CHAPTER 30.

An Act to amend the Naval Discipline Act. A.D. 1915.

[16th March 1915.]

BE it enacted by the King'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:

Punishment for striking, &c., superior officer.

1. A sentence of death shall not be passed on a person subject to the Naval Discipline Act for striking, or with any weapon attempting to strike, or drawing or lifting up any weapon against, his superior officer, and accordingly for section sixteen of that Act the following section shall be substituted:—

"Every person subject to this Act who shall strike or attempt to strike, or draw or lift up any weapon against, or use or attempt to use any violence against, his superior officer, whether or not such superior officer is in the execution of his office, shall be punished with penal servitude or such other punishment as is herein-after mentioned."

Punishment for absence without leave in time of war.

2. The term of imprisonment or detention which may be imposed for absence without leave in time of war may exceed ten weeks, and accordingly in section twenty-three of the Naval Discipline Act, after the words "shall be liable" there shall be inserted the words "in time of war to imprisonment or such "other punishment as is herein-after mentioned, and at other "times."

Offences punishable under the Act.

3. In section forty-six of the Naval Discipline Act, which defines the cases in which offences are triable by court martial, after the words "in any arsenal, barrack or hospital belonging to Her Majesty" there shall be inserted the words "or in any "other premises held by or on behalf of the Crown for naval "or military purposes, or in any canteen or sailors' home or "any place of recreation placed at the disposal of or used by "officers or men of His Majesty's Navy which may be prescribed "by the Admiralty."

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Provisions where offender has ceased to be subject to the Act.

4. After section forty-six of the Naval Discipline Act there shall be inserted the following section :—

"**46A.**—(1) Where an offence under this Act has been committed by any person while subject to this Act, such person may be taken into and kept in custody and tried and punished for such offence although he has ceased to be subject to this Act in like manner as he might have been taken into and kept in custody, tried, or punished if he had continued so subject:

"Provided that where a person has since the commission of an offence ceased to be subject to this Act, he shall not be tried for such offence, except in case of offences of mutiny or desertion, unless proceedings against him are instituted within three months after he has ceased to be subject to this Act, but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court as well as by court martial.

"(2) Where a person subject to this Act is sentenced under this Act to penal servitude, imprisonment, or detention, this Act shall apply to him during the term of his sentence notwithstanding that he is discharged or dismissed from His Majesty's service, or has otherwise ceased to be subject to this Act, and he may be kept in custody, removed, imprisoned, made to undergo detention and punished accordingly, as if he had continued to be subject to this Act."

Power to arrest offenders.

5. In section fifty of the Naval Discipline Act, which relates to the arrest of offenders, after the words "or the senior officer "present at a port," there shall be inserted the words "or an "officer having by virtue of subsection (3) of section fifty-six "of this Act power to try offences."

Power to inflict dismissal in addition to imprisonment.

6. A sentence of imprisonment may be accompanied by a sentence that the prisoner be dismissed from His Majesty's service and accordingly at the end of paragraph (7) of section fifty-three of the Naval Discipline Act there shall be inserted the words "and may be accompanied with a sentence of dismissal from His Majesty's service."

Officers having power to try offences.

7.—(1) In paragraph (*c*) of subsection (3) of section fifty-six of the Naval Discipline Act, which as respects certain persons confers on certain officers the powers of an officer commanding a ship with respect to the trial of offences, for the words "on shore on detached service" there shall be substituted the words "on detached service either on shore or otherwise," and in the same paragraph the words "on shore" where they last occur shall be repealed.

(2) At the end of the same subsection the following paragraph shall be inserted :—

"(*d*) as respects persons subject to this Act quartered in naval barracks, the officer in command of those barracks."

Place for holding courts martial.

8. At the end of section fifty-nine of the Naval Discipline Act, which requires courts martial to be held on board ship, the following words shall be added, "unless the Admiralty or "the officer who ordered the court martial in any particular case "for reasons to be recorded on the proceedings otherwise direct, "in which case the court martial shall be held at a port at such "convenient place on shore as the Admiralty or the officer who "ordered the court martial may direct."

Evidence of rank, &c., of officers.

9. The following section shall be inserted after section sixty-nine of the Naval Discipline Act:—

"**69A.** A Navy List or Gazette purporting to be published by authority and either to be printed by a Government printer or to be issued by His Majesty's Stationery Office, shall be evidence of the status and rank of the officers therein mentioned and of any appointment held by such officers until the contrary is proved."

Consecutive sentences of imprisonment.

10. In section seventy-three of the Naval Discipline Act, which relates to the power to impose consecutive sentences of imprisonment, for the words "passed upon him by a court "martial for a former offence" there shall be substituted the words "passed upon him under this Act for a former offence."

Power to suspend sentences.

11. After section seventy-four of the Naval Discipline Act, the following section shall be inserted:—

"**74A.** Where a person has been sentenced to penal servitude or imprisonment or detention the Admiralty or officer who by virtue of subsection (3) of section seventy-four of this Act has power to issue an order of committal (herein-after in this section referred to as 'the committing authority') may, in lieu of issuing such an order, order that the sentence be suspended until an order of committal is issued, and in such case—

"(*a*) Notwithstanding anything in this Act, the term of the sentence shall not be reckoned as commencing until an order of committal is issued;

"(*b*) The case may at any time, and shall at intervals of not less than three months, be reconsidered by the Admiralty or committing authority, and if on any such reconsideration it appears to the Admiralty or committing authority that the conduct of the offender since his conviction has been such as to justify a remission of the sentence the Admiralty or committing authority shall remit the whole or any part of it;

"(*c*) The Admiralty or committing authority may at any time whilst the sentence is suspended issue an order of committal and thereupon the sentence shall cease to be suspended;

"(*d*) Where a person subject to this Act, whilst a sentence on him is so suspended, is sentenced to penal

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servitude or imprisonment or detention for any other offence then, if he is at any time committed either under the suspended sentence or under any such subsequent sentence, and whether or not any such subsequent sentence has also been suspended, the committing authority may direct that the two sentences shall run either concurrently or consecutively, so, however, as not to cause a person to undergo imprisonment or detention for a period exceeding the aggregate of two consecutive years, and where the sentence for such other offence is a sentence of penal servitude, then, whether or not that sentence is suspended, any previous sentence of imprisonment or detention which has been suspended shall be avoided."

Change of place of confinement.

12. In section seventy-five of the Naval Discipline Act which relates to the change of the place of confinement, for the words "any such commander in chief," there shall be substituted "the commander in chief or senior naval officer present."

Relations between military and naval forces acting together.

13. The following section shall be inserted in the Naval Discipline Act after section ninety:—

"90A.—(1) Where an officer or non-commissioned officer, not below the rank of sergeant, is a member of a body of His Majesty's military forces acting with, or is attached to, any body of His Majesty's naval forces under such conditions as may be prescribed by regulations made by the Admiralty and Army Council, then for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's naval forces as aforesaid, be treated, and may exercise all such powers (other than powers of punishment), as if he were a naval officer or petty officer, as the case may be.

"(2) Where any naval officer or seaman is a member of a body of His Majesty's naval forces acting with, or is attached to, any body of His Majesty's military forces under such conditions as may be so prescribed as aforesaid, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers and non-commissioned officers, not below the rank of sergeant, of such military body shall, in relation to him, be treated, and may exercise all such powers (other than powers of punishment), as if they were naval officers and petty officers.

"(3) The relative rank of naval and military officers, petty officers, and non-commissioned officers shall, for the purposes of this section, be such as is provided by the King's Regulations and Admiralty Instructions for the time being in force."

14. At the end of paragraph (5) of section ninety of the Naval Discipline Act, which relates to discipline upon hired ships in His Majesty's service in time of war, there shall be inserted the words "Provided that in the absence of the officer "commanding such hired vessel, the officer commanding the "ship or vessel or station in which such person may for the "time being be held in custody shall have such power as "aforesaid."

Discipline on hired ships in time of war.

15. So much of the schedule to the Statute Law Revision Act, 1893 as relates to the preamble to, and part of section eighty-six of, the Naval Discipline Act shall cease to have and shall be deemed never to have had effect.

Revival of parts of Naval Discipline Act.

16.—(1) Every enactment and word which is directed by this Act to be substituted for or added to any portion of the Naval Discipline Act shall form part of that Act in the place assigned to it by this Act, and the Naval Discipline Act, and all Acts which refer thereto, shall after the commencement of this Act be construed as if that enactment or word had been originally enacted in the Naval Discipline Act 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 as if the Naval Discipline Act had been enacted with the omission of any enactment or word which is directed by this Act to be omitted from that Act, and the expression "this Act" in the Naval Discipline Act shall be construed accordingly.

Printing and construction of Naval Discipline Act.

(2) A copy of the Naval Discipline Act with every such enactment and word inserted in the place so assigned, and with the omission of any portion of that Act directed by this Act to be omitted from that Act, and with the substitution of references to His Majesty for references to Her Majesty shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printers shall print in accordance with the copy so certified all copies of the Naval Discipline Act which are printed after the commencement of this Act.

17. This Act may be cited as the Naval Discipline Act, 1915.

Short title.

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