and the men and officers from time to time serving in such vessel shall be under such Naval Discipline Act or Acts as may be in force for the time being and subject to such regulations as may be issued by the Lords Commissioners of the Admiralty, with the concurrence of the Secretary of State for India in Council.

CHAPTER 39.

An Act to amend the Naval Discipline Act, 1866.

[28th July 1884.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of Part III.

Amendment of 29 & 30 Vict. c. 109. s. 56 as to trial of offences by officer in command of a ship.

1. In section fifty-six of the Naval Discipline Act, 1866, the following enactments shall be substituted for the provisions of that section relating to the trial of an offence by a commanding officer repealed by this Act, and shall be sub-sections two and three of that section, and sub-section three shall be numbered four.

(2.) Any offence not capital which is triable under this Act, and (except in the cases by this Act expressly provided for) is not committed by an officer, may, under such regulations as the Admiralty from time to time issue, be summarily tried and punished by the officer in command of the ship to which the offender belongs at the time either of the commission or of the trial of the offence, subject to the restriction that the commanding officer shall not have power to award penal servitude or to award imprisonment for more than three months.

(3.) The power by this section vested in an officer commanding a ship may,—

(*a.*) as respects persons on board a tender to the ship, be exercised, when the tender is absent from the ship, by the officer in command of the tender; and

(*b.*) as respects persons on board any boat or boats belonging to the ship, be exercised, when such boat or boats is or are absent on detached service, by the officer in command of the boat or boats; and

(*c.*) as respects persons subject to this Act on shore on detached service, or such of those persons as are not for the time being made subject to military law by an order under section one hundred and seventy-nine of the Army Act, 1881, be exercised by the officer in immediate command on shore of those persons.

44 & 45 Vict. c. 58.

Amendment of Part IV.

Amendment of 29 & 30 Vict. c. 109. s. 58 as to holding or constitution of courts-martial.

2. In section fifty-eight of the Naval Discipline Act, 1866, the following amendments shall be made:—

(A.) Whereas by sub-section three of section fifty-eight of the Naval Discipline Act, 1866, it is enacted that a court-martial shall

not be held unless at least three of Her Majesty's ships, commanded as therein mentioned, are together at the time when such court-martial is held, and it is expedient to reduce the number, therefore

Two shall be substituted for three in sub-section three of section fifty-eight.

(B.) There shall be substituted for sub-section seven of section fifty-eight the following sub-section:—

(7.) No court-martial for the trial of a person below the rank of captain in Her Majesty's navy shall be duly constituted unless the president is a captain or of higher rank, nor, if the person to be tried is of the rank of commander, unless, in addition to the president, two other members of the court are of the rank of commander or of higher rank.

Amendment of Part V.

Amendment of s. 70 as to sentence of penal servitude and imprisonment.

3. There shall be substituted for sections seventy and seventy-one of the Naval Discipline Act, 1866, the following section, which shall be numbered as section seventy:—

Where a person is in pursuance of this Act convicted by a court-martial, and either is sentenced or has his sentence commuted to penal servitude, such conviction and sentence shall be of the same effect as if such person had been convicted by a civil court in the United Kingdom of an offence punishable by penal servitude and sentenced by that court to penal servitude, and all enactments relating to a convict so sentenced shall, so far as circumstances admit, apply accordingly; and the said convict shall be removed to some prison in which a convict so sentenced by a civil court in the United Kingdom can be confined either permanently or temporarily, and the order of the Admiralty or of the Commander-in-Chief, or of the officer ordering the court-martial by whom such person was convicted, shall be a sufficient warrant for the transfer of the said person to such prison to undergo his sentence according to law, and until he reaches such prison for his detention in naval custody, or in any civil prison or place of confinement.

Amendment o s. 73 as to cumulative sentences of imprisonment.

4. There shall be added at the end of section seventy-three of the Naval Discipline Act, 1866, the following proviso:—

Provided that nothing in this section shall cause a person to undergo imprisonment for any period exceeding two consecutive years, and so much of any term of imprisonment imposed on a person by a sentence in pursuance of this section as would prolong his imprisonment beyond that period shall be deemed to be remitted.

Amendment of s. 74 as to commencement of term of imprisonment.

5. There shall be added to section seventy-four of the Naval Discipline Act, 1866, the following sub-sections as sub-sections two and three thereof:—

(2.) Where, by reason of a ship being at sea or off a place at which there is no proper prison, a sentence of imprisonment cannot be duly executed, then, subject as herein-after mentioned, an offender under sentence of imprisonment may be sent with all reasonable speed to some place at which there is a proper prison in which the sentence can be duly executed, and on arrival there the offender shall undergo his sentence, in like manner as if the date of such

arrival were the day on which the sentence was awarded, and that notwithstanding that in the meanwhile he has returned to his duty or become entitled to his discharge; and the term of imprisonment shall be reckoned accordingly, subject however to the deduction of any time during which he has been kept in confinement in respect of the said sentence.

(3.) Where in pursuance of this Act a person is sentenced to imprisonment, the order of the Admiralty or of the Commander-in-Chief, or of the officer ordering the court-martial by which such person was sentenced, or, if he was sentenced by the commanding officer of a ship, the order of such commanding officer, shall be a sufficient warrant for the sending of such person to the place of imprisonment, there to undergo his sentence according to law, and until he reaches such place of imprisonment, for his detention in naval custody, or in any civil prison or place of confinement.

Amendment of s. 81 as to the Admiralty setting apart buildings and ships as naval prisons.

44 & 45 Vict. c. 58.

6. There shall be substituted for the portion of section eighty-one of the Naval Discipline Act, 1866, which is repealed by this Act, the following enactment, which shall be sub-section two thereof:—

(2.) The Admiralty shall have the same power and authority in respect to naval prisons as one of Her Majesty's Principal Secretaries of State has in relation to military prisons under section one hundred and thirty-three of the Army Act, 1881, and that section shall apply as if it were herein re-enacted with the substitution of "the Admiralty" for "a Secretary of State," and of "naval" for "military," and rules and regulations may be made accordingly by the Admiralty.

Supplemental.

Construction and printing of Naval Discipline Act.

7.—(1.) Every enactment and word of this Act which is expressed to be substituted for or added to any portion of the Naval Discipline Act, 1866, shall form part of that Act in the place assigned to it by this Act, and the Naval Discipline Act, 1866, and all Acts, including this Act, which refer thereto shall, after the commencement of and subject to the savings contained in this Act, be construed as if the said enactment or word had been originally enacted in the Naval Discipline Act, 1866, in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word; and the expression "this Act" as used in the Naval Discipline Act, 1866, or this Act, shall be construed accordingly.

29 & 30 Vict. c. 109.

(2.) A copy of the Naval Discipline Act, 1866, with every such enactment and word inserted in the place so assigned, and with the omission of the parts expressly repealed by this Act or by the Statute Law Revision Act, 1875, and with the sections and sub-sections numbered in manner directed by this Act, shall be prepared and certified by the Clerk of the Parliaments, and deposited with the rolls of Parliament; Her Majesty's printers shall print in accordance with the copy so certified all copies of the Naval Discipline Act, 1866, which are printed after the commencement of this Act.

Repeal, Commencement, and Short Title.

8.—(1.) The Acts mentioned in the schedule to this Act are hereby repealed, as from the commencement of this Act, to the extent in the third column of that schedule mentioned. Repeal of Acts, and savings.

(2.) This Act or the repeal enacted by this Act shall not affect anything done or suffered or any right or liability acquired or incurred before the commencement of this Act, and shall not affect any legal proceeding in reference to any such thing, right, or liability, and any such legal proceeding may be instituted, carried on, and completed as if this Act had not passed.

(3.) In the case of any offence committed before the commencement of this Act, if any proceeding for the trial or punishment of the offender has been commenced before the commencement of this Act, such proceeding may be carried on and completed and the offender may be tried and punished as if this Act had not passed, but, save as aforesaid, this Act shall apply to the trial and punishment of a person accused of such offence, and the section substituted for sections seventy and seventy-one of the Naval Discipline Act, 1866, and the addition to section seventy-four of that Act with respect to the warrant for sending a person to a place of imprisonment shall apply to a person sentenced, whether before or after the commencement of this Act.

(4.) Any regulations in force in any naval prison at the commencement of this Act shall continue in force until revoked by regulations made in pursuance of this Act.

9. This Act shall come into force at the expiration of six months from the passing thereof, or at any earlier date from time to time fixed by the Admiralty, and the Admiralty may fix different dates for different stations and places, and the day on which this Act comes into operation on any station or in any place shall as regards that station or place be deemed to be the commencement of this Act. Commencement of Act.

10. This Act may be cited as the Naval Discipline Act, 1884. Short title.

SCHEDULE.

ACTS REPEALED.

A DESCRIPTION or citation of a portion of an Act in this Schedule is inclusive of the word section or other part first and last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
44 Geo. 3. c. 13.	An Act to prevent the desertion and escape of petty officers, seamen, and others from His Majesty's service, by means or under colour of any civil or criminal process.	The whole Act.

Session and Chapter.	Title.	Extent of Repeal.
5 Geo. 4. c. 83.	An Act for the punishment of idle and disorderly persons, and rogues and vagabonds, in that part of Great Britain called England.	Section sixteen, from "other than a person" down to "to England."
29 & 30 Vict. c. 109.	An Act to make provision for the discipline of the navy.	Section fifty-six from "and any offence" to the end of sub-section two; in section fifty-eight, sub-section seven; section seventy; section seventy-one; section seventy-seven; section eighty-one, from "and all powers and authorities with respect to" to the end of the section; in section eighty-four the date "1866."

CHAPTER 40.

An Act for enabling Manx Children to be sent to Reformatory or Industrial Schools in Great Britain.

[28th July 1884.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as the Reformatory and Industrial Schools (Manx Children) Act, 1884.

Government of Isle of Man may contract with reformatory or industrial schools in Great Britain for reception of Manx children.

2. Where under any Act or Acts of the Legislature of the Isle of Man it is or may be lawful for the justices or a court in the said island to sentence a young person to be sent to a reformatory or industrial school in Great Britain, and provision is made under any such Act or Acts to the satisfaction of a Secretary of State—

(1.) For the expenses of the conveyance of such young person to the school to which he is sent, and for his reconveyance on his discharge from such school to the Isle of Man; and

(2.) For the expenses of the maintenance of such young person at such school; and

(3.) For the contribution (if any) to be made by the parent, stepparent, guardian, or other person liable to maintain the child so sent, and the mode in which such contribution is to be raised.

The Government of the said Isle may, with the assent of a Secretary of State and with the approval of the Tynwald court, contract with the managers of any reformatory or industrial school in Great Britain for the reception of young persons sentenced to be sent to any such school by justices or a court in the said Isle.