



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART IV

MISCELLANEOUS AND GENERAL

Interpretation

134 Definition of active service.

[^{F1}(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 [^{F2}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.

[^{F3}(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.

Status: Point in time view as at 01/01/2008. This version of this provision has been superseded.

Changes to legislation: Naval Discipline Act 1957 (repealed), Section 134 is up to date with all changes known to be in force on or before 06 July 2024.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)

- (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.
- (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

- F1** S. 134 re-numbered as s. 134(1) by [Armed Forces Act 1971 \(c. 33\), s. 74](#)
- F2** Words substituted by [Armed Forces Act 1971 \(c. 33\), s. 74](#)
- F3** S. 134(2)-(9) added by [Armed Forces Act 1971 \(c. 33\), s. 74](#)

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

Status:

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