1959 No. 62

The Execution of Sentences of Death (Navy) Regulations, 1959

Made - - - -	14*th January*, 1959
Laid before Parliament	16*th January*, 1959
Coming into Operation	17*th January*, 1959

The Admiralty, in exercise of the powers conferred upon them by section 79 of the Naval Discipline Act, 1957(**a**), and of section 17 of the Courts-Martial (Appeals) Act, 1951(**b**), and of all other powers them enabling, hereby make the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Execution of Sentences of Death (Navy) Regulations, 1959, and shall come into operation on the seventeenth day of January, 1959.

Interpretation

2.—(1) The Interpretation Act, 1889(**c**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, except where the context otherwise requires—

"the Act" means the Naval Discipline Act, 1957;

"air-force establishment" means an air-force establishment as defined for the purposes of Part II of the Air Force Act, 1955(**d**);

"local commander" means an officer of Her Majesty's forces not below the rank of Captain, R.N., or corresponding rank under or in the area of whose command a person under sentence is for the time being;

"military establishment" means a military establishment as defined for the purposes of Part II of the Army Act, 1955(**e**);

"person under sentence" means a person sentenced to suffer death under the Act whose sentence has not been commuted:

and other expressions have the same meanings as they have in the Act.

Custody of persons under sentence

3.—(1) After sentence has been passed a person under sentence shall be detained in accordance with the following provisions of this Regulation.

(2) During the whole or any part of the period between the passing and the carrying out of the sentence a person under sentence may be detained in—

(*a*) naval detention quarters;

(*b*) a military establishment;

(*c*) an air-force establishment;

(**a**) 5 & 6 Eliz. 2. c. 53. (**b**) 14 & 15 Geo. 6. c. 46. (**c**) 52 & 53 Vict. c. 63.
(**d**) 3 & 4 Eliz. 2. c. 19. (**e**) 3 & 4 Eliz. 2. c. 18.

(*d*) a civil prison;

(*e*) naval custody;

(*f*) military custody;

(*g*) air-force custody.

(3) The manner in which a person under sentence who—

(*a*) is in naval detention quarters, in a military or air-force establishment, or in naval, military or air-force custody; and

(*b*) has appealed, or desires to appeal, to the Courts-Martial Appeal Court—

may be taken to, kept in custody at, and brought back from any place at which he is entitled to be present for the purposes of Part I of the Courts-Martial (Appeals) Act, 1951, or any place to which the Courts-Martial Appeal Court or a judge thereof may order him to be taken for the purposes of any proceedings of that Court, shall be as follows:—

(i) he may be taken to, kept in custody at, and brought back from any such place as aforesaid in naval, military or air-force custody;

(ii) he may be kept in custody at any such place as aforesaid in any manner ordered by the Courts-Martial Appeal Court or a judge thereof, or in naval detention quarters, a military or air-force establishment, a civil prison or a police station: Provided that he shall not be kept in a civil prison or a police station for periods exceeding seven days at any one time.

(4) Subject to the provisions of section 80 of the Act, no person under sentence shall be committed to naval detention quarters, a military or air-force establishment, naval, military or air-force custody, or a civil prison, or removed from one place or establishment to another, save in pursuance of an order of the local commander made in a form specified in the First Schedule to these Regulations or in a form substantially to the like effect, and every such order shall be duly completed in accordance with the instructions contained in the said form.

Removal from one place or establishment to another

4.—(1) Subject to the provisions of Regulation 5 a person under sentence may, on the order of the local commander, be removed from any place or establishment to any other place or establishment, being a place or establishment in which he may be detained under these Regulations, whether or not that other place or establishment is in the same country or territory.

(2) A local commander may give directions with respect to the treatment of a person under sentence during removal, so however that, so far as practicable, the person under sentence shall be treated as if he were in naval detention quarters.

Further provisions as to removal

5.—(1) The Admiralty may give directions with respect to the removal of a person under sentence or generally with respect to the removal of such persons from or to the United Kingdom.

(2) Save under directions given by virtue of this Regulation, no person under sentence shall be removed from the United Kingdom to a country or territory outside the United Kingdom or from a country or territory outside the United Kingdom to the United Kingdom.

(3) Nothing in this Regulation shall prevent a person under sentence who is detained in a ship or vessel at sea being removed to the United Kingdom, whether that ship or vessel is or is not in the territorial waters of any country.

(4) Nothing in this or the preceding Regulation shall prejudice the removal of any person under sentence in accordance with powers exercisable by any person by virtue of the Courts-Martial (Appeals) Act, 1951, or the provisions of Section 80 of the Act.

Places where sentences of death may be carried out

6. A sentence of death shall be carried out in a civil prison, in a military prison, in an air force prison, in naval detention quarters, in one of Her Majesty's ships or, if it would be inexpedient or undesirable for the sentence to be carried out in any of those places, in such other place as the local commander may by written order direct.

Special provisions with reference to committal or transfer to civil prisons

7.—(1) Notwithstanding anything in Regulations 3, 4, 5 and 6, no person under sentence shall be committed or transferred to a civil prison in the United Kingdom, nor shall a sentence of death passed on any such person be carried out in a civil prison in the United Kingdom, without the consent of the Prison Commissioners.

(2) In the application of this Regulation in Scotland, for the reference to the Prison Commissioners there shall be substituted a reference to the Secretary of State.

(3) In the application of this Regulation in Northern Ireland, for the reference to the Prison Commissioners there shall be substituted a reference to the Minister of Home Affairs.

Treatment of persons under sentence

8.—(1) Where a person under sentence is in naval detention quarters, the following provisions shall apply:—

(*a*) he shall be deprived of every article which it might be dangerous or inexpedient to leave in his possession;

(*b*) he shall be confined in a separate cell and kept apart from all other persons under sentence of death, imprisonment or detention or in custody;

(*c*) he shall be kept by day and by night in the constant charge of two officers or ratings;

(*d*) he shall be subject to Naval Detention Quarters Rules(a) made under the Act (other than those relating to work and training) except in so far as they are inconsistent with the provisions of these Regulations;

(*e*) he shall not be required to perform any duties other than to keep clean his person and cell;

(*f*) he shall be allowed daily physical exercise;

(*g*) he shall be granted facilities to correspond with his relatives, friends and legal advisers;

(*h*) he shall be permitted to smoke;

(*i*) he shall be visited once daily by the commandant and once daily by the medical officer;

(a) S.I. 1959/61 (Pt. II, p. 2436, of this vol.).

(*j*) he may be visited at any time by any person authorised to visit him by written order of the local commander;

(*k*) he may be visited by such of his relatives, friends and legal advisers as he desires to see and as are authorised to visit him by written order of the local commander;

(*l*) he may be visited at any time by a chaplain of his own creed or denomination or, if he so desires, a chaplain of another creed or denomination;

(*m*) except as hereinbefore provided, he shall not be visited by any person other than a member of the staff;

(*n*) all visits shall take place in the sight of a member of the staff;

(*o*) any visit shall take place in the hearing of a member of the staff if the commandant of the military establishment so orders, but he shall not so order in the case of a visit by a chaplain, a near relative or a legal adviser unless in his opinion it is essential to do so.

In this Regulation a reference to "a member of the staff" means a member of the staff of the naval detention quarters in which the person under sentence is.

(2) Where a person under sentence is detained in a military establishment or in an air-force establishment he shall be given treatment and privileges of the same nature as are given in a military establishment to a person who has been sentenced to death by court-martial under the Army Act, 1955, or in an air-force establishment to a person who has been sentenced to death by court-martial under the Air Force Act, 1955, as the case may be.

(3) Where a person under sentence is detained in a civil prison in the United Kingdom he shall while in that prison be confined and dealt with in the same manner as a person confined therein under a sentence of death passed by a civil court.

(4) Where a person under sentence is in naval, military or air-force custody, not being in naval detention quarters, he shall be given treatment and privileges of the same nature as he would receive if he were in naval detention quarters subject to such modifications as the commanding officer may direct or the circumstances of the case require.

Duties of superintendents of colonial prisons

9. Where, in pursuance of these Regulations, a person under sentence is committed or ordered to be removed to a prison in a colony, it shall be the duty of the superintendent or other person in charge of the prison to receive him and to confine him until the sentence is carried into effect or he is discharged or delivered over in due course of law.

Officer responsible for execution

10. The local commander shall nominate a provost officer not below the rank of lieutenant-commander who shall be responsible for the due execution of any sentence of death passed under the Act.

Death Warrant

11.—(1) The death warrant shall be issued by the local commander and shall be in the form set out in Part I of the Second Schedule hereto or in a form substantially to the like effect.

(2) The local commander shall not issue the death warrant until he is satisfied that having regard to the provisions of—

(*a*) section 78 of the Act (which requires confirmation by the Admiralty

of sentences of death and, where a sentence of death is to be carried out in a colony, the authority of the Governor); and

(*b*) subsection (1) of section 14 of the Courts-Martial (Appeals) Act, 1951 (which provides for suspension of death sentences during periods for appeal);

the sentence of death may be carried into effect.

(3) No sentence of death passed under the Act shall be carried into effect until the death warrant has been received by the provost officer nominated under Regulation 10 of these Regulations.

Method of Execution

12.—(1) A sentence of death passed under the Act shall be executed by hanging or by shooting and the method of execution shall be stated in the death warrant.

(2) In a civil prison a sentence of death shall not be carried out by shooting.

Execution under Naval arrangements

13.—(1) Where a sentence of death under the Act is carried out—

(*a*) the mode of execution and the procedure attending it shall be the same as heretofore in use;

(*b*) the following persons, in addition to the executioner and his assistants, or the firing party, as the case may be, shall be present:

(i) the provost officer who is responsible for the due execution of the sentence in accordance with these Regulations;

(ii) a medical officer of Her Majesty's forces;

(iii) an officer of Her Majesty's naval, military or air forces nominated by the local commander who is able to identify the person under sentence as the person described in the death warrant and as the person who was tried and sentenced by the court-martial mentioned therein;

(iv) a chaplain nominated by the local commander;

(v) such members of Her Majesty's naval forces as may be detailed by the provost officer as aforesaid for escort and security purposes or to assist at the execution;

(vi) if the execution is carried into effect in a ship or naval establishment, the commanding officer thereof;

and no other person shall be present without the authority of the local commander.

(2) This Regulation shall not apply in relation to a sentence of death carried out in a civil prison.

Death Certificate and Return of Warrant

14.—(1) As soon as practicable after a sentence of death has been carried out the medical officer in attendance shall examine the body and ascertain the fact of death and shall sign a certificate to that effect in the form set out in Part II of the Second Schedule hereto. As soon as the medical officer has certified the fact of death in the manner aforesaid, the provost officer responsible for carrying the sentence into effect and the officer mentioned in sub-paragraph (*b*) (iii) of paragraph (1) of Regulation 13 of these Regulations shall complete and sign the portion of the death warrant headed "Return of Warrant", and the said provost officer shall send the death warrant and the said certificate to the local commander.

(2) Paragraph (1) of this Regulation shall not apply in the case of a sentence of death carried out in a civil prison, but in such case the provost officer responsible for carrying the sentence into effect shall, upon being satisfied that the fact of death has been duly certified, complete and sign the " Return of Warrant " and send the death warrant and the certificate of death to the local commander.

Burial

15.—(1) The body of a person upon whom a sentence of death under the Act has been carried out shall be buried without naval honours in a naval cemetery or other place chosen by the local commander.

(2) This Regulation shall not apply in relation to a sentence of death carried out in a civil prison.

Dated this 14th day of January, 1959.

Selkirk,
T. G. D. Galbraith,
Two of the Lords Commissioners
of the Admiralty.

Regulation 3

FIRST SCHEDULE

FORM 1

Order for the committal of a person sentenced to death by a court-martial to a civil prison, naval detention quarters, or a military or air-force establishment.

To the Governor, Commandant or other person in charge of
.....*(a)*

Whereas No. ..... (Rank or Rating) ..... Name .....
of H.M.S. ..... was by a court-martial held at
.....convicted of the offence of.....
.....
.....
.....
.....
and by a sentence passed on the ..... day of ..... 19.....
sentenced to suffer death ;

Now, therefore, in pursuance of the Naval Discipline Act 1957 and of all other powers me enabling, I hereby order you to receive into your custody and to retain the said person until the sentence of death is carried out or until you are otherwise ordered by any court or judge of competent jurisdiction or you are given further orders to discharge or deliver over the said person in due course of law and for so doing this shall be sufficient warrant.

Signed ..... this ..... day of ..... 19.....

(Signature) .....*(b)*

Rank and Appointment .....

(*a*) Insert the name and address of the prison or other establishment. A person under sentence must not be committed to a civil prison until consent has been obtained pursuant to Regulation 7 of the Regulations.*

(*b*) The committal order must be signed by the " local commander " (as defined in Regulation 2 (2) of the Regulations*) of the person under sentence.

* The Execution of Sentences of Death (Navy) Regulations, 1959.

FORM 2

Order for the removal of a person sentenced to death by court-martial from one prison or other establishment to another.

To the Governor, Commandant or other person in charge of
.....(*a*)

Whereas No. ..... (Rank or Rating) ..... Name .....
of H.M.S. ..... was by a court-martial held at
.....convicted of the offence of.....
.....
.....
.....
.....
and by a sentence passed on the ..... day of ..... 19.....
sentenced to suffer death;

And whereas the said person is now in your custody:

Now, therefore, in pursuance of the Naval Discipline Act 1957 and of all other powers me enabling, I hereby order you to deliver up the said person to the officer or rating producing this order;

And I do further order that the said person shall be removed in naval, military or air-force custody to .....(*b*) and that the Governor, Commandant or other person in charge thereof shall receive into his custody and retain the said person until the sentence of death is carried out, or until otherwise ordered by any court or judge of competent jurisdiction or given further orders to discharge or deliver over the said person in due course of law, and for so doing this shall be sufficient warrant;

And I do further order that the said person shall be detained in naval, military, air-force or civil custody so far as appears necessary or proper for effecting the removal of the said person.

Signed at ..... this ..... day of ..... 19.....

(Signature) .....(*c*)

Rank and Appointment .....

(*a*) Insert the name and address of the prison or other establishment.

(*b*) Insert the name and address of the prison or other establishment to which the person under sentence is to be removed. A person under sentence must not be removed to a civil prison until consent has been obtained pursuant to Regulation 7 of the Regulations.*

(*c*) The removal order must be signed by the "local commander" (as defined in Regulation 2 (2) of the Regulations*) of the person under sentence.

Regulations 11, 12, 13 *and* 14

SECOND SCHEDULE

PART I

Death Warrant

To .....(*a*)

Whereas .....(*b*) of H.M.S. .....
was by a court-martial held at .....(*c*) convicted on
a charge of .....
.....
.....
.....(*d*)
and by a sentence passed on the ..... day of ....., 19.....
sentenced to suffer death;

* The Execution of Sentences of Death (Navy) Regulations, 1959.

And whereas in accordance with the Naval Discipline Act 1957 the finding and sentence of the said court-martial have been confirmed;

And whereas I am satisfied, having regard to the provisions of Regulation 11 of the Execution of Sentences of Death (Navy) Regulations, 1959, that the sentence of death may be carried into effect:

Now, therefore, I hereby order you to carry into effect the said sentence on .....(*b*) by .....(*e*), and for so doing this shall be sufficient warrant;

When the said sentence has been carried into effect the return below shall be completed and the warrant returned to me.

Signed at ..... this ..... day of ..... 19.....

(Signature) .....(*f*)

.....Rank and Appointment

Return of Warrant

The above sentence passed on .....(*b*) was carried into effect at.....(*g*) on the ..... day of ..... 19..... at .....

(Signature) .....(*a*)

(Signature) .....(*h*)

(*a*) Provost officer responsible for carrying the sentence of death into effect.

(*b*) Insert the full names of the person under sentence, including, in the case of members of Her Majesty's forces, Number, Rank or Rating and Ship (or as the case may require).

(*c*) Insert the place where the court-martial was held.

(*d*) Here set out the statement (but not the particulars) of the offence and the relevant sections of the Naval Discipline Act 1957. Where there is more than one offence, the statement of each must be set out.

(*e*) Insert " hanging " or " shooting ".

(*f*) Signature of the local commander.

(*g*) Insert the name ond address of the prison or establishment or description of the place where the sentence of death was carried into effect.

(*h*) Mandatory witness, namely, the officer nominated under Regulation 13 (1) (*b*) (iii) of the Regulations.* This signature is not obligatory in the case of a sentence carried out in a civil prison.

PART II

Certificate of Medical Officer

I, ...(*a*) a medical officer of Her Majesty's Forces, hereby certify that I have this day examined the body of .....(*b*) upon whom sentence of death was this day carried into effect at ....(*c*) and that on examination I found that the said person was dead.

Dated this ..... day of ..... 19.....

(Signature) .....

..... Rank.
A medical officer of Her Majesty's forces.

(*a*) Full names of the medical officer who attended the execution, stating rank and corps (or as the case may be).

(*b*) Full names of the person upon whom the sentence of death has been carried into effect.

(*c*) Prison, establishment or place where the sentence of death was carried into effect.

* The Execution of Sentences of Death (Navy) Regulations, 1959.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations exercise the powers conferred by section 79 of the Naval Discipline Act, 1957, to make regulations with respect to the execution of sentences of death passed by courts-martial under that Act. They also exercise a power conferred by section 17 of the Courts-Martial (Appeals) Act, 1951 (as amended), to make rules with reference to producing persons sentenced to death before the Courts-Martial Appeal Court.

Regulation 3 states the prisons and other establishments and types of custody in which persons sentenced to death may be kept pending execution.

Regulation 4 provides that a person sentenced to death may be removed in accordance with the directions of a senior officer from one place to another.

Regulation 5 enables the Admiralty to give directions as to the removal of persons under sentence of death from and to the United Kingdom and prohibits their being removed from or to the United Kingdom except in accordance with the Admiralty's directions.

Regulation 6 states the kinds of prisons and establishments and the places where sentences of death may be carried out.

Regulation 7 makes special provisions in relation to persons committed or transferred to civil prisons in the United Kingdom.

Regulation 8 contains a code for the treatment of persons under sentence of death.

Regulation 9 refers to the duties of superintendents of colonial prisons in relation to persons sentenced to death under the Naval Discipline Act, 1957.

Regulation 10 makes provision for the nomination of a provost officer who shall be responsible for the due execution of sentences of death.

Regulation 11 provides for the issue of death warrants and for the safeguards to be observed before they are issued.

Regulations 12, 13 *and* 14 contain provisions as to the method of execution, the arrangements to be made where an execution is carried out under naval arrangements and the completion and disposal of the death certificate and warrant.

Regulation 15 provides for the method of burial of a person upon whom a sentence of death has been carried out.

In the *First Schedule* forms of committal to, and removal from, prisons and other establishments are prescribed.

The *Second Schedule* prescribes the forms of death warrant and certificate.