



Naval Discipline Act 1957

1957 CHAPTER 53

PART IV

MISCELLANEOUS AND GENERAL

Persons subject to this Act

111 Naval forces, volunteers and trainees

- (1) Every officer on the active list of officers of the Royal Navy (not being an officer of any such class as may be prescribed by regulations made by the Admiralty), and every rating of the Royal Navy, is subject to this Act at all times.
- (2) Any officer on any retired or emergency list of officers of the Royal Navy is subject to this Act when ordered on any duty or service for which, as such an officer, he is liable, and is so subject from the time appointed for him to report or attend for that purpose until he is duly released or discharged.
- (3) Any officer or rating of any of the naval reserve forces is subject to this Act—
 - (a) while being trained or exercised in pursuance of any enactment relating to those forces or any regulations made under any such enactment;
 - (b) when called, recalled or required to re-enter into actual service under any such enactment or regulation,and is so subject from the time appointed for him to report or attend for any such purpose until he is duly released or discharged.
- (4) Without prejudice to subsection (1) of this section, any naval pensioner who is required to join the Royal Navy under section sixteen of the Naval Volunteers Act, 1853, is subject to this Act from the time appointed for him to report or attend for that purpose.
- (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) a member of the Women's Royal Naval Service or Queen Alexandra's Royal Naval Nursing Service or any reserve of either of those services;

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- (b) a member of the Voluntary Aid Detachments ;
 - (c) a member of the Sea Cadet Corps or the Combined Cadet Force; or
 - (d) a person excepted from this subsection by directions of the Admiralty,
- 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 the Admiralty) 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 the Admiralty)—
- (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.

112 Marines

- (1) An 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.
- (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.

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 Army Act, 1955, or section one hundred and seventy-nine of the 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) No woman shall be subject to this Act by virtue of this section.

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 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.

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 of the 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.

116 Application to deserters, etc., from commonwealth and colonial 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, 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.

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 the Admiralty, apply to persons embarked as passengers on board Her Majesty's ships 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.

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;
 - (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 fourteen, thirty-eight and thirty-nine;

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- (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 or any colony, as they apply to persons subject to this Act.
- (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.
 - (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 Army Act, 1955, or the Air Force Act, 1955.

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.