



# Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

## PART IV

### MISCELLANEOUS AND GENERAL

#### *Interpretation*

#### 135 General interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“aircraft” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

“aircraft material” includes—

- (a) parts of, and components of or accessories for, aircraft, whether for the time being in aircraft or not;
- (b) engines, armaments, ammunition and bombs and other missiles of any description in, or for use in, aircraft;
- (c) any other gear, apparatus or instruments in, or for use in, aircraft;
- (d) any apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft; and
- (e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft or aircraft material;

“aircraft papers” has the meaning assigned to it by the <sup>M1</sup>Naval Prize Act 1864;

[<sup>F1</sup>“air signal” means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft;

“before the enemy”, in relation to a person, means that he is in action against the enemy or about to go into action against the enemy, or is under attack or threat of imminent attack by the enemy;]

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“civil court” means a court of ordinary criminal jurisdiction but does not, except where otherwise expressly provided, include any such court outside Her Majesty’s dominions;

“civil prison” means a prison in which a person sentenced by a civil court to imprisonment can be confined;

“committal order” means an order committing a person sentenced under this Act to imprisonment or detention to any establishment in which, by virtue of subsection (1) or (2) of section eighty-one of this Act, he may be confined during the term of the sentence:

[<sup>F2</sup>“Commonwealth country” means Canada, the Commonwealth of Australia, New Zealand, [<sup>F3</sup>South Africa,]India, [<sup>F4</sup>Pakistan,] Ceylon, Ghana, Malaysia, the Republic of Cyprus, Nigeria, Sierra Leone, Tanganyika, Jamaica, Trinidad and Tobago, Uganda, Kenya, Zanzibar, Malawi, Zambia, Malta, The Gambia, Guyana, Botswana, Lesotho, Singapore, Barbados, Mauritius, Swaziland, Tonga, Fiji, the Bahamas, Bangladesh, Grenada, Seychelles, Solomon Islands, Tuvalu, Dominica, Saint Lucia, Kiribati, Saint Vincent and the Grenadines, Papua New Guinea, Western Samoa, Nauru, the New Hebrides, Zimbabwe, Belize or Antigua and Barbuda [<sup>F5</sup>or Saint Christopher and Nevis][<sup>F6</sup>or Brunei or Maldives][<sup>F7</sup>or Namibia]]

“constable” includes any person having powers corresponding with those of a constable;

“court-martial” means a court-martial under this Act;

[<sup>F1</sup>“damage” includes destruction, and references to damaging shall be construed accordingly;]

“decoration” includes medal, medal ribbon, clasp and good conduct badge;

“desertion” has the meaning assigned to it by section fifteen of this Act, and “desert” shall be construed accordingly;

“enemy” includes all persons engaged in armed operations against Her Majesty’s forces [<sup>F8</sup>or any forces co-operating therewith], and also includes all armed mutineers, armed rebels, armed rioters and pirates;

“Governor”, in relation to any colony, means the Governor-General, Governor or other officer, however styled, who is for the time being administering the government of the colony . . . <sup>F9</sup>, but where two or more colonies or the parts of any colony are under local governments and also under a central government, references to the Governor shall be construed as references to the Governor-General, Governor or other officer, however styled, who is for the time being administering the central government;

[<sup>F10</sup>“handles” has the same meaning as in the <sup>M2</sup>Theft Act 1968]

[<sup>F11</sup>“Her Majesty’s forces” includes forces raised under the law of a colony but does not include a force of any Commonwealth country];

“mutiny” has the meaning assigned to it by section eight of this Act;

“naval detention quarters” means premises or vessels, or parts of premises or vessels, set apart by [<sup>F12</sup>the Defence Council] under subsection (1) of section eighty-two of this Act;

“prize court” means a prize court within the meaning of the <sup>M3</sup>Naval Prize Act 1864;

“property” includes real property in England and Wales or Northern Ireland, heritable property in Scotland and property outside the United Kingdom of the nature of real property;

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“provost officer” means a naval provost marshal, an assistant to a naval provost marshal and any other officer being a provost officer within the meaning of the <sup>M4</sup>Army Act 1955, or the <sup>M5</sup>Air Force Act 1955;

“public or service property” means property belonging to any department of Her Majesty’s Government in the United Kingdom or of the Government of Northern Ireland, or held for the purposes of any such department, and property belonging to or connected with Her Majesty’s naval forces, the naval forces of any Commonwealth country or naval forces raised under the law of any colony, or any part of any of those forces;

[<sup>F13</sup>“Queen’s Regulations” means the Queen’s Regulations for the Royal Navy;]

“service law” has the meaning assigned by section eight of this Act;

“ship papers” has the meaning assigned to it by the <sup>M6</sup>Naval Prize Act 1864;

[<sup>F14</sup>“steals” has the same meaning as in the <sup>M7</sup>Theft Act 1968, and references to “stolen goods” shall be construed as if contained in that Act]

(2) Any reference in this Act to an offence under Part I thereof includes a reference to a civil offence punishable on conviction thereunder by virtue of section forty-two of this Act.

[<sup>F15</sup>(2A) References in this Act, in relation to any of the armed forces of the Crown, to an officer holding a commission include references to a person to whom a commission is required to be issued; and for the purposes of this Act, where a commission issued to any person takes effect from a date earlier than the date of its issue, that earlier date shall be conclusively presumed to be the date on which the requirement to issue the commission arose.]

(3) Any reference in this Act to an enactment is a reference thereto as amended by or under any subsequent enactment.

(4) Any power conferred by this Act to make an Order in Council or order shall include power to vary or revoke the Order in Council or order by a subsequent Order in Council or order.

(5) Any Order in Council, order or regulations made under this Act may make different provision for different circumstances or cases, or may make provision for particular circumstances or cases only.

#### Textual Amendments

- F1** Definitions inserted by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\), Sch. 1 para. 2\(5\)](#)
- F2** Definition of “Commonwealth country” printed as amended by enactments listed in [Chronological Table of the Statutes, Belize Act 1981 \(c. 52\), Sch. 2 para. 1](#) and [S.I. 1981/1105, Sch. para. 2\(b\)](#)
- F3** Words in the definition in s. 135(1) inserted (23.3.1995) by [1995 c. 3, s. 1, Sch.](#)
- F4** Words inserted (*retrospectively*: 1.10.1989) by [Pakistan Act 1990 \(c. 14, SIF 26:30\), s. 1, Sch. para. 3](#)
- F5** Words added by [S.I. 1983/882, art. 5, Sch. para. 1](#)
- F6** Words added by [Brunei and Maldives Act 1985 \(c. 3, SIF 26:9A\), s. 1, Sch. para. 4](#)
- F7** Words in s. 135(1) added (*retrospectively*: 21.3.1990) by [Namibia Act 1991 \(c. 4\), ss. 1, 2\(2\), Sch. para. 2](#)
- F8** Words inserted by [Armed Forces Act 1966 \(c. 45\), s. 36\(2\)](#)
- F9** Words repealed by [Zanibar Act 1963 \(c. 55\), Sch. 3](#)
- F10** Definition inserted by [Theft Act 1968 \(c. 60\), Sch. 2 Pt. II](#)
- F11** Definition inserted by [Armed Forces Act 1966 \(c. 45\), s. 36\(1\)](#)

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- F12** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F13** Definition in s. 135(1) inserted (1.10.1996) by 1996 c. 46, s. 35(1), [Sch. 6 para. 12](#); [S.I. 1996/2474, art. 2](#)
- F14** Definition substituted by [Theft Act 1968 \(c. 60\), Sch. 2 Pt. II](#)
- F15** [S. 135\(2A\)](#) inserted (*retrospectively*) by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), [Sch. 1 para. 10\(2\)](#)

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#### Marginal Citations

- M1** 1864 c. 25.
- M2** 1968 c. 60.
- M3** 1864 c. 25.
- M4** 1955 c. 18.
- M5** 1955 c. 19.
- M6** 1864 c. 25.
- M7** 1968 c. 60.

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#### 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

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