

Status: Point in time view as at 01/04/2005. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Arrest is up to date with all changes known to be in force on or before 14 August 2024.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Naval Discipline Act 1957 (repealed)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 II

TRIAL AND PUNISHMENT OF OFFENCES

Arrest

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F1 Act repealed (prosp.)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

45 Duty to bring offenders to justice and powers of arrest.

- (1) It shall be the duty of every person subject to this Act who knows or has reasonable grounds for suspecting that any other person subject thereto is committing or has committed an offence under any provision of Part I of this Act, to take all reasonable steps within his power to cause that person to be brought to justice.
- (2) Subject to Standing Orders of the commanding officer of any of Her Majesty's ships or naval establishments, the following persons shall have power to arrest a person subject to this Act who is found committing or is alleged to have committed or is reasonably suspected of having committed any such offence as aforesaid, that is to say:—
 - (a) in the case of an officer, an officer subject to this Act who is his superior officer or, if the person to be arrested is engaged in a mutiny, quarrel or disturbance, any officer subject to this Act;
 - (b) in the case of a rating, an officer subject to this Act, a [^{F1}warrant officer] chief petty officer, petty officer or leading rating subject to this Act who is of superior rate or senior to him in the same rate, and any rating exercising authority as a member of the regulating staff or as a member of the staff of the officer of the watch;

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- (c) in any case, a provost officer and any officer or person legally exercising authority under or on behalf of a provost officer:

Provided that an officer shall not be arrested by virtue of paragraph (c) of this subsection except on the order of another officer.

- (3) Any power of arrest under this section may be exercised either personally or by ordering into arrest the person to be arrested or by giving orders for that person’s arrest.

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Textual Amendments

F1 Words inserted by [Armed Forces Act 1971 \(c. 33\)](#), [Sch. 3 para. 5\(1\)](#)

VALID FROM 18/07/2008

[^{F2}45A Power of arrest in anticipation of commission of offence

- (1) A service policeman may arrest a person whom he reasonably suspects of being about to commit an offence under any provision of Part 1 of this Act.
- (2) Subsection (7) of section 45 of this Act applies in relation to the power of arrest conferred by this section as it applies in relation to the power of arrest conferred by that section.
- (3) Where a person is arrested under this section—
 - (a) the arrest must be reported as soon as practicable to his commanding officer; and
 - (b) he may be kept in naval, military or air-force custody until such time as a service policeman is satisfied that the risk of his committing the offence concerned has passed.]

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Textual Amendments

F2 S. 45A inserted (18.7.2008) by [The Armed Forces \(Alignment of Service Discipline Acts\) Order 2008 \(S.I. 2008/1694\)](#), [art. 9](#)

^{F3}46

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Textual Amendments

F3 S. 46 repealed (2.10.2000) by [2000 c. 4, ss. 10, 27, Sch. 1 para. 7, Sch. 4; S.I. 2000/2366, art. 2](#) (with [Sch. para. 15](#))

47 Evidence of arrest or surrender.

- (1) In any proceedings for an offence under Part I of this Act against a person who—
 - (a) has surrendered himself to any consular officer;
 - (b) has been taken on arrest or surrender into the custody of a provost officer; or

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- (c) has been taken on arrest or surrender into custody at any police station, guard-room or other place in any part of Her Majesty's dominions, a certificate purporting to be signed by the consular or provost officer, or the officer in charge of the police station, guard-room or other place, as the case may be, containing a statement of the fact, date, time and place of arrest or surrender, and whether or not the person charged was wearing the uniform of any of Her Majesty's naval forces at the time of arrest or surrender, shall be evidence of the matter therein contained.
- (2) In any proceedings for an offence of desertion, absence without leave or improperly leaving his ship . . . ^{F4} against a person who on arrest or surrender has been brought before a court of summary jurisdiction in accordance with the provisions of Part III of this Act, a certificate purporting to be signed by a justice of the peace [^{F5}or (in Northern Ireland) resident magistrate] containing a statement of the fact, date, time and place of arrest or surrender, and whether the person charged was wearing the uniform of any of Her Majesty's naval forces at the time of arrest or such particulars as to the proceedings before the court as may be prescribed by regulations made by [^{F6}the Defence Council] by statutory instrument, shall be evidence of the matter therein contained.
- (3) In this section "provost officer" includes a corresponding officer of any of the forces of a Commonwealth country, or of a force raised under the law of any colony.

Textual Amendments

- F4** Words repealed by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\), Sch. 4 Pt. I](#)
- F5** Words in s. 47(2) inserted (N.I.) (1.4.2005) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), ss. 10, 87, Sch. 4 para. 12; S.R. 2005/109, art. 2, Sch.](#)
- F6** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

Modifications etc. (not altering text)

- C1** S. 47(2) modified by [Armed Forces Act 1966 \(c. 45\), s. 33](#)

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