
Status: Point in time view as at 01/04/1997.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Arrest and detention of offenders by civil authorities is up to date with all changes known to be in force on or before 21 June 2024.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Naval Discipline Act 1957 (repealed)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 III

PROVISIONS RELATING TO CIVILIANS AND CIVIL AUTHORITIES

Arrest and detention of offenders by civil authorities

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F1 Act repealed (prosp.)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

103 Arrest under warrants of naval authorities.

- (1) A warrant for the arrest of a person suspected of any offence under Part I of this Act may be issued by any Commander-in-Chief, by the senior naval officer present at any port, by any officer in command of any of Her Majesty's ships or naval establishments, or by any officer who by virtue of ^{F1}regulations under section 52E(2)(a) above may exercise the powers of that person's commanding officer].
- (2) A warrant issued under this section shall be addressed to an officer or officers of police, and shall specify the name of the person for whose arrest it is issued and the offence which he is alleged to have committed; and any such warrant may be issued in respect of two or more persons alleged to have committed the same offence or offences of the same class.
- (3) A person arrested under a warrant issued under this section shall as soon as practicable be delivered into naval custody; and there shall be handed over with him a certificate signed by the officer of police who causes him to be delivered into naval custody stating the fact, date, time and place of arrest, and whether or not the person arrested was at the time of arrest wearing the uniform of any of Her Majesty's naval forces.

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[^{F2}(4) A certificate under subsection (3) above shall be in such form as may be prescribed by regulations made by a Secretary of State by statutory instrument and shall for the purpose of this Act be evidence of the matters stated therein.]

Textual Amendments

- F1** Words in s. 103(1) substituted (1.4.1997 with saving) by 1996 c. 46, s. 5, **Sch. 1 para. 92**; S.I. 1997/304, **art. 2** (with art. 3)
- F2** S. 103(4) added by **Armed Forces Act 1971 (c. 33), s. 44(1)**

104 Arrest of persons unlawfully at large.

- (1) A constable may arrest without warrant any person who, having been sentenced under Part II of this Act to imprisonment or detention, is unlawfully at large during the currency of the sentence, and may take him to any place in which he may be required in accordance with law to be detained.
- (2) The provisions of subsections (2) and (3) of section eighty-eight of this Act shall have effect for the purposes of the foregoing subsection as they have effect for the purposes of that section.

105 Arrest of deserters and absentees.

- (1) A constable may arrest without warrant any person whom he has reasonable cause to suspect of being an officer or rating of any of Her Majesty's naval forces who has deserted or is absent without leave.
 - (2) Where no constable is available, any officer or rating who is subject to this Act, or any other person, may arrest any person whom he has reasonable cause to suspect as aforesaid.
 - (3) Any person having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of being, within his jurisdiction an officer or rating of any of Her Majesty's naval forces who has deserted or is absent without leave, or is reasonably suspected of having deserted or being absent without leave, may issue a warrant authorising his arrest.
 - (4) Any person taken into custody in pursuance of this section shall as soon as practicable be brought before a court of summary jurisdiction.
- [^{F3}(4A) A person shall also be brought before a court of summary jurisdiction if, having been brought before such a court by virtue of subsection (4) above and discharged by that court by virtue of section 109(3)(b) below—
- (a) he is subsequently arrested as an alleged or suspected deserter or absentee without leave under section 45 of this Act, or under a warrant issued under section 103 thereof, and
 - (b) the question whether he is in fact in desertion or absent without leave raises any issue which was investigated by the court discharging him, and
 - (c) he does not admit that he is in desertion or absent without leave to the person arresting him under the said section 45 or, as the case may be, to the person into whose custody he is delivered pursuant to the said section 103.]

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Textual Amendments

F3 S. 105(4A) inserted by [Armed Forces Act 1971 \(c. 33\), s. 56\(1\)](#)

Modifications etc. (not altering text)

C1 S. 105 as read with s. 126 extended by [Guyana Independence Act 1966 \(c. 14\), s. 5\(2\)](#)

106 Arrest of persons suspected of offences punishable by civil courts.

- (1) A constable [^{F4}may arrest without warrant any person whom he has reasonable grounds for suspecting of having committed an offence punishable under this Part of this Act on summary conviction, and] may seize any property which he has reasonable grounds for suspecting of having been the subject of an offence against section ninety-eight of this Act.
- (2) Any person having authority to issue a warrant for the arrest of a person charged with crime may, if satisfied by evidence on oath that a person within his jurisdiction has, or is reasonably suspected of having, in his possession any property which has been the subject of an offence against the said section ninety-eight, grant a warrant to search for such property as in the case of stolen goods; and any property suspected of having been the subject of such an offence which is found on such a search shall be seized by the officer charged with the execution of the warrant, and that officer shall bring the person in whose possession or keeping the property is found before a court of summary jurisdiction.
- (3) For the purposes of this section property shall be deemed to be in the possession of a person if he has it under his control, and whether he has it for his own use or benefit or for the use or benefit of another.

Textual Amendments

F4 Words repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 119, Sch. 7 Pt. I \(E.W.\)](#) and by [S.I. 1989/1341 \(N.I. 12\), art. 90\(2\)\(3\), Sch. 7 Pt. I](#)

107 Duties of governors of civil prisons, etc.

- (1) It shall be the duty of the governor of a civil prison—
 - (a) to receive and confine until discharged in due course of law any person sentenced under this Act to imprisonment who is committed, transferred or returned to that prison in pursuance of a committal order or an order made under section eighty-four of this Act, and to deliver over or discharge any such person in accordance with any order under this Act or on the expiration of his sentence;
 - (b) to receive and confine for a period not exceeding seven days any person who is for the time being in naval custody upon delivery of an order in that behalf purporting to be signed by a flag officer or by the officer in command of any of Her Majesty's ships or naval establishments, or upon production of a committal order or an order made under the said section eighty-four relating to that person;
 - (c) to receive any person duly committed to that prison by a court of summary jurisdiction under this Part of this Act as being illegally absent from any of

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Her Majesty's naval forces, and to detain him until, in accordance with the directions of the court, he is delivered into naval custody.

- (2) Subsection (1) of this section, except paragraph (a), shall apply to the person having charge of any police station or other place (not being a prison) provided for the confinement of persons in custody as it applies to the governor of a prison.

Modifications etc. (not altering text)

C2 [S. 107](#) as read with s. 126 extended by [Guyana Independence Act 1966 \(c. 14\)](#), [s. 5\(2\)](#)

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