\(3\)](#) (with s. 72(5)); [S.I. 1997/305](#), [art. 2](#)
- F7** S. 111(5)(a)(b) repealed by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 10](#)
- F8** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

112 Marines.

- (1) An officer, [^{F9}warrant officer] non-commissioned officer or marine of the marine forces is subject to this Act when borne on the books of any of Her Majesty's ships or naval establishments.

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- (2) The provisions of the First Schedule to this Act shall have effect for the purposes of the application of this Act to any person who is subject thereto by virtue of this section.

Textual Amendments

F9 Words inserted by [Armed Forces Act 1971 \(c. 33\)](#), [Sch. 3 para. 5\(2\)](#)

113 Attached military and air forces.

- (1) Subject to the provisions of this section, a member of Her Majesty's military or air forces is subject to this Act when attached to Her Majesty's naval forces under section one hundred and seventy-nine of the ^{M1}Army Act 1955, or section one hundred and seventy-nine of the ^{M2}Air Force Act 1955.
- (2) The provisions of the Second Schedule to this Act shall have effect for the purposes of the application of this Act to any person who is subject thereto by virtue of this section.
- (3) . . . ^{F10}

Textual Amendments

F10 [S. 113\(3\)](#) repealed by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 10](#)

Marginal Citations

M1 [1955 c. 18.](#)

M2 [1955 c. 19.](#)

114 Commonwealth forces.

- (1) Without prejudice to subsection (6) of section one hundred and eleven of this Act, the members of a naval, military or air force of a Commonwealth country are subject to this Act to such extent, and subject to such adaptations and modifications, as may be provided by or under the ^{M3}Visiting Forces (British Commonwealth) Act 1933, or by the law of that country.
- (2) Where members of a force of any Commonwealth country are subject to this Act as aforesaid by virtue of the law of that country, Her Majesty may by Order in Council make such adaptations and modifications of this Act in relation to other members of Her Majesty's naval forces as may be desirable for the purpose of regulating the relations between those members of Her Majesty's naval forces and members of the force of that country.

Marginal Citations

M3 [1933 c. 6.](#)

115 Colonial naval forces.

- (1) Without prejudice to subsection (6) of section one hundred and eleven of this Act, the members of a force raised for the naval defence of a colony in pursuance of section one

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of the ^{M4}Colonial Naval Defence Act 1931, are subject to this Act to such extent, and subject to such adaptations and modifications, as may be provided by the legislature of that colony under subsection (1) of section two of that Act.

- (2) Without prejudice to the foregoing subsection, any officer or rating of any force raised by a colony as aforesaid is subject to this Act while at the disposal of Her Majesty for general service in the Royal Navy under subsection (2) of the said section two.

Marginal Citations

M4 1931 c. 9.

116 Application to deserters, etc. from Commonwealth and colonial naval forces.

- (1) Without prejudice to the foregoing provisions of this Part of this Act, Her Majesty may by Order in Council direct that members of any naval force of a Commonwealth country or raised by any colony shall be subject to this Act so far as it relates to the offences of desertion or absence without leave, and to the arrest [^{F11}, custody], trial and punishment of persons who have committed or are suspected of having committed either of the said offences.
- (2) Where any Order in Council is made under this section in relation to members of a naval force, references in section forty-seven and in Part III of this Act to Her Majesty's naval forces shall include references to that force.

Textual Amendments

F11 Words in s. 116(1) inserted (2.10.2000) by 2000 c. 4, s. 10, **Sch. 1 para. 10**; S.I. 2000/2366, **art. 2**

117 Application to passengers in H.M. ships.

Parts I and II of this Act shall, to such extent and subject to such modifications as may be prescribed by regulations made by [^{F12}the Defence Council], apply to persons embarked as passengers on board Her Majesty's ships [^{F13}, vessels] or aircraft (not being persons who are subject to this Act by virtue of any of the foregoing provisions of this Act or are subject to military or air-force law), as they apply to persons subject to this Act.

Textual Amendments

F12 Words substituted by S.I. 1964/488, **Sch. 1 Pt. I**

F13 Words inserted by **Armed Forces Act 1986** (c. 21, SIF 7:1), s. 16(1), **Sch. 1 para. 8**

118 Application to certain civilians.

- (1) Subject to the provisions of this section where any body of Her Majesty's naval forces are on active service Parts I and II of this Act shall (so far as applicable) apply to the following persons, that is to say—
- (a) any person employed in the service of that body of those forces;

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- (b) any person employed in the service of any portion or member of that body of those forces; or
 - (c) any person who accompanies that body of those forces or any portion thereof, as they apply to persons subject to this Act.
- (2) Without prejudice to the foregoing subsection, but subject to the provisions of this section, the following provisions of this Act, that is to say—
 - (a) sections [^{F14}12B,] fourteen, [^{F15}14A,]thirty-eight and thirty-nine;
 - (b) sections forty and forty-one, so far as they relate to the sections aforesaid;
 - (c) sections forty-two and forty-three; and
 - (d) Part II so far as it applies to an offence under any of the said sections, shall apply to a person of any class described in the Third Schedule to this Act who is within the limits of the command of any officer commanding any of Her Majesty's naval forces outside the United Kingdom . . . ^{F16}, as they apply to persons subject to this Act.

[^{F17}Provided that the said section 39 shall not apply to a person by virtue only of this subsection except at a time when he is on board one of Her Majesty's ships [^{F18}and the said section 12B, and sections 40 and 41 so far relating thereto, shall apply only to persons falling within any description specified in paragraphs 1 to 4 of Schedule 3.]]
- (3) The provisions of the Fourth Schedule to this Act shall have effect for the purposes of the application of this Act to any person to whom it applies by virtue of this section.
- [^{F19}(3A) Rules under section 58 may, in relation to a court-martial for the trial of a person mentioned in subsection (1) or (2) above (whether alone or with other persons), make provision—
 - (a) as to the persons who may be appointed under section 54(1)(a) or (c) as members of the court-martial (and the rules may in particular provide that persons other than naval officers or naval warrant officers may be so appointed);
 - (b) modifying the application of Part 2 of this Act in consequence of any provision made by virtue of paragraph (a).]
- [^{F20}(3B) On the trial of [^{F21}a person mentioned in subsection (1) or (2) above] a court-martial may make an order authorised by Schedule 4A below, and any such order shall be treated as a punishment for the purposes of this Act.]
- (4) This section does not apply to any person to whom section one hundred and seventeen of this Act applies, or who is otherwise subject to this Act apart from this section or is subject to military or air-force law apart from section two hundred and nine of the ^{M5}Army Act 1955, or the ^{M6}Air Force Act 1955.

Textual Amendments

- F14** Words in s. 118(2)(a) inserted (3.2.2006) by 2001 c. 19, ss. 32(9), 39(2), Sch. 5 para. 7(a); S.I. 2006/235, art. 2 (with art. 3)
- F15** Words inserted by Armed Forces Act 1971 (c. 33), s. 78(4), Sch. 1 para. 2(3)
- F16** Words repealed by Armed Forces Act 1966 (c. 45), Sch. 5
- F17** Proviso added by Armed Forces Act 1971 (c. 33), ss. 42, 78(4)
- F18** Words in the proviso of s. 118(2) inserted (3.2.2006) by 2001 c. 19, ss. 32(9), 39(2), Sch. 5 para. 7(b); S.I. 2006/235, art. 2 (with art. 3)

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- F19** S. 118(3A) substituted (28.6.2007) by The Armed Forces (Alignment of Service Discipline Acts) Order 2007 (S.I. 2007/1859), art. 2, **Sch. para. 3(2)**
- F20** S. 118(3B) inserted by Armed Forces Act 1976 (c. 52), **Sch. 9 para. 10**
- F21** Words in s. 118(3B) substituted (28.6.2007) by The Armed Forces (Alignment of Service Discipline Acts) Order 2007 (S.I. 2007/1859), art. 2, **Sch. para. 3(3)**

Marginal Citations

- M5** 1955 c. 18.
M6 1955 c. 19.

119 Application to sentenced offenders, etc.

- (1) A person sentenced under Part II of this Act to imprisonment or detention shall be subject to this Act until the expiration of the term of his sentence, whether or not he would have ceased to be subject to this Act apart from the provisions of this subsection; and in relation to any such person this Act shall apply as it applies in relation to an able seaman.
- (2) If any person not otherwise subject to this Act, being in custody by virtue of section fifty-one or section ninety-five of this Act, commits or is reasonably suspected of having committed an offence which, if he were subject to this Act, would be an offence against any provision of Part I of this Act, he shall be treated for the purposes of that provision and of Part II of this Act as having been subject to this Act at the time of the offence or suspected offence, and as continuing to be so subject thereafter.
- (3) Where by virtue of subsection (2) of this section a person who does not hold any naval rank or rate is treated for the purpose of any provisions of this Act as a person subject to this Act, this Act shall apply to him for that purpose—
 - (a) if he holds any military or air force rank, as it applies to a person holding the corresponding naval rank or rate;
 - (b) if he held any naval rank or rate or any military or air-force rank when last subject to this Act apart from this section, as it applies to a person holding that or the corresponding naval rank or rate;
 - (c) in any other case, as it applies to an able seaman.

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