CHAPTER 53

An Act to make provision for the discipline of the Navy, and for other purposes connected with the Navy.

[31st July, 1957]

WHEREAS it is expedient to amend the law relating to the government of Her Majesty's Navy, whereon, under the good Providence of God, the wealth, safety and strength of the Kingdom so much depend:

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:

PART I

ARTICLES OF WAR

Public worship

Public worship to be performed.

1. All officers in command of Her Majesty's ships shall cause public worship of Almighty God to be solemnly, orderly and reverently performed in their respective ships, and shall take care that prayers and preaching, by the chaplains of those ships, be performed diligently and that the Lord's Day be observed.

Misconduct in action and assistance to enemy

Misconduct in action by persons in command.

2. Every flag officer, captain or other person subject to this Act who, being in command of any of Her Majesty's ships, vessels, aircraft or naval establishments,—

(*a*) fails to use his utmost exertions to bring into action any such ship, vessel or aircraft which it is his duty to bring into action;

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(*b*) surrenders any such ship, vessel or aircraft to the enemy when it is capable of being successfully defended or destroyed;

(*c*) fails to pursue any enemy whom it is his duty to pursue, or to assist to the utmost of his ability any friend whom it is his duty to assist;

(*d*) in the course of any action by or against the enemy, improperly withdraws from the action or from his station, or fails in his own person and according to his rank to encourage the persons under his command to fight courageously; or

(*e*) surrenders any such naval establishment, or any part of such an establishment, to the enemy when it is capable of being successfully defended or when it is his duty to cause it to be destroyed;

shall be liable, if the offence is committed with intent to assist the enemy, to death or any less punishment authorised by this Act, and in any other case, to imprisonment for any term or any less punishment so authorised.

Misconduct in action by other officers and men.

3. Every person subject to this Act who, not being in command of any of Her Majesty's ships, vessels, aircraft or naval establishments, fails when ordered to prepare for action by or against the enemy, or during any such action, to use his utmost exertions to carry the lawful orders of his superior officers into execution shall be liable, if the offence is committed with intent to assist the enemy, to death or any less punishment authorised by this Act, and in any other case, to imprisonment for any term or any less punishment so authorised.

Obstruction of operations.

4. Every person subject to this Act who wilfully delays or discourages, upon any pretext whatsoever, any action or service which has been commanded on the part of any of Her Majesty's forces, or of any forces co-operating therewith, shall be liable, if the offence is committed with intent to assist the enemy, to death or any less punishment authorised by this Act, and in any other case, to imprisonment for any term or any less punishment so authorised.

Corresponding with, supplying or serving with the enemy.

5. Every person subject to this Act who—

(*a*) communicates with or gives intelligence to the enemy;

(*b*) fails to make known to the proper authorities any information received by him from the enemy;

(*c*) furnishes the enemy with supplies of any description; or

(*d*) having been made a prisoner of war, serves with or aids the enemy in the prosecution of hostilities or of

measures calculated to influence morale, or in any other manner whatsoever not authorised by international usage,

shall be liable, if the offence is committed with intent to assist the enemy, to death or any less punishment authorised by this Act, and in any other case, to dismissal with disgrace from Her Majesty's service or any less punishment so authorised.

Neglect of duty

Sleeping on watch or abandoning post.

6.—(1) Every person subject to this Act who, being in the presence or vicinity of the enemy or under orders to be prepared for action by or against the enemy, abandons his post improperly or sleeps upon his watch shall be liable to imprisonment for any term or any less punishment authorised by this Act.

(2) Every person subject to this Act who, not being in the presence or vicinity of the enemy or under such orders as aforesaid, abandons his post improperly or sleeps upon his watch shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Neglect of duty.

7. Every person subject to this Act who neglects to perform or negligently performs any duty imposed on him shall be liable to dismissal with disgrace from Her Majesty's service or any less punishment authorised by this Act.

Mutiny

Definition of "mutiny".

8. In this Act "mutiny" means a combination between two or more persons subject to service law, or between persons two at least of whom are subject to service law,—

(*a*) to overthrow or resist lawful authority in Her Majesty's forces or any forces co-operating therewith, or in any part of any of the said forces;

(*b*) to disobey such authority in such circumstances as to make the disobedience subversive of discipline, or with the object of avoiding any duty or service against, or in connection with operations against, the enemy; or

(*c*) to impede the performance of any duty or service in Her Majesty's forces or in any forces co-operating therewith, or in any part of any of the said forces;

and "service law" means this Act, military law or air force law.

Offences of mutiny.

9.—(1) Every person subject to this Act who takes part in a mutiny which—

(*a*) involves the use of violence or the threat of the use of violence; or

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(*b*) has as its object or one of its objects the refusal or avoidance of any duty or service against, or in connection with operations against, the enemy, or the impeding of the performance of any such duty or service,

or who incites any other person subject to service law to take part in such a mutiny, whether actual or intended, shall be liable to death or any less punishment authorised by this Act.

(2) Every person subject to this Act who takes part in a mutiny not described in the foregoing subsection, or incites any other person subject to service law to take part in such a mutiny, whether actual or intended, shall be liable to imprisonment for any term or any less punishment authorised by this Act.

Failure to suppress mutiny.

10. Every person subject to this Act who, knowing that a mutiny is taking place or is intended,—

(*a*) fails to use his utmost endeavours to suppress or prevent it; or

(*b*) fails to report without delay that the mutiny is taking place or is intended,

shall be liable, if the offence is committed with intent to assist the enemy, to death or any less punishment authorised by this Act, and in any other case, to imprisonment for any term or any less punishment so authorised.

Insubordination and similar offences

Striking superior officer.

11. Every person subject to this Act who strikes or otherwise uses violence to, or offers violence to, his superior officer, whether or not that officer is exercising authority as such, shall be liable to imprisonment for any term or any less punishment authorised by this Act.

Disobedience or threatening superior officer.

12. Every person subject to this Act who—

(*a*) wilfully disobeys any lawful command of his superior officer, (by whatever means communicated to him); or

(*b*) uses threatening or insulting language to, or behaves with contempt to, his superior officer,

shall be liable to dismissal with disgrace from Her Majesty's service or any less punishment authorised by this Act.

Fighting and quarrelling.

13. Every person subject to this Act who—

(*a*) fights or quarrels with any other person, whether subject to this Act or not; or

(*b*) uses threatening, abusive, insulting or provocative words or behaviour likely to cause a disturbance,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Obstruction of provost officers.

14. Every person subject to this Act who wilfully obstructs, or wilfully refuses, when called on, to assist, any provost officer, or any person (whether subject to this Act or not) legally exercising authority under or on behalf of a provost officer, shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Desertion and absence without leave

Definition of "desertion".

15. A person is guilty of desertion within the meaning of this Act if he leaves or fails to attend at his ship or place of duty with the intention of remaining permanently absent from duty without proper authority or if, having left or failed to attend at his ship or place of duty in any circumstances, he does any act with the like intention.

Offences of desertion.

16.—(1) Every person subject to this Act who deserts shall be liable to imprisonment for any term or any less punishment authorised by this Act.

(2) A person convicted of desertion shall, except so far as the court or officer by whom he is tried or the Admiralty may otherwise direct, forfeit all pay, bounty, salvage and allowances earned by him, all annuities, pensions and gratuities granted to him, and all clothes and effects left by him on board his ship or at his place of duty.

(3) Every person subject to this Act who incites any other person subject thereto to desert shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Absence without leave etc.

17.—(1) Every person subject to this Act who, without being guilty of desertion,—

(*a*) absents himself without leave ; or

(*b*) improperly leaves his ship or place of duty,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act, and to such other punishment by way of forfeiture of pay or other benefits as may be prescribed by regulations made by the Admiralty.

(2) Every person subject to this Act who incites any other person subject thereto to absent himself, or to leave his ship or place of duty, in contravention of this section shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Failure to report deserters and absentees.

18. Every person subject to this Act who, knowing that any other person subject thereto has deserted, absented himself without leave, or improperly left his ship or place of duty, or is attempting to desert, to absent himself without leave or improperly to leave his ship or place of duty,—

(*a*) fails to report the fact without delay ; or

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(*b*) fails to take any steps within his power to cause that person to be apprehended,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Navigation and flying offences

Loss or hazarding of ship or aircraft.

19. Every person subject to this Act who, either wilfully or by negligence—

(*a*) causes or allows to be lost, stranded or hazarded any of Her Majesty's ships or vessels; or

(*b*) causes or allows to be lost or hazarded any of Her Majesty's aircraft,

shall be liable, if he acts wilfully or with wilful neglect, to imprisonment for any term or any less punishment authorised by this Act, and in any other case to imprisonment for a term not exceeding two years or any less punishment so authorised.

Dangerous flying, etc.

20. Every person subject to this Act who is guilty of any act or neglect in flying, or in the use of any aircraft, or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person shall be liable—

(*a*) if he acts wilfully or with wilful neglect, to imprisonment for any term or any less punishment authorised by this Act;

(*b*) in any other case, to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Low flying.

21. Every person subject to this Act who, being the pilot of one of Her Majesty's aircraft, flies it at a height less than such height as may be provided by any regulations issued under the authority of the Admiralty, the Army Council or the Air Council, except—

(*a*) while taking off or alighting; or

(*b*) in such other circumstances as may be so provided,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Annoyance by flying.

22. Every person subject to this Act who, being the pilot of one of Her Majesty's aircraft, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person shall be liable to dismissal from Her Majesty's Service or any less punishment authorised by this Act.

Prize offences

Prize offences by commanding officers.

23. Every person subject to this Act who, being in command of any of Her Majesty's ships, vessels or aircraft,—

(*a*) having taken any ship, vessel or aircraft as prize, fails to send to the High Court, or to some other prize court having jurisdiction in the case, all the ship papers or aircraft papers, as the case may be, found on board;

(*b*) unlawfully makes any agreement for the ransoming of any ship, vessel, aircraft or goods taken as prize; or

(*c*) in pursuance of any such agreement as aforesaid, or otherwise by collusion, restores or abandons any ship, vessel, aircraft or goods taken as prize,

shall be liable to dismissal with disgrace from Her Majesty's service or any less punishment authorised by this Act.

Other prize offences.

24. Every person subject to this Act who—

(*a*) strikes or otherwise ill-treats any person who is on board a ship, vessel or aircraft when taken as prize, or unlawfully takes from any such person any thing in his possession;

(*b*) removes out of any ship, vessel or aircraft taken as prize (otherwise than for safe keeping or for the necessary use and service of any of Her Majesty's forces) any goods not previously adjudged by a prize court to be lawful prize; or

(*c*) breaks bulk on board any ship, vessel or aircraft taken as prize, or detained in exercise of any belligerent right or under any enactment, with intent to embezzle or fraudulently misapply anything therein,

shall be liable to dismissal with disgrace from Her Majesty's service or any less punishment authorised by this Act.

Other offences in respect of ships and aircraft

Inaccurate certification.

25. Every person subject to this Act who makes or signs, without having ensured its accuracy,—

(*a*) a certificate relating to any matter affecting the seagoing or fighting efficiency of any of Her Majesty's ships or vessels; or

(*b*) any certificate relating to any of Her Majesty's aircraft or aircraft material,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Improper carriage of goods.

26. Every person subject to this Act who, being in command of any of Her Majesty's ships, vessels or aircraft, without lawful authority—

(*a*) receives or permits to be received on board the ship, vessel or aircraft any goods or merchandise intended

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for disposal or delivery by way of trade or business (whether on his own account or on account of any other person), not being merchandise received in the course of salvage; or

(*b*) agrees to carry any goods or merchandise on board the ship, vessel or aircraft in consideration of the payment of freight, or demands or receives any payment in respect of such carriage,

shall be liable to dismissal from Her Majesty's service or any less punishment authorised by this Act.

Malingering and drunkenness

Malingering.

27.—(1) A person is guilty of malingering within the meaning of this section if he falsely pretends to be suffering from sickness or disability, if he injures himself with intent thereby to render himself unfit for service, or causes himself to be injured by any person with that intent, or if, with intent to render or keep himself unfit for service, he does or fails to do anything (whether at the time of the act or omission he is in hospital or not) whereby he produces, or prolongs or aggravates, any sickness or disability; and for the purposes of this subsection the expression " unfit " includes temporarily unfit.

(2) Every person subject to this Act who malingers shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Drunkenness.

28.—(1) A person is drunk within the meaning of this section if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he might be called upon to perform, or behaves in a disorderly manner or in a manner likely to bring discredit on Her Majesty's service.

(2) Every person subject to this Act who is drunk, whether on duty or not, shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Offences relating to property

Misapplication and destruction of public and service property.

29. Every person subject to this Act who—

(*a*) steals or fraudulently misapplies any public or service property;

(*b*) receives any such property knowing it to have been stolen or to have been fraudulently misapplied;

(*c*) wilfully destroys or damages any such property; or

(*d*) by wilful neglect allows any such property to be destroyed or damaged;

shall be liable to imprisonment for any term or any less punishment authorised by this Act.

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—cont.

Loss and waste of public and service property.

30.—(1) Every person subject to this Act who—

(*a*) loses any public or service property of which he has the charge or which has been entrusted to his care, or which forms part of property of which he has the charge or which has been entrusted to his care;

(*b*) by negligence destroys or damages any public or service property or allows any such property to be destroyed or damaged; or

(*c*) wastefully expends any such property,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

(2) It shall be a defence for a person charged under this section with losing any property that he took reasonable steps for its care and preservation.

Offences relating to issues and decorations.

31.—(1) Every person subject to this Act who makes away with (whether by pawning, selling, destroying or in any other way), or loses or by negligence damages or allows to be damaged—

(*a*) any clothing, arms, ammunition or other equipment issued to him for his use for naval purposes; or

(*b*) any naval, military or air force decoration granted to him,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

(2) It shall be a defence for a person charged under this section with losing any property that he took reasonable steps for its care and preservation.

Offences relating to billeting and requisitioning of vehicles, etc.

Billeting offences.

32. Every person subject to this Act who—

(*a*) knowing that no billeting requisition issued by virtue of subsection (1) of section one of the Naval Billeting, &c. Act, 1914, is in force authorising him to demand any billets, or that he is otherwise not authorised to demand them, obtains those billets or orders or procures another person to obtain them;

(*b*) takes or agrees to take, or demands, from a person on whom he or any other person or any vehicle is or is to be billeted in pursuance of such a requisition any money or thing as consideration for not requiring, or ceasing to require, accommodation for himself or the said other person or standing room for the vehicle; or

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(*c*) wilfully or by wilful neglect destroys or damages, or causes or allows to be destroyed or damaged, any premises in which he is billeted in pursuance of such a requisition, or any property being in such premises,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

Offences in relation to requisitioning of vehicles, etc.

33.—(1) Every person subject to this Act who—

(*a*) knowing that no requisitioning order issued by virtue of subsection (1) of section one of the Naval Billeting, &c. Act, 1914, is in force authorising him to give directions for the provision of any vehicle, or that he is otherwise not authorised to give such directions, gives directions for the provision of the vehicle or orders or procures another person to give such directions;

(*b*) in purported exercise of powers conferred by such a requisitioning order takes, or orders or procures any other person to take, possession of a vehicle, knowing that no such requisition order is in force under which the taking possession of the vehicle could be authorised, or that the taking possession thereof is otherwise not authorised under such an order; or

(*c*) takes or agrees to take, or demands, from any person any money or thing as consideration for directions, or any particular directions, for the provision of a vehicle not being given, or possession of a vehicle not being taken, or not being retained, under such a requisitioning order,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

(2) Subsection (1) of this section shall apply in relation to horses, mules, food and forage, and in relation to other chattels required—

(*a*) for vehicles, horses or mules furnished or to be furnished in pursuance of a requisitioning order issued by virtue of subsection (1) of section one of the Naval Billeting, &c. Act, 1914, or for use in connection with such vehicles, horses or mules; or

(*b*) for persons or vehicles billeted in pursuance of a billeting requisition issued as aforesaid, or otherwise temporarily accommodated or to be so accommodated, or for use in connection with such persons or vehicles,

as it applies in relation to vehicles.

Miscellaneous offences

PART I —*cont.*

Unauthorised disclosure of information.

34.—(1) Every person subject to this Act who without lawful authority discloses or purports to disclose, whether orally, in writing, by signal or by any other means whatsoever, information relating to any matter upon which information would or might be useful to an enemy shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

(2) It shall be a defence for a person charged with an offence under this section that he did not know and had no reasonable cause to believe that the information disclosed related to a matter upon which information would or might be directly or indirectly useful to an enemy.

Falsification of documents.

35. Every person subject to this Act who—

(*a*) makes or signs any muster, record or other official document which is to his knowledge false in a material particular;

(*b*) alters any such document so that it is to his knowledge false in a material particular; or

(*c*) connives at the commission by another person subject to this Act of an offence against this section (whether or not he knows the nature of the document in relation to which that offence is committed),

shall be liable to dismissal with disgrace from Her Majesty's service or any less punishment authorised by this Act.

Cruelty or scandalous conduct by officers.

36. Every officer subject to this Act who is guilty of cruelty, or of any scandalous, fraudulent or other conduct unbecoming the character of an officer shall be liable to dismissal from Her Majesty's service with or without disgrace.

Disgraceful conduct.

37. Every person subject to this Act who is guilty of any disgraceful conduct of an indecent kind shall be liable to dismissal with disgrace from Her Majesty's service or any less punishment authorised by this Act.

Offences in relation to courts-martial.

38.—(1) Every person subject to this Act who—

(*a*) having been duly summoned or ordered to attend before a court-martial, fails to comply with the summons or order;

(*b*) refuses to take an oath or make an affirmation when duly required by a court-martial to do so;

PART I —*cont.*

(*c*) refuses to produce any document in his custody or under his control which a court-martial has lawfully required him to produce;

(*d*) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer;

(*e*) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or while that person is going to or returning from the proceedings of the court; or

(*f*) wilfully interrupts the proceedings of a court-martial, or otherwise misbehaves before the court,

shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

(2) References in subsection (1) of this section to a court-martial shall include references to a court-martial held in pursuance of the Army Act, 1955, or the Air Force Act, 1955, or the law of any colony and to a disciplinary court.

(3) Where an offence against subsection (1) of this section is committed in relation to a court-martial and the court is of opinion that it is expedient that the offender should be dealt with summarily by the court instead of being brought to trial under this Act, the court may by order under the hand of the president sentence him to imprisonment or (except in the case of an officer) detention, for a term not exceeding twenty-one days, or to any punishment less than detention authorised by this Act.

Conduct to the prejudice of naval discipline.

39. Every person subject to this Act who is guilty of any act, disorder or neglect to the prejudice of good order and naval discipline not described in the foregoing provisions of this Act shall be liable to dismissal with disgrace from Her Majesty's service or any less punishment authorised by this Act.

Attempts and aiding and abetting

Attempt to commit naval offence.

40. Every person subject to this Act who attempts to commit an offence against any of the foregoing provisions of this Act, shall be liable to the like punishment as for that offence:

Provided that a person shall not in any case be liable under this section to any greater punishment than imprisonment.

Aiding and abetting of naval offence.

41. Every person subject to this Act who aids, abets, counsels or procures the commission by another person of an offence against any of the foregoing provisions of this Act shall be guilty of the like offence and shall be liable to be charged, tried and punished as a principal offender.

Civil offences

PART I —*cont.*

Civil offences.

42.—(1) Every person subject to this Act who is guilty of any civil offence (that is to say any act or omission which is punishable by the law of England or would be so punishable if committed in England) shall be liable on conviction under this Act—

(*a*) in the case of an offence of treason or an offence of murder for which that punishment is not prohibited by section eight of the Homicide Act, 1957, to death;

(*b*) in the case of any other offence of murder, to imprisonment for life;

(*c*) in the case of any other offence, either—

(i) to such punishment (being a punishment authorised by this Act) as could be imposed on the offender on conviction before a civil court of the like offence committed in England, or

(ii) to dismissal with disgrace from Her Majesty's service or any less punishment authorised by this Act.

(2) A person subject to this Act may be charged with an offence under this section notwithstanding that he could on the same facts be charged with an offence under any other provision of this Part of this Act.

Punishments

Scale of punishments.

43.—(1) Subject to the provisions of this and the next following section, the following are the punishments which may be awarded to persons convicted of offences under this Part of this Act, that is to say:—

(*a*) death;
(*b*) imprisonment for a term exceeding two years;
(*c*) dismissal with disgrace from Her Majesty's service;
(*d*) imprisonment for a term not exceeding two years;
(*e*) dismissal from Her Majesty's service;
(*f*) detention;
(*g*) forfeiture of seniority for a specified time or otherwise;
(*h*) dismissal from the ship or naval establishment to which the offender belongs;
(*i*) fine;
(*j*) severe reprimand;
(*k*) disrating;
(*l*) reprimand;

PART I —*cont.*

(*m*) such minor punishments as are now inflicted, according to the custom of the navy or may from time to time be allowed by the Admiralty;

and any reference in this Act to a punishment authorised by this Act is a reference to one of the said punishments.

(2) In this Part of this Act the expression "any less punishment authorised by this Act" means, in relation to the punishment specified in any paragraph of subsection (1) of this section, any one or more of the punishments specified in subsequent paragraphs of that subsection; and for the purposes of this subsection any reference in this Part of this Act to imprisonment other than a reference to imprisonment for a term not exceeding two years shall be construed as a reference to the punishment specified in paragraph (*b*) of the said subsection (1).

(3) In the application of this section to a convicted person being an officer, subsection (1) shall have effect as if paragraphs (*f*), (*k*) and (*m*) were omitted; and in the application of this section to a convicted person being a rating, that subsection shall have effect as if paragraphs (*g*), (*h*), (*i*) (*j*) and (*l*) were omitted.

Supplementary provisions as to punishments.

44.—(1) A sentence of imprisonment for any term exceeding two years shall in all cases involve dismissal with disgrace from Her Majesty's service.

(2) Dismissal with disgrace from Her Majesty's service (whether awarded by sentence or involved by a sentence of imprisonment) shall in all cases involve the forfeiture of all pay, bounty, salvage and allowances earned by, and of all annuities, pensions and gratuities, granted to, the offender, and an incapacity to serve Her Majesty again in any military, naval, air force, or civil service; and a sentence of such dismissal may be accompanied by a sentence of imprisonment for a term not exceeding two years.

(3) A sentence of imprisonment for a term not exceeding two years shall involve—

(*a*) in all cases, stoppage of pay during the term of imprisonment;

(*b*) in the case of a rating, disrating and deprivation of good conduct medal and good conduct badges;

and any such sentence may be accompanied by a sentence of dismissal from Her Majesty's service.

(4) Detention may be awarded for any term not exceeding two years; and a sentence of detention shall in all cases involve stoppage of pay during the term of detention, and disrating.

PART I —*cont.*

(5) A sentence of dismissal from Her Majesty's service may be accompanied by a sentence of forfeiture of any one or more of the following, that is to say, pay, bounty, salvage and allowances earned by, and annuities, pensions and gratuities granted to, the offender.

(6) A fine shall not exceed the amount of the offender's basic pay for thirty days, and may be recovered by deductions from his pay in such manner as may be provided by regulations made by the Admiralty.

(7) A sentence of disrating may reduce the offender to any rate not lower than that prescribed, in relation to persons of the class to which he belongs, by regulations made by the Admiralty; and references in subsections (3) and (4) of this section to disrating are references to reduction to the rate so prescribed.

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Arrest

Duty to bring offenders to justice and powers of arrest.

45.—(1) It shall be the duty of every person subject to this Act who knows or has reasonable grounds for suspecting that any other person subject thereto is committing or has committed an offence under any provision of Part I of this Act, to take all reasonable steps within his power to cause that person to be brought to justice.

(2) Subject to Standing Orders of the commanding officer of any of Her Majesty's ships or naval establishments, the following persons shall have power to arrest a person subject to this Act who is found committing or is alleged to have committed or is reasonably suspected of having committed any such offence as aforesaid, that is to say:—

(*a*) in the case of an officer, an officer subject to this Act who is his superior officer or, if the person to be arrested is engaged in a mutiny, quarrel or disturbance, any officer subject to this Act;

(*b*) in the case of a rating, an officer subject to this Act, a chief petty officer, petty officer or leading rating subject to this Act who is of superior rate or senior to him in the same rate, and any rating exercising authority as a member of the regulating staff or as a member of the staff of the officer of the watch;

(*c*) in any case, a provost officer and any officer or person legally exercising authority under or on behalf of a provost officer:

Provided that an officer shall not be arrested by virtue of paragraph (*c*) of this subsection except on the order of another officer.

PART II —*cont.*

(3) Any power of arrest under this section may be exercised either personally or by ordering into arrest the person to be arrested or by giving orders for that person's arrest.

Provisions for avoiding delay after arrest.

46.—(1) Where any person subject to this Act is placed under arrest, it shall be the duty of the commanding officer of the ship or establishment in which he is serving to ensure that as soon as may be either proceedings are taken for his trial or he is released from arrest.

(2) Whenever any person subject to this Act, having been taken into naval custody, remains under close arrest for a longer period than eight days without being tried summarily under this Part of this Act or a court for his trial under this Part of this Act being ordered to assemble, a special report on the necessity for further delay shall be made by his commanding officer to the Admiralty, and a similar report shall be so made every eight days until the person under arrest is released from arrest or tried summarily or such a court is ordered to assemble.

(3) Any report to be made under this section shall be made by the quickest method which is reasonably available in the circumstances.

Evidence of arrest or surrender.

47.—(1) In any proceedings for an offence under Part I of this Act against a person who—

(*a*) has surrendered himself to any consular officer;

(*b*) has been taken on arrest or surrender into the custody of a provost officer; or

(*c*) has been taken on arrest or surrender into custody at any police station, guard-room or other place in any part of Her Majesty's dominions,

a certificate purporting to be signed by the consular or provost officer, or the officer in charge of the police station, guard-room or other place, as the case may be, containing a statement of the fact, date, time and place of arrest or surrender, and whether or not the person charged was wearing the uniform of any of Her Majesty's naval forces at the time of arrest or surrender, shall be evidence of the matter therein contained.

(2) In any proceedings for an offence of desertion, absence without leave or improperly leaving his ship or place of duty against a person who on arrest or surrender has been brought before a court of summary jurisdiction in accordance with the provisions of Part III of this Act, a certificate purporting to be signed by a justice of the peace containing a statement of the fact, date, time and place of arrest or surrender, and whether or not the person charged was wearing the uniform of any of Her Majesty's naval forces at the time of arrest or surrender, and containing such particulars as to the proceedings before the

court as may be prescribed by regulations made by the Admiralty by statutory instrument, shall be evidence of the matter therein contained. PART II —*cont.*

(3) In this section " provost officer " includes a corresponding officer of any of the forces of a Commonwealth country, or of a force raised under the law of any colony.

Jurisdiction

48.—(1) Subject to the provisions of this section, any offence under Part I of this Act may be tried and punished by court-martial; and a court-martial shall have jurisdiction to try any such offence whether committed within the United Kingdom or elsewhere. Jurisdiction of courts-martial.

(2) A person shall not be tried by court-martial by virtue of section forty-two of this Act for a civil offence of treason, murder, manslaughter, treason-felony or rape committed on shore within the United Kingdom; and for the purposes of this subsection an offence of murder or manslaughter shall be deemed to have been committed at the place of the commission of the act or the occurrence of the neglect which caused the death, irrespective of the place of the death.

(3) Except as provided by subsection (3) of section thirty-eight of this Act, a person who commits an offence under that section in relation to a court-martial shall not be dealt with by that court for that offence.

49.—(1) Subject to the provisions of this section, a rating who is charged with an offence to which this section applies may, in accordance with regulations made by the Admiralty, be summarily tried and punished by the officer in command of the ship or naval establishment to which the offender belongs either at the time of the commission or at the time of the trial of the offence. Summary trial.

(2) This section applies to any offence triable by court-martial under this Act, other than an offence punishable by sentence of death.

(3) A commanding officer shall not have power under this section to award a sentence of dismissal with disgrace from Her Majesty's service or a sentence of imprisonment or detention for any term exceeding three months.

(4) The power conferred by subsection (1) of this section on the officer in command of a ship or naval establishment may, subject to regulations made under this section, be exercised—

(*a*) in respect of persons on board a single tender or boat which is absent from the ship or establishment on detached service, by the officer in command of that tender or boat;

PART II —*cont.*

(*b*) in respect of persons on board one of two or more tenders or boats which are absent as aforesaid on detached service in company or acting together, by the officer in immediate command of those tenders or boats; and

(*c*) in respect of other persons absent from the ship or establishment on detached service either on shore or elsewhere, by the officer in immediate command of those persons.

(5) The power conferred on any officer by subsection (1) or subsection (4) of this section may, subject to such conditions as may be prescribed by regulations made under this section, be delegated by that officer to any officer not below the rank of lieutenant or corresponding rank:

Provided that an officer to whom the said power is so delegated shall not have power to award any punishment other than those described in paragraph (*m*) of subsection (1) of section forty-three of this Act.

Disciplinary courts.

50.—(1) If an officer of Her Majesty's naval forces below the rank of commander is charged in time of war with an offence to which this section applies, the authority having power under this Act to order a court-martial for the trial of that offence may, if it appears to that authority that the offence is not of such a nature as to necessitate trial by such a court, order a disciplinary court in place of a court-martial; and a disciplinary court so ordered shall have power, subject to the provisions of this section and of any orders made thereunder, to try and punish the offence accordingly.

(2) This section applies to any offence triable by court-martial under this Act other than an offence under the following provisions of this Act, that is to say:—

(*a*) sections two to six, nine, ten, twenty-three, twenty-four, twenty-nine, thirty-four to thirty-seven, and forty-two;

(*b*) sections forty and forty-one, so far as applicable to an offence under any of the provisions mentioned in paragraph (*a*) of this subsection.

(3) A disciplinary court shall consist of not less than three nor more than five officers, being officers of Her Majesty's naval forces subject to this Act, and shall include at least one member who is not below the rank of commander.

(4) The officer who orders a disciplinary court shall not be a member of the court.

(5) The Admiralty may by statutory instrument make orders as to the assembling, constitution, procedure and practice of disciplinary courts; and such orders may apply in relation to disciplinary courts and to proceedings of such courts, with the necessary modifications, any provisions of this Part of this Act or of General Orders in force thereunder relating to courts-martial and proceedings of courts-martial.

(6) A disciplinary court shall not have power to award any punishment greater than dismissal from Her Majesty's service.

Jurisdiction to try offenders no longer subject to this Act.

51.—(1) Subject to the provisions of this and the next following section, a person who has ceased to be subject to this Act may be tried under this Part of this Act for any offence committed while subject to this Act, and may for that purpose be arrested and kept in custody, as if he had not ceased to be subject thereto.

(2) A person liable to be tried by virtue of this section may be tried by court-martial, but shall not be tried under section forty-nine or section fifty of this Act.

Limitation of time for trial.

52.—(1) Subject to the provisions of subsection (3) of this section, a person shall not be tried under this Part of this Act for any offence unless the trial is begun within three years after the commission of the offence, disregarding any time during which he was a prisoner of war or was illegally absent.

(2) Without prejudice to the foregoing subsection, but subject to the provisions of subsection (3) of this section, a person shall not be tried by virtue of section fifty-one of this Act for an offence committed while subject to this Act unless the trial is begun within three months after he ceased to be subject thereto.

(3) The foregoing provisions of this section shall not apply to an offence of mutiny or desertion; and notwithstanding anything in this section a person may, with the consent of the Attorney General, be tried under this Part of this Act at any time for a civil offence within the meaning of section forty-two of this Act committed outside the United Kingdom.

Constitution of courts-martial

Ordering of courts-martial.

53.—(1) Subject to the provisions of this section, a court-martial may be ordered by the Admiralty, or by any officer of the Royal Navy who is authorised in that behalf by commission granted by the Admiralty.

PART II —*cont.*

(2) Where an officer authorised as aforesaid, and being in command of any fleet or squadron of Her Majesty's ships abroad, dies, is recalled, leaves his station or is removed from his command, the officer on whom the command of the fleet or squadron for the time being devolves, may exercise the like power to order courts-martial as was exercisable by the officer authorised as aforesaid.

(3) Where an officer authorised to order a court-martial and being in command of any fleet or squadron of Her Majesty's ships abroad—

(*a*) detaches any part of the fleet or squadron on separate service; or

(*b*) separates himself from any part of the fleet or squadron,

he may by commission authorise the officer who from time to time is in command of that part of the fleet or squadron to order courts-martial therein during the continuance in force of the commission; and any such commission shall continue in force until revoked by the officer by whom it was granted or by the officer for the time being in command of the fleet or squadron.

(4) Where there is present at any place an officer subject to this Act who is in command of any of Her Majesty's ships or naval establishments, and is superior in rank to another officer who, apart from this subsection, would have power to order a court-martial to be held at that place, that power shall be exercisable by the first-mentioned officer to the exclusion of the said other officer.

(5) Where it appears to an officer authorised by or under this section to order a court-martial in respect of any matter that by reason of his own concern with that matter it is undesirable for him to determine whether a court-martial should be ordered, he shall either—

(*a*) request a flag officer to act on his behalf; or

(*b*) if no such officer is available, give notice of the case to the Admiralty;

and a flag officer so requested to act may order a court-martial accordingly notwithstanding anything in subsection (4) of this section, and whether or not he is otherwise authorised to order a court-martial.

Composition of courts-martial.

54.—(1) A court-martial shall consist of not less than five nor more than nine officers, being officers of Her Majesty's naval forces subject to this Act who are of or above the rank of lieutenant.

(2) An officer shall not be appointed a member of a court-martial unless he has held a commission in any of the armed forces of the Crown for a period of not less than three years or for periods amounting in the aggregate to not less than three years.

(3) The members of a court-martial, and such spare members as the authority ordering the court-martial considers appropriate for the purpose of filling vacancies, shall be nominated by that authority.

(4) The officer who orders a court-martial shall not be a member of the court-martial; and no court-martial shall consist of officers all of whom belong to the same ship or naval establishment.

(5) The president of a court-martial shall not be below the rank of captain, and in the case of a court-martial for the trial of an officer of flag rank shall be an officer of flag rank.

(6) A court-martial for the trial of an officer of flag rank shall not include any member below the rank of captain.

(7) A court-martial for the trial of a commodore or captain shall not include any member below the rank of commander.

(8) A court-martial for the trial of a commander shall include at least two members, in addition to the president, who are not below the rank of commander.

Officials of courts-martial.

55.—(1) For the purposes of every court-martial there shall be appointed a judge advocate and a clerk of the court, who shall respectively perform such functions at and in relation to the trial as may be prescribed by this Part of this Act or by General Orders made thereunder.

(2) The judge advocate and the clerk of the court may be appointed respectively by the authority by whom the court-martial is ordered or by such officer as that authority may direct; and in default of any such appointment, the judge advocate or clerk of the court as the case may be, shall be appointed by the officer nominated as president of the court-martial.

Place and time of sittings of courts-martial.

56.—(1) A court-martial shall be held on board such of Her Majesty's ships or vessels, or at such premises on shore, whether within or out of the United Kingdom, as may be appointed by the authority ordering the court-martial, or by any officer designated in that behalf by that authority.

(2) A court-martial may, if it appears to the court to be expedient in the interests of justice, be adjourned, either generally

PART II —*cont.*

or for the purpose of any part of the proceedings, to any other ship, vessel or place and shall, if so required by the authority or officer referred to in subsection (1) of this section, be adjourned to any other ship, vessel or place appointed by that authority or officer.

(3) Without prejudice to the provisions of the last foregoing subsection, a court-martial may, if it appears to the court that an adjournment is desirable for any reason, be adjourned for such period as the court thinks fit:

Provided that except with the consent of the accused and the prosecutor the period for which the court may be adjourned under this subsection shall not on any occasion exceed six days.

(4) Subject to the provisions of this section, a court-martial shall, unless prevented by weather or other unavoidable cause, sit from day to day (with the exception of Sundays) until the court has arrived at a finding and, in the case of a conviction, until sentence is pronounced.

Quorum.

57.—(1) If at any time between the nomination of the members of a court-martial and the pronouncement of sentence by that court the president dies or is otherwise unable to attend, the court shall be dissolved and the accused may be tried by another court.

(2) The proceedings of a court-martial shall be valid notwithstanding the absence of one or more of the members other than the president, so long as the number of members present throughout the proceedings is not reduced below four:

Provided that a member of the court who has been absent for any time during a sitting shall take no further part in the proceedings.

(3) Nothing in this section shall prejudice any power of the authority by whom a court-martial is ordered to dissolve the court.

Proceedings of courts-martial

General Orders as to procedure of courts-martial.

58.—(1) Subject to the provisions of this section, the Admiralty may make General Orders for regulating the procedure and practice of courts-martial under this Act.

(2) Without prejudice to the generality of the foregoing subsection, provision may be made by such General Orders—

(*a*) for authorising the receipt of evidence by statutory declaration and other documentary evidence in proceedings before courts-martial, subject to such conditions and restrictions as may be prescribed by the Orders;

(*b*) for authorising the judge advocate appointed for the purposes of a court-martial to hear submissions and evidence, in the absence of the members of the court, on such matters as may be prescribed by the Orders, and for applying to the judge advocate, in respect of such proceedings, any enactment relating to such a court;

(*c*) for prescribing anything which is authorised or required by this Part of this Act to be prescribed by such Orders.

(3) General Orders under this section may direct that the powers conferred by section seven of the Bankers' Books Evidence Act, 1879 (which enables orders to be made for the inspection of bankers' books for the purposes of legal proceedings) may be exercised for the purposes of a court-martial (whether within or without the United Kingdom) by the authority by whom the court-martial is ordered, as well as by the court or a judge within the meaning of that Act.

(4) General Orders under this section shall not have effect unless and until approved by Her Majesty in Council in pursuance of a report of the Judicial Committee of the Privy Council; and every Order in Council made for the purposes of this subsection shall be laid before both Houses of Parliament.

(5) General Orders under this section shall be of no effect so far as inconsistent with any provision of this Act.

Challenge by accused.

59.—(1) Before the members of a court-martial are sworn, the names of the officers constituting the court shall be read over in the presence of the accused, and he shall be asked whether he objects to being tried by any of those officers.

(2) Every objection made by the accused in respect of any officer shall be considered by the other officers appointed members of the court.

(3) If objection is made in respect of the president, and allowed by the other members of the court, the court shall adjourn and the authority by whom the court-martial was ordered shall appoint another president.

(4) If objection is made in respect of any member of the court other than the president, and allowed by the members of the court entitled to vote, the member objected to shall retire, and the vacancy shall be filled by the first officer nominated as a spare member in accordance with the provisions of section fifty-four of this Act who is qualified to be and is not already a member of the court.

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(5) Without prejudice to the foregoing provisions of this section, the accused may, before the members of the court have been sworn, raise any other objection which he desires to make regarding the constitution of the court; and if it appears to the court that any such objection is well founded the court shall adjourn and report the objection to the authority by whom the court-martial was ordered.

(6) After the members of a court-martial have been duly sworn, no question as to the constitution of the court shall be raised in the proceedings, but without prejudice to any power of the Courts-Martial Appeal Court or of the Admiralty in a case in which it appears that a substantial miscarriage of justice has occurred by reason of the court not having been duly constituted.

Administration of oaths.

60.—(1) An oath shall be administered separately to each member of a court-martial, to the judge advocate, the clerk of the court and any officer in attendance for instruction in the duties of judge advocate or clerk of the court, and to any person appointed to attend for the purpose of reporting or transcribing the proceedings or as interpreter.

(2) Except as provided by subsection (3) of this section, every witness before a court-martial shall be examined on oath.

(3) Where any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if in the opinion of the court he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth:

Provided that where the evidence is given on behalf of the prosecution the accused shall not be liable to be convicted unless it is corroborated by some other material evidence in support thereof implicating the accused.

(4) A person shall be permitted to make a solemn affirmation instead of taking an oath under this section—

(*a*) if he objects to being sworn, and states as the ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief; or

(*b*) if it is not reasonably practicable to administer an oath to him in the manner appropriate to his religious belief.

(5) An oath or affirmation required to be administered under this section shall be in such form, and shall be administered at such time, by such person and in such manner, as may be prescribed by General Orders under section fifty-eight of this Act.

Courts-martial to sit in open court.

61.—(1) Subject to the provisions of this section and to any provisions of General Orders under section fifty-eight of this Act with respect to the deliberations of the court upon their finding and sentence or upon other matters specified in those Orders, a court-martial shall sit in open court and in the presence of the accused.

(2) It is hereby declared that a court-martial has the like power to order the exclusion of the public from its proceedings as a civil court; and without prejudice to any such power, a court-martial may order that, subject to such exceptions, if any, as the court may specify, the public shall be excluded from all or any part of the proceedings of the court if it appears to the court that any evidence to be given or statement made in the course of the proceedings or of that part of the proceedings, as the case may be, might otherwise lead to the disclosure of any information which would or might be directly or indirectly useful to an enemy.

Finding and sentence.

62.—(1) Subject to the provisions of this section, every question to be determined on a trial by court-martial shall be determined by a majority of the votes of the members of the court.

(2) In the case of an equality of votes on the finding, the court shall acquit the accused.

(3) Without prejudice to the provisions of section sixty-one of this Act, the finding of a court-martial on each charge, and any sentence of the court, together with any recommendation to mercy, shall be announced in open court.

(4) A finding of guilty where the only punishment which the court can award is death shall not have effect unless it is reached with the concurrence of all the members of the court; and where there is no such concurrence, but a majority of the members of the court are in favour of such a finding, the court shall be dissolved and the accused may be tried by another court.

(5) Where the accused is found guilty and the court has power to sentence him either to death or to some less punishment, sentence of death shall not be passed without the concurrence of all the members of the court.

Special finding of insane at time of trial or offence.

63.—(1) Where, on the trial of any person by court-martial, it appears to the court—

(*a*) that the accused is by reason of insanity unfit to stand his trial; or

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(*b*) that the accused did the act or made the omission charged, but was insane at the time when the act was done or the omission made so as not to be responsible according to law for his actions.

the court shall so find, and shall order him to be kept in custody until effect is given to the directions of the Admiralty.

(2) In the case of any such finding, the Admiralty may give orders for the safe custody of the accused during Her Majesty's pleasure in such place and manner as they think fit.

Summoning of witnesses.

64.—(1) Any person, whether subject to this Act or not, who is required to give evidence before a court-martial may be summoned by notice in writing given by the clerk of the court.

(2) Any person not subject to this Act who attends a court-martial in pursuance of a notice under this section shall be entitled to receive such expenses of his attendance as may be authorised in accordance with regulations made by the Admiralty.

Contempt of court-martial by civilians.

65.—(1) Subject to the provisions of this section, if any person not subject to this Act (whether within the United Kingdom or elsewhere)—

(*a*) having been duly summoned to attend as a witness before a court-martial, fails to comply with the summons;

(*b*) is guilty in relation to a court-martial of any such act or default as is described in paragraphs (*b*) to (*f*) of subsection (1) of section thirty-eight of this Act; or

(*c*) does any other act in relation to a court-martial which, if the court were a court of law having power to commit for contempt, would be punishable as contempt of that court,

the president of the court-martial may certify the offence to any court of law having jurisdiction in the place where it is alleged to have been committed or in the place where the offender is to be found, being a court having power to commit as aforesaid.

(2) The court to which an offence is certified under this section may inquire into the alleged offence and, after hearing any witnesses who may be produced against or on behalf of the person charged therewith, and after hearing any statement that may be offered in defence, deal with him in any manner in which the court could deal with him if he had committed the like offence in or in relation to that court.

(3) A person shall not be dealt with under this section in respect of failure to comply with a summons requiring him to attend as a witness before a court-martial unless any expenses to which he is entitled under this Act in respect of his attendance have been paid or tendered:

Provided that for the purposes of this subsection—

(*a*) the tender of a warrant or voucher entitling any person to travel free of charge shall be deemed to constitute tender of his expenses in respect of any travelling authorised by the warrant or voucher; and

(*b*) the tender of a written undertaking on behalf of the Admiralty to defray at the trial any other expenses to which such a person may be entitled under this Act in respect of his attendance shall be deemed to constitute tender of those expenses.

(4) Without prejudice to the provisions of subsection (5) of section fifty of this Act, this section applies in relation to a disciplinary court as it applies in relation to a court-martial.

Record of proceedings of courts-martial.

66.—(1) As soon as practicable after the conclusion of a court-martial, the judge advocate or the clerk of the court shall transmit to the Commander-in-Chief or senior naval officer the record of the proceedings; and the Commander-in-Chief or senior naval officer shall transmit it to the Admiralty.

(2) Subject to the provisions of this section, a person who has been charged before a court-martial shall be entitled, on application made to the Admiralty within five years after the conclusion of the proceedings before the court-martial, to receive a copy of the record of the proceedings, subject to payment of such fee (if any), not exceeding the cost of making the copy, as may be required by the Admiralty.

(3) Where a person charged as aforesaid dies within the period of five years mentioned in subsection (2) of this section, his personal representatives, or any person who in the opinion of the Admiralty ought to be treated for the purposes of this subsection as his personal representative, shall, on application made to the Admiralty within one year after his death, have the like right to receive a copy of the record as that person would have had on application made under that subsection.

(4) If, on application made in pursuance of this section for a copy of the record of any proceedings, the Admiralty certify that it is necessary for reasons of security that the proceedings or any part thereof should not be disclosed, the applicant shall not be entitled to a copy of the proceedings or part to which the certificate relates.

Power to convict of mitigated or alternative offence

Power to convict of mitigated offence.

67. Where the punishment for any offence under this Act depends upon the intent with which or the circumstances in which the offender acts, and any person is charged with committing that offence with an intent or in circumstances involving the higher degree of punishment, he may be found guilty of committing that offence without that intent, or in circumstances involving the lower degree of punishment, as the case may be.

PART II *—cont.*

Power to convict of alternative offence.

68.—(1) Where a person is charged with an offence under any provision of this Act other than section forty-two, and it is not proved that he committed that offence but is proved that he committed any other such offence, being—

(*a*) an attempt to commit the offence charged; or

(*b*) an offence of the same class as the offence charged and not involving greater punishment,

he may be found not guilty of the offence charged but guilty of the said other offence.

(2) Where a person is charged with a civil offence under section forty-two of this Act and it is not proved that he committed that offence but is proved that he committed any other civil offence of which, if he had been tried by a civil court for committing the first-mentioned offence in England, he might have been found guilty, he may be convicted of an offence under the said section forty-two in respect of the commission of that other civil offence.

Power to convict of attempt notwithstanding proof of completed offence.

69. It is hereby declared that a person charged under this Act with an attempt to commit any offence may be convicted notwithstanding proof that he actually committed that offence.

Review of finding and sentence

Review by Admiralty of finding and sentence.

70.—(1) Any finding of guilty under this Part of this Act, and any sentence awarded in respect of such a finding, may be reviewed by the Admiralty at any time, and in the case of trial by court-martial shall be so reviewed as soon as practicable after the Admiralty have received the record of the proceedings.

(2) Without prejudice to the foregoing subsection, a person convicted under this Part of this Act by a court-martial may at any time present a petition to the Admiralty against the finding or sentence or both; and in any such case the Admiralty shall, as soon as practicable after the presentation of the petition and after consideration of the matters alleged therein, review the finding or sentence or both, as the case may be.

(3) If an application for leave to appeal against a conviction by court-martial under this Part of this Act is received by the registrar of the Courts-Martial Appeal Court, or if the said registrar receives particulars of such an application furnished in pursuance of paragraph (*b*) of subsection (3) of section four of the Courts-Martial (Appeals) Act, 1951, so much of subsections (1) and (2) of this section as requires the Admiralty to review the finding of a court-martial shall cease to have effect in relation to that conviction.

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—cont.

Power to quash or alter findings.

71.—(1) On the review of a finding under section seventy of this Act the Admiralty may—

(*a*) in any case, quash the finding;

(*b*) where some other finding of guilty could lawfully have been made by the court or officer before whom the trial took place, and it appears to the Admiralty that that court or officer must have been satisfied of facts necessary to justify that other finding, substitute that other finding.

(2) Where a finding is quashed by the Admiralty under this section, then—

(*a*) if the sentence passed in respect of that finding relates to that finding only, the sentence shall be quashed;

(*b*) if the sentence relates to that and any other finding or findings, the Admiralty may substitute such sentence authorised by this Act in respect of the other finding or findings as they think proper, not being a sentence of greater severity.

(3) Where a finding is substituted by the Admiralty under this section, the Admiralty may substitute for the sentence passed in respect of the original finding such sentence authorised by this Act in respect of the substituted finding as they think proper, not being a sentence of greater severity.

(4) Any finding or sentence substituted under this section shall be treated for all purposes as the finding or sentence of the court or officer before whom the trial took place.

Power to remit or alter sentences.

72.—(1) On the review of a sentence under section seventy of this Act the Admiralty may, subject to the provisions of this section,—

(*a*) annul the sentence;

(*b*) remit the sentence in whole or in part;

(*c*) commute the sentence for a sentence of a punishment provided by this Act less than the punishment or the greatest of the punishments imposed by the sentence commuted;

(*d*) if the sentence is for any reason invalid, substitute such sentence as they think proper, being a sentence which could lawfully have been awarded in respect of the relevant finding or findings, not being a sentence of greater severity.

(2) In relation to a sentence passed upon summary trial, the powers of the Admiralty under the last foregoing subsection may

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be exercised, to such extent and subject to such limitations as may be prescribed by regulations made by the Admiralty, by an officer not below the rank of commodore authorised in that behalf by the Admiralty.

(3) Any sentence having effect after remission or commutation under this section, or substituted under this section, shall be treated for all purposes as the sentence of the court or officer before whom the trial took place.

(4) Nothing in this section shall enable the Admiralty to annul, remit or commute a sentence of death passed on a person found guilty under this Act of treason or murder.

Saving for functions of Judge Advocate of Her Majesty's Fleet.

73. Nothing in this Part of this Act shall prejudice the exercise by the Judge Advocate of Her Majesty's Fleet of his functions of considering and reporting on the proceedings of courts-martial and disciplinary courts, or any other of his functions in relation to such courts.

Special powers of Admiralty

Power to dispense with trial of persons confessing to desertion.

74.—(1) If any rating subject to this Act signs a confession that he is guilty of desertion, the Admiralty may by order dispense with his trial for that offence and, if they think fit, impose on him any such forfeiture as could be imposed on conviction of that offence under Part I of this Act.

(2) The powers of the Admiralty under this section may be exercised by any flag officer authorised by the Admiralty in that behalf, as well as by the Admiralty.

Forfeiture of pay and effects of certain absentees.

75.—(1) If it appears to the Admiralty that any person subject to this Act is absent without leave and has been so absent for a period of not less than one month (whether or not he appears to be guilty of desertion), then, without prejudice to any proceedings which may be taken against him in the event of his apprehension or return, the Admiralty may by an order containing a statement of his said absence impose on him any such forfeiture as could be imposed on conviction of an offence of desertion under Part I of this Act.

(2) An order under this section for the forfeiture of any property shall be sufficient authority for the sale of that property and for the disposal of the proceeds of sale in accordance with the directions of the Admiralty:

Provided that the Admiralty may, if they think fit on sufficient cause shown at any time after the making of the order—

(*a*) remit the forfeiture of any property which has not been sold thereunder; or

(*b*) pay or dispose of the proceeds of sale of any property sold thereunder to or for the use of the person to whom it belonged or his representatives.

(3) The powers conferred by this section on the Admiralty may be exercised by the Commander-in-Chief or flag officer from whose command a person is absent as aforesaid, as well as by the Admiralty.

Restitution or compensation on conviction of larceny, etc.

76.—(1) Where any person is convicted under this Part of this Act of unlawfully obtaining any property, whether by stealing it, receiving it knowing it to have been stolen, embezzling it, fraudulently misapplying it or otherwise, the Admiralty may—

(*a*) if the whole or any part of the property unlawfully obtained is found in the possession of the offender, order the property so found to be repaid or restored to the person appearing to the Admiralty to be its owner;

(*b*) if any property (other than money) appearing to the Admiralty to have been obtained by the conversion or exchange of any of the property unlawfully obtained is found as aforesaid, order the property so found to be delivered to the person appearing to the Admiralty to be the owner of the property unlawfully obtained;

(*c*) if and so far as neither the property unlawfully obtained nor property of equivalent value in respect of which an order is made under paragraph (*b*) of this subsection is found in the possession of the offender, order that the offender be required to pay to the person appearing to the Admiralty to be the owner of the property unlawfully obtained such sum as or towards compensation as appears to the Admiralty to be just.

(2) Where a person is convicted as aforesaid and it appears to the Admiralty that any of the property unlawfully obtained was taken in exchange from the offender by any other person who did not then know it to have been unlawfully obtained, the Admiralty may—

(*a*) if the whole or any part of the property given in exchange by the said other person is found in the possession of the offender, order that on restitution of the property taken in exchange to the person appearing to the Admiralty to be its owner, the property so found be restored to the said other person;

(*b*) if and so far as the said property is not so found, order that on restitution as aforesaid of the property taken in exchange the offender be required to pay to the said other person such sum as or towards compensation as appears to the Admiralty to be just.

(3) Where a person is convicted as aforesaid and it appears to the Admiralty that any of the property unlawfully obtained

PART II —*cont.*

was purchased or taken in pawn from the offender by a person who did not then know it to have been unlawfully obtained, the Admiralty may order that on restitution of that property to the person appearing to the Admiralty to be its owner the offender be required to pay to the said other person such sum as or towards compensation as appears to the Admiralty to be just.

(4) Any sum payable by an offender by way of compensation under this section may be ordered to be paid out of money found in the possession of the offender or by means of deductions from his pay.

(5) The amount or aggregate amount of the compensation which an offender may be required to pay by an order or orders under this section otherwise than out of money found in his possession shall not in any case exceed one hundred pounds.

(6) Subject to regulations made by the Admiralty, the powers conferred on the Admiralty by the foregoing provisions of this section may be exercised—

(*a*) where the offender is tried by a court-martial or disciplinary court, by that court, by the officer who ordered that court or by the Commander-in-Chief or senior naval officer to whom the proceedings are transmitted under section sixty-six of this Act;

(*b*) where the offender is tried summarily under section forty-nine of this Act, by the officer in command of the ship or establishment to which he belongs,

as well as by the Admiralty, and references in those provisions to the Admiralty shall be construed accordingly.

(7) An order under this section shall not bar the right of any person, other than the offender or a person claiming through him, to recover any property delivered or paid in pursuance of such an order from the person to whom it is delivered or paid.

Effect of appeal against conviction on order for restitution or compensation.

77.—(1) The operation of any order made under section seventy-six of this Act on conviction by a court-martial or disciplinary court shall be suspended—

(*a*) in any case, until the expiration of the period prescribed under Part I of the Courts-Martial (Appeals) Act, 1951, as the period within which an application for leave to appeal to the Courts-Martial Appeal Court against the conviction must be lodged; and

(*b*) if such an application is duly lodged, until either the application is finally refused or is withdrawn or the appeal is determined or abandoned;

and where the operation of any such order is suspended under this subsection, the order shall not take effect if the conviction is quashed on appeal.

(2) On any appeal to the Courts-Martial Appeal Court the court may by order annul or vary any order made under the said section seventy-six although the conviction in respect of which it was made is not quashed.

(3) Rules of court made under the said Act of 1951 may make provision for securing the safe custody, during the period during which the operation of an order is suspended under this section, of the property ordered to be restored or handed over or the money to which the order relates.

(4) Notwithstanding anything in this section, an order under the said section seventy-six shall not, so far as it relates to the delivery of property to the person appearing to be the owner thereof, be suspended if it is certified by the Admiralty, or by the court or officer by whom the order is made, that the title to the property is not in dispute.

Execution of sentence of death

Confirmation and authority for execution.

78.—(1) A sentence of death passed under this Act shall not be carried out until it has been confirmed by the Admiralty.

(2) Without prejudice to the foregoing subsection, a sentence of death passed under this Act shall not be carried out in any colony except with the authority of the Governor of the colony.

Regulations as to execution.

79.—(1) The Admiralty may make regulations with respect to the execution of sentences of death under this Act, whether passed in the United Kingdom or elsewhere.

(2) Without prejudice to the generality of the foregoing subsection, regulations under this section may make provision with respect to all or any of the following matters, that is to say—

(*a*) the manner in which, the person by whom and the country or territory, place and kind of establishment (whether naval or not) where any such sentence is to be executed; and

(*b*) the custody and treatment of the person under sentence and his removal from one place or establishment to another between the passing and execution of the sentence,

or may authorise such person as may be specified in or determined by or under the regulations to give directions with respect to all or any of those matters.

(3) Regulations made under this section may contain such incidental and supplementary provisions as appear to the Admiralty to be necessary for the purposes of the regulations.

PART II —*cont.*

(4) Such provost marshal or other provost officer not below the rank of lieutenant-commander as may be specified in or determined under regulations under this section shall be responsible for the due execution of any sentence of death passed under this Act.

(5) The power of the Admiralty to make regulations under this section shall be exercisable by statutory instrument; and any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Execution in civil prison in the United Kingdom.

80.—(1) A person sentenced to death and committed or transferred to a civil prison in the United Kingdom in pursuance of regulations under section seventy-nine of this Act shall, while in that prison, be confined and otherwise dealt with in the same manner as a person confined therein under a like sentence of a civil court.

(2) The Capital Punishment Amendment Act, 1868, and any rules made under section seven of that Act, shall apply in relation to the execution in a civil prison of a sentence of death passed under this Act for any offence, but as if for references to the sheriff there were substituted references to the provost marshal or other provost officer responsible for the due execution of the sentence.

Service of sentence of imprisonment or detention

Place of imprisonment or detention.

81.—(1) Any person sentenced under this Act to imprisonment may be confined during the term of the sentence—

(*a*) in any naval detention quarters;

(*b*) in any military establishment or air-force establishment within the meaning of Part II of the Army Act, 1955, or Part II of the Air Force Act, 1955;

(*c*) in any civil prison in any part of Her Majesty's dominions;

(*d*) in any other establishment in which persons may be required to serve sentences of imprisonment passed under the Army Act, 1955, or the Air Force Act, 1955.

(2) Any person sentenced under this Act to detention may be confined during the term of the sentence—

(*a*) in any naval detention quarters;

(*b*) in any such military or air-force establishment as aforesaid, not being a military or air-force prison;

and may, in such cases and subject to such conditions as may be specified by or under regulations made by the Admiralty, be temporarily detained in a military or air-force prison or a civil prison for any period not exceeding seven days.

PART II —*cont.*

(3) Subject to the foregoing provisions of this section, the place to which a person sentenced under this Act to imprisonment or detention is to be committed may be determined by any of the following authorities, that is to say:—

(*a*) in any case, the Admiralty or the Commander-in-Chief;

(*b*) where the offender is tried on any foreign station, the senior naval officer present at the place where he is tried;

(*c*) where the offender is tried by court-martial, the officer who ordered the court-martial;

(*d*) where the offender is summarily tried under section forty-nine of this Act, the officer by whom he is so tried or the officer in command of the ship or naval establishment to which the offender belongs;

and a committal order made by any such authority shall be sufficient warrant for sending the offender to such place as may be specified therein, there to undergo his sentence according to law, and for detaining him in custody until he reaches that place.

Naval Detention Quarters Rules.

82.—(1) The Admiralty may set apart any premises or vessels under the control of the Admiralty, or any parts of such premises or vessels, as naval detention quarters, and may make rules (in this Part of this Act referred to as Naval Detention Quarters Rules) with respect to all or any of the following matters, that is to say—

(*a*) the provision, classification, regulation and management of naval detention quarters;

(*b*) the classification, regulation, employment, discipline and control of persons serving sentences of imprisonment or detention passed under this Act in naval detention quarters or otherwise in naval custody;

(*c*) the removal of such persons from such quarters or custody as aforesaid, either temporarily or by way of transfer to another establishment or form of custody, and their release on the expiration or determination of their term of imprisonment or detention;

(*d*) the temporary release of such persons on compassionate grounds, the cases in which, periods for which and conditions subject to which they may be allowed out of such quarters or custody as aforesaid, and the remission of part of their sentences for good conduct and industry;

(*e*) the appointment, powers and duties of inspectors and visitors and of officers and other members of the staff, of naval detention quarters;

and such rules may apply the provisions of the Coroners Acts, 1887 to 1926, to naval detention quarters as those provisions apply in relation to prisons.

PART II —*cont.*

(2) Naval Detention Quarters Rules shall not authorise the infliction of corporal punishment.

(3) Naval Detention Quarters Rules may apply with the necessary modifications all or any of the provisions of sections thirty-nine to forty-two of the Prison Act, 1952 (which relate to offences by persons other than prisoners).

(4) Naval Detention Quarters Rules may, to such extent as may be provided by the Rules, be made so as to apply to persons detained in naval detention quarters while serving sentences of imprisonment or detention awarded under the Army Act, 1955, or the Air Force Act, 1955, notwithstanding that such persons are not for the time being subject to this Act.

(5) Naval Detention Quarters Rules may contain such incidental and supplementary provisions as are necessary for the purposes of the Rules.

(6) The Admiralty may, in respect of any foreign station on which persons subject to this Act are on active service, delegate the power to make Naval Detention Quarters Rules to the Commander-in-Chief or flag officer commanding the station, subject to such restrictions, reservations, exceptions and conditions as the Admiralty may think fit.

(7) Naval Detention Quarters Rules made by the Admiralty under this section shall be made by statutory instrument; and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Service of sentence in civil prison in the United Kingdom.

83. The provisions of any enactment, rule or regulation with respect to the confinement, removal and treatment of persons committed to civil prisons in any part of the United Kingdom (including provisions relating to release, discharge and remission) shall apply to any person sentenced under this Act to imprisonment and committed or transferred to any such prison as they apply to a person committed to that prison under a like sentence of a civil court.

Removal of certain prisoners.

84.—(1) Subject to the provisions of this section, the Admiralty, the Commander-in-Chief or the senior naval officer present may by order give directions, in the case of any person subject to this Act who is serving a sentence of imprisonment or detention in a civil prison or a military or air-force establishment,—

(*a*) for the transfer of that person to any other prison or establishment to which he could have been committed under this Act, there to undergo the remainder of his sentence according to law; or

(*b*) for the production of that person for the purpose of attending any proceedings under this Act, whether as a witness or for trial or otherwise, or for any other purpose specified in the order,

and any such order may give directions as to the custody of the person to whom it relates and, in the case of an order under paragraph (*b*) of this subsection, for his return or transfer to the place from which he is removed or to any other place in which his sentence may be required to be served.

(2) An order under this section shall be a sufficient warrant for the removal of the person to whom it relates from the prison or establishment in which he is serving his sentence, for his reception in the prison or establishment to which he is transferred or returned in pursuance of the order, and for his detention in custody pending such reception.

(3) Where the attendance of any such person as aforesaid is required for the purposes of a court-martial under this Act, the power to make an order under paragraph (*b*) of subsection (1) of this section may be exercised by the Commander-in-Chief or senior naval officer present at the place where that person is confined or where the court-martial is or is to be held.

(4) Any time during which a person removed in pursuance of an order under this section is in naval, military, air force or civil custody, or is serving any sentence of imprisonment or detention passed on him while so removed, shall be reckoned as part of the sentence current when the order was made.

(5) The provisions of this section shall be without prejudice to any enactment, rule or regulation authorising the removal of persons from civil prisons or military or air force establishments; but no order shall be made under this section for the transfer of a person confined in a civil prison within the United Kingdom to any other such prison to which he could be removed under the Prison Act, 1952, the Prisons (Scotland) Act, 1952, or the Prison Act (Northern Ireland), 1953.

Commencement and duration of sentences of imprisonment and detention

Commencement of sentences.

85.—(1) Except as otherwise provided by the following provisions of this Part of this Act, and by subsection (7) of section four of the Courts-Martial (Appeals) Act, 1951 (which empowers the court in certain cases to direct that a sentence shall begin to run from the day upon which an application for leave to appeal is dismissed), any term of imprisonment or detention under a sentence awarded under this Act shall begin to run from the beginning of the day on which the sentence is awarded.

PART II —*cont.*

(2) For the purposes of the foregoing subsection a sentence awarded to a person tried summarily under section forty-nine of this Act shall be taken to be awarded on the day on which the warrant specifying the sentence, as approved in accordance with regulations made by the Admiralty, is read to the offender or, if the offender has been detained in custody since the signature of that warrant by the officer by whom he was tried, on the first day on which he was so detained.

(3) A committal order under section eighty-one of this Act may, if no place in which the sentence may be served is available where the offender is tried, direct that the term of the sentence shall begin to run on the date on which he reaches the place specified in the order; and in any such case the sentence shall be served accordingly notwithstanding that the offender may have previously returned to his duty or become entitled to his discharge, but the term shall be reduced by any period for which he has been kept in confinement in respect of the sentence during the interval.

Consecutive sentences.

86.—(1) Where any person who is serving a sentence of imprisonment, whether passed under this Act or otherwise, is sentenced to imprisonment under this Part of this Act, or where a person sentenced to imprisonment under this Part of this Act is further sentenced to imprisonment under subsection (3) of section thirty-eight of this Act, the court or officer by whom the subsequent or further sentence is awarded may order that that sentence shall begin to run from the expiration of the first-mentioned sentence.

(2) Where any person who is serving a sentence of detention passed on him under this Act or under the Army Act, 1955, or the Air Force Act, 1955, is found guilty under this Act of another offence for which he is sentenced to detention, or where a person sentenced to detention under this Act is further sentenced to detention under subsection (3) of section thirty-eight of this Act, the court or officer by whom the subsequent or further sentence is awarded may order that that sentence shall begin to run from the expiration of the first-mentioned sentence.

Periods of compassionate release.

87. Where any person detained in naval detention quarters or in a military or air-force establishment in pursuance of a sentence of imprisonment or detention passed on him under this Part of this Act is released on compassionate grounds in pursuance of Naval Detention Quarters Rules, or Imprisonment and Detention Rules made under the Army Act, 1955, or the Air Force Act, 1955, as the case may be, no account shall be taken, in calculating the period for which he is liable to be detained under his sentence, of the period beginning with the day after that on which he is so released and ending with the day on which he is required to return to custody.

Periods of unlawful absence.

88.—(1) Where any person sentenced under this Part of this Act to imprisonment or detention becomes unlawfully at large during the currency of the sentence, no account shall be taken, in calculating the period for which he is liable to be detained under his sentence, of the period beginning with the day on which he becomes unlawfully at large and ending with the day on which he is taken into naval, military or air force custody or the custody of a civil authority, as being a person unlawfully at large, or, not having been taken into such custody, returns to the place in which he was imprisoned or detained before he became unlawfully at large:

Provided that if it appears to the Admiralty that during any part of that period he was in the custody of a civil authority or of any naval, military or air force authority specified in Imprisonment and Detention Rules made for the purpose of paragraph (*b*) of the proviso to subsection (2) of section one hundred and nineteen of the Army Act, 1955, or the Air Force Act, 1955, that part of the period shall be disregarded for the purposes of this subsection.

(2) For the purposes of this section a person temporarily released from custody in pursuance of the appropriate rules or otherwise allowed out of naval, military, air force or civil custody for any period or subject to any condition, shall be treated as unlawfully at large if he fails to return at the expiration of the period, or to comply with the condition, as the case may be, or if an order recalling him has been made in pursuance of the said rules.

(3) In this section "the appropriate rules" means—

(*a*) in relation to a person serving a sentence in naval detention quarters, Naval Detention Quarters Rules;

(*b*) in relation to a person serving a sentence in military or air-force custody, Imprisonment and Detention Rules made under the Army Act, 1955, or the Air Force Act, 1955, as the case may be;

(*c*) in relation to a person serving a sentence in civil custody, rules made under subsection (5) of section forty-seven of the Prison Act, 1952, subsection (6) of section thirty-five of the Prisons (Scotland) Act, 1952, or paragraph (*c*) of subsection (1) of section thirteen of the Prison Act (Northern Ireland), 1953, or (in the case of a person serving a sentence outside the United Kingdom) any corresponding provision of the law of the country or territory in which he is serving his sentence;

and "civil authority" means a civil authority (whether of the United Kingdom or of any country or territory outside the United Kingdom) authorised by law to detain persons, and includes a constable.

PART II —*cont.*

(4) In relation to any person committed or transferred to a civil prison in the United Kingdom, this section shall have effect in substitution for section forty-nine of the Prison Act, 1952, section thirty-seven of the Prisons (Scotland) Act, 1952, or section thirty-eight of the Prison Act (Northern Ireland), 1953, as the case may be.

Limitation of total period of sentences of detention.

89.—(1) Notwithstanding anything in this Part of this Act, no offender shall be kept continuously in detention for a period exceeding two years in pursuance of two or more sentences of detention.

(2) The foregoing subsection shall not affect the validity of any order or direction under this Part of this Act that a sentence of detention shall begin to run from the expiration of another such sentence; but so much of any term of detention to which any such order or direction relates as would prolong the total term of detention beyond two years shall be remitted by virtue of the order or direction.

(3) Where any person sentenced to detention under this Act, the Army Act, 1955, or the Air Force Act, 1955, is subsequently sentenced to imprisonment under this Act, any part of the sentence of detention which has not been served shall be remitted by virtue of the sentence of imprisonment, whether or not that sentence is suspended.

Suspension and reconsideration of sentences of imprisonment and detention

Suspension of sentences.

90.—(1) Where any person has been sentenced under this Act to imprisonment or detention, the authority having power under section eighty-one of this Act to issue a committal order may, in lieu of issuing such an order, order that the sentence be suspended; and in any such case the sentence shall not begin to run until a committal order is issued under section ninety-one of this Act.

(2) Where any person has been sentenced under this Act to imprisonment or detention and a committal order in respect of that sentence has been issued under the said section eighty-one, the sentence may be suspended by an order made—

(*a*) in any case, by the Admiralty or by any officer holding such command as may be prescribed by regulations made by the Admiralty;

(*b*) where the committal order was issued by an officer not holding such command, by that officer;

and in any such case the offender shall be released and the currency of the sentence suspended until a further committal order is issued in respect of that sentence under section ninety-one of this Act.

PART II —*cont.*

(3) Where a sentence is suspended under this section, the Admiralty or, subject to any regulations or directions made or given by the Admiralty, any other authority by whom the sentence is suspended, may direct that any other punishment which the suspended sentence involves shall be suspended or remitted; but except as aforesaid the suspension of a sentence under this section shall not affect any such other punishment.

Committal or re-committal of persons under suspended sentence.

91.—(1) Where a sentence of imprisonment or detention is suspended under section ninety of this Act, a committal order may at any time be issued in respect of the sentence—

(*a*) in any case, by the Admiralty or by any officer holding such command as may be prescribed by regulations made by the Admiralty;

(*b*) where a committal order under section eighty-one of this Act had been issued before the suspension of the sentence by an officer not holding such command, by that officer.

(2) In relation to a sentence in respect of which a committal order has been issued under this section, subsection (2) of section ninety of this Act and subsection (1) of this section shall apply as if for any reference to a committal order under section eighty-one of this Act there were substituted a reference to the committal order under this section.

(3) Where any person whose sentence is suspended under the said section ninety is, during the suspension, found guilty under this Act of another offence for which he is sentenced to imprisonment or detention, then, subject to any recommendation to the contrary made by the court or officer by whom he is so sentenced, and subject to the provisions of subsection (3) of section eighty-nine of this Act,—

(*a*) the authority by whom a committal order under subsection (1) of this section is issued in respect of the suspended sentence, or

(*b*) the authority by whom a committal order under section eighty-one of this Act or under subsection (1) of this section is issued in respect of the further sentence

may direct that the sentence in respect of which the order is issued shall begin to run from the expiration of the other sentence.

Reconsideration of sentences.

92.—(1) Where any person has been sentenced under this Act to imprisonment or detention and the sentence is not for the time being suspended under section ninety of this Act, the unexpired portion of the sentence may be remitted by an order made—

(*a*) in any case, by the Admiralty or by any officer holding such command as may be prescribed by regulations made by the Admiralty;

PART II —*cont.*

(*b*) where the committal order or last committal order under section eighty-one or section ninety-one of this Act was issued by an officer not holding such command, by that officer,

and in any such case the offender shall be discharged from custody.

(2) Any sentence of imprisonment or detention which is for the time being suspended under the said section ninety may at any time be reconsidered by the Admiralty or any other authority by whom the sentence was or could have been suspended, and shall be so reconsidered at intervals of not more than three months; and if on any such reconsideration it appears that the conduct of the offender since his conviction has been such as to justify remission of the sentence, whether in whole or in part, it shall be remitted accordingly.

PART III

PROVISIONS RELATING TO CIVILIANS AND CIVIL AUTHORITIES

Offences by civilians triable by court-martial

Spying in ships or in naval establishments abroad.

93. Every person not subject to this Act who, being on board any of Her Majesty's ships or vessels, or being within any of Her Majesty's naval establishments outside Her Majesty's dominions, acts as a spy for the enemy shall be liable on conviction by court-martial to death or to imprisonment for any term.

Seduction from duty in ships or in naval establishments abroad.

94. Every person not subject to this Act who, being on board any of Her Majesty's ships or vessels, or being within any of Her Majesty's naval establishments outside Her Majesty's dominions, endeavours to seduce any person subject to this Act from his duty or allegiance to Her Majesty shall be liable on conviction by court-martial to imprisonment for any term.

Arrest and jurisdiction.

95.—(1) Any person found committing an offence under section ninety-three or section ninety-four of this Act, or alleged to have committed or reasonably suspected of having committed such an offence, may be arrested by any officer or rating subject to this Act, or by any provost officer or person legally exercising authority under a provost officer or on his behalf.

(2) Any such offence may be tried and punished by court-martial under Part II of this Act; and the provisions of the said Part II (except provisions relating to summary trial and to disciplinary courts) shall apply accordingly as they apply in relation to offences under Part I of this Act.

Offences punishable by civil courts

PART III —*cont.*

False pretence of desertion or absence without leave.

96. Every person who, whether within or without Her Majesty's dominions, falsely represents himself to any naval, military, air force or civil authority to be a person who is illegally absent from any of Her Majesty's naval forces shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

Procuring or assisting desertion or absence without leave.

97.—(1) Every person who, whether within or without Her Majesty's dominions,—

(*a*) procures or persuades any person subject to this Act to commit an offence of desertion, of absenting himself without leave or of improperly leaving his ship or place of duty; or

(*b*) knowing that any such person is about to commit such an offence as aforesaid, assists him in so doing; or

(*c*) knowing any such person to have committed such an offence as aforesaid, conceals him or assists in concealing him or assists in his rescue from custody,

shall be guilty of an offence against this section.

(2) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.

Unlawful purchase of naval property.

98.—(1) Every person who, whether within or without Her Majesty's dominions, acquires any naval property, or solicits or procures any person to dispose of any naval property, or acts for any person in the disposing of any naval property, shall be guilty of an offence against this section unless he proves either—

(*a*) that he did not know, and could not reasonably be expected to know, that the chattels in question were naval property; or

(*b*) that those chattels had (by the transaction with which he is charged or some earlier transaction) been disposed of by order of or with the consent of the Admiralty or of some person in authority who had, or whom he had reasonable cause to believe to have, power to give the order or consent; or

(*c*) that those chattels had become the property of an officer who had retired or ceased to be an officer, or of a rating who had been discharged, or of the personal representatives of a person who had died.

PART III —*cont.*

(2) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.

(3) In this section the following expressions have the meanings hereby respectively assigned to them—

" acquire " means, buy, take in exchange, take in pawn or otherwise receive (whether apart from this section the receiving is lawful or not) ;

" dispose " means, sell, give in exchange, pledge or otherwise hand over (whether apart from this section the handing over is lawful or not) ;

" naval property " means any chattel of any description belonging to Her Majesty, which has been issued for use for naval purposes or is held in store for the purpose of being so issued when required, and includes any chattel which had belonged, and had been issued or held, as aforesaid at some past time.

Illegal dealings in official documents.

99.—(1) Every person who receives, detains or has in his possession—

(*a*) as a pledge or as security for a debt ; or

(*b*) with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person,

any official document issued in connection with the payment to any person of any pay, pension, allowance, gratuity or other payment payable in respect of his or any other person's service in Her Majesty's naval forces shall be guilty of an offence against this section.

(2) Every person who has in his possession without lawful authority or excuse (the proof whereof shall lie on him) any such document as aforesaid, or any official document issued in connection with the mobilisation or demobilisation of any of Her Majesty's naval forces or any member thereof, shall be guilty of an offence against this section.

(3) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

(4) For the purpose of this section a document 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.

(5) References in this section to Her Majesty's naval forces include references to the naval forces of any Commonwealth country or raised under the law of any colony.

Jurisdiction and application of summary fines.

100.—(1) A person alleged to have committed an offence under any provision of sections ninety-six to ninety-nine of this Act may, subject to the provisions of this section, be tried by a civil court having jurisdiction in the place where he is for the time being, notwithstanding that the offence was committed outside the jurisdiction of that court.

(2) Notwithstanding anything in the foregoing subsection, an offence committed in England and Wales, in Scotland or in Northern Ireland, shall not be triable outside England or Wales, Scotland or Northern Ireland, as the case may be.

(3) Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Part of this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer.

Process and execution in certain civil proceedings

Service of proceedings for maintenance, etc.

101.—(1) Any process to be served on an officer or rating who is subject to this Act (in this section referred to as "the defendant") in connection with proceedings for a maintenance order as defined by this section, or for the variation, revocation or revival of such an order, shall be deemed to be duly served on the defendant if served on the commanding officer of the ship or establishment in which the defendant is serving or on the books of which he is borne, and may, without prejudice to any other method of service, be so served within the United Kingdom by registered post.

(2) If, by reason of the ship in which the defendant is serving being at sea or for any other reason, it is impracticable to serve any such process on the said commanding officer, the process shall be deemed to be duly served on the defendant if, not less than three weeks after notice thereof has been given in writing to the Admiralty, it is served on the Secretary of the Admiralty.

(3) Where any such process appoints a hearing at a place more than twenty miles distant from the place where the defendant is serving and his appearance in person will be required at the hearing, the service of the process shall be of no effect unless there is left with it, in the hands of the person on whom it is served, a sum of money sufficient to enable the defendant to attend the hearing and return to that place.

(4) Where any such process is served in the United Kingdom and the defendant will be required to appear in person at the

PART III —*cont.*

hearing, the service of the process shall be of no effect if it is certified by the commanding officer referred to in subsection (1) of this section to the court by which the process was issued that the defendant is under orders for service on a foreign station and that in the opinion of that officer it would not be possible for the defendant to attend the hearing and return in time to embark for that service.

(5) In this section the expression " maintenance order " means an order made by a court in the United Kingdom or registered in or confirmed by such a court under the provisions of the Maintenance Orders (Facilities for Enforcement) Act, 1920, being an order for the payment of any periodical or other sum specified therein for or in respect of—

(*a*) the maintenance of any person who is or, where the order is made in proceedings in connection with the dissolution or annulment of a marriage, would if the marriage had subsisted have been, the wife or child of the person against whom the order is made ; or

(*b*) the maintenance of any illegitimate child of whom the person against whom the order is made is the putative father ; or

(*c*) any costs incurred in obtaining the order ; or

(*d*) any costs incurred in proceedings on appeal against or for the variation, revocation or revival of any such order ;

and includes an affiliation order within the meaning of the Affiliation Orders Act, 1914.

(6) Nothing in this section shall be construed as enabling process to be served in connection with proceedings in a court of summary jurisdiction unless the defendant is within the United Kingdom or is serving in a ship on a home station or a naval establishment within the United Kingdom.

Exemption of naval property from execution.

102. No judgment or order given or made by any court against a member of any of Her Majesty's naval forces or of any naval force of a Commonwealth country or raised under the law of any colony shall be enforced by the levying of execution on any property of the person against whom it is given or made, being arms, ammunition, equipment, instruments or clothing used by him for naval purposes.

Arrest and detention of offenders by civil authorities

Arrest under warrants of naval authorities.

103.—(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 subsection (4) of section forty-nine of this Act has power to try that person for that offence.

PART III —*cont.*

(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.

Arrest of persons unlawfully at large.

104.—(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.

Arrest of deserters and absentees.

105.—(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.

Arrest of persons suspected of offences punishable by civil courts.

106.—(1) A constable 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.

PART III —*cont.*

(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.

Duties of governors of civil prisons, etc.

107.—(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 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.

Powers of civil courts and authorities as to deserters and absentees

PART III —*cont.*

Deserters and absentees surrendering to police.

108.—(1) Where a person surrenders himself to a constable as being a person who is illegally absent from any of Her Majesty's naval forces, the constable shall, unless that person surrenders himself at a police station, bring him to a police station.

(2) The officer of police in charge of a police station at which a person has surrendered himself as aforesaid, or to which a person who has so surrendered himself is brought, shall forthwith inquire into the case; and if it appears to that officer that the said person is illegally absent as aforesaid he may cause him to be delivered into naval custody without bringing him before a court of summary jurisdiction or may bring him before such a court.

Proceedings before summary courts.

109.—(1) Where a person who is brought before a court of summary jurisdiction as being illegally absent from any of Her Majesty's naval forces admits that he is so absent and the court is satisfied of the truth of the admission, the court may in any case, and shall unless he is in custody for some other cause, forthwith either—

(*a*) cause him to be delivered into naval custody in such manner as the court may think fit; or

(*b*) commit him to some prison, police station or other place provided for the confinement of persons in custody, to be kept there for such reasonable time as the court may specify (not exceeding such time as appears to the court reasonably necessary for the purpose of enabling him to be delivered into naval custody) or until sooner delivered into naval custody.

(2) Any time specified by the court under the foregoing subsection may be extended by the court from time to time if it appears to the court reasonably necessary so to do for the purpose mentioned in that subsection.

(3) Where a person who is brought as aforesaid does not admit that he is illegally absent as aforesaid, or does so admit but the court is not satisfied of the truth of the admission, the court shall consider the evidence and any statement of the accused, and thereupon—

(*a*) if the court is satisfied that he is subject to this Act and is of opinion that there is sufficient evidence to justify his being tried under Part II of this Act for an offence of desertion, absence without leave or improperly leaving his ship or place of duty, the court may in any case, and shall unless he is in custody for some other cause, either cause him to be delivered into naval custody or commit him as provided by subsection (1) of this section;

PART III —*cont.*

(*b*) in any other case the court shall, unless he is in custody for some other cause, discharge him.

(4) The following provisions of the Magistrates' Courts Act, 1952, that is to say the provisions relating to the constitution and procedure of courts of summary jurisdiction acting as examining justices and conferring powers of adjournment and remand on such courts so acting, and the provisions as to evidence and the issue and enforcement of summonses or warrants to secure the attendance of witnesses, shall apply to any proceedings under this section; and for the purposes of any such proceedings, a certificate purporting to be signed by the officer in command of any of Her Majesty's ships or naval establishments and stating that a person is subject to this Act and is illegally absent as aforesaid shall be evidence of the matters so stated.

Certificates of arrest or surrender.

110.—(1) Where an officer of police causes any person to be delivered into naval custody under section one hundred and eight of this Act without being brought before a court of summary jurisdiction, there shall be handed over with that person a certificate in the prescribed form signed by the officer of police, containing a statement of the fact, date, time and place of surrender and whether or not the said person was at the time of surrender wearing the uniform of any of Her Majesty's naval forces.

(2) Where a court of summary jurisdiction causes any person to be delivered into naval custody under section one hundred and nine of this Act, or any person is so delivered after having been committed under that section, there shall be handed over with him a certificate in the prescribed form, signed by a justice of the peace, containing—

(*a*) a statement of the fact, date, time and place of arrest or surrender, and whether or not the said person was at the time of arrest or surrender, wearing the uniform of any of Her Majesty's naval forces; and

(*b*) such particulars of the proceedings before the court as may be prescribed;

and for any such certificate there shall be payable to the clerk of the court, by such person as the Admiralty may direct, such fee (if any) as may be prescribed.

(3) In this section "prescribed" means prescribed by regulations made by the Admiralty by statutory instrument.

PART IV

MISCELLANEOUS AND GENERAL

Persons subject to this Act

Naval forces, volunteers and trainees.

111.—(1) Every officer on the active list of officers of the Royal Navy (not being an officer of any such class as may be prescribed by regulations made by the Admiralty), and every rating of the Royal Navy, is subject to this Act at all times.

(2) Any officer on any retired or emergency list of officers of the Royal Navy is subject to this Act when ordered on any duty or service for which, as such an officer, he is liable, and is so subject from the time appointed for him to report or attend for that purpose until he is duly released or discharged.

(3) Any officer or rating of any of the naval reserve forces is subject to this Act—

(*a*) while being trained or exercised in pursuance of any enactment relating to those forces or any regulations made under any such enactment;

(*b*) when called, recalled or required to re-enter into actual service under any such enactment or regulation,

and is so subject from the time appointed for him to report or attend for any such purpose until he is duly released or discharged.

(4) Without prejudice to subsection (1) of this section, any naval pensioner who is required to join the Royal Navy under section sixteen of the Naval Volunteers Act, 1853, is subject to this Act from the time appointed for him to report or attend for that purpose.

(5) Any person not otherwise subject to this Act who volunteers or engages for service, training or exercise with the Royal Navy, not being—

(*a*) a member of the Women's Royal Naval Service or Queen Alexandra's Royal Naval Nursing Service or any reserve of either of those services;

(*b*) a member of the Voluntary Aid Detachments;

(*c*) a member of the Sea Cadet Corps or the Combined Cadet Force; or

(*d*) a person excepted from this subsection by directions of the Admiralty,

is subject to this Act during the period of service, training or exercise.

(6) A person not otherwise subject to this Act, being a member of—

(*a*) any of the armed forces of the Crown raised outside the United Kingdom; or

(*b*) any armed forces other than armed forces of the Crown,

not being in either case forces excepted from this subsection by directions of the Admiralty) is subject to this Act when ordered to be trained or exercised on board any of Her Majesty's ships or in any of Her Majesty's naval establishments.

PART IV —*cont.*

(7) Where by virtue of this section this Act applies to any person not being a member of the armed forces of the Crown, it shall apply to him (except so far as may be otherwise provided by regulations made by the Admiralty)—

(*a*) if he holds any rank or rate in any other naval, military or air forces, as it applies to a person holding the corresponding rank or rate in the armed forces of the Crown;

(*b*) in any other case, as it applies to an able seaman.

(8) This section applies to chaplains in the Royal Navy or in any of the naval reserve forces as it applies to officers of the Royal Navy, or of that force, as the case may be.

Marines.

112.—(1) An officer, non-commissioned officer or marine of the marine forces is subject to this Act when borne on the books of any of Her Majesty's ships or naval establishments.

(2) The provisions of the First Schedule to this Act shall have effect for the purposes of the application of this Act to any person who is subject thereto by virtue of this section.

Attached military and air forces.

113.—(1) Subject to the provisions of this section, a member of Her Majesty's military or air forces is subject to this Act when attached to Her Majesty's naval forces under section one hundred and seventy-nine of the Army Act, 1955, or section one hundred and seventy-nine of the Air Force Act, 1955.

(2) The provisions of the Second Schedule to this Act shall have effect for the purposes of the application of this Act to any person who is subject thereto by virtue of this section.

(3) No woman shall be subject to this Act by virtue of this section.

Commonwealth forces.

114.—(1) Without prejudice to subsection (6) of section one hundred and eleven of this Act, the members of a naval, military or air force of a Commonwealth country are subject to this Act to such extent, and subject to such adaptations and modifications, as may be provided by or under the Visiting Forces (British Commonwealth) Act, 1933, or by the law of that country.

(2) Where members of a force of any Commonwealth country are subject to this Act as aforesaid by virtue of the law of that country, Her Majesty may by Order in Council make such adaptations and modifications of this Act in relation to other members of Her Majesty's naval forces as may be desirable for the purpose of regulating the relations between those members of Her Majesty's naval forces and members of the force of that country.

Colonial naval forces.

115.—(1) Without prejudice to subsection (6) of section one hundred and eleven of this Act, the members of a force raised for the naval defence of a colony in pursuance of section one of the Colonial Naval Defence Act, 1931, are subject to this Act to such extent, and subject to such adaptations and modifications, as may be provided by the legislature of that colony under subsection (1) of section two of that Act.

(2) Without prejudice to the foregoing subsection, any officer or rating of any force raised by a colony as aforesaid is subject to this Act while at the disposal of Her Majesty for general service in the Royal Navy under subsection (2) of the said section two.

Application to deserters, etc. from Commonwealth and colonial naval forces.

116.—(1) Without prejudice to the foregoing provisions of this Part of this Act, Her Majesty may by Order in Council direct that members of any naval force of a Commonwealth country or raised by any colony shall be subject to this Act so far as it relates to the offences of desertion or absence without leave, and to the arrest, trial and punishment of persons who have committed or are suspected of having committed either of the said offences.

(2) Where any Order in Council is made under this section in relation to members of a naval force, references in section forty-seven and in Part III of this Act to Her Majesty's naval forces shall include references to that force.

Application to passengers in H.M. ships.

117. Parts I and II of this Act shall, to such extent and subject to such modifications as may be prescribed by regulations made by the Admiralty, apply to persons embarked as passengers on board Her Majesty's ships or aircraft (not being persons who are subject to this Act by virtue of any of the foregoing provisions of this Act or are subject to military or air-force law), as they apply to persons subject to this Act.

Application to certain civilians.

118.—(1) Subject to the provisions of this section where any body of Her Majesty's naval forces are on active service Parts I and II of this Act shall (so far as applicable) apply to the following persons, that is to say—

(*a*) any person employed in the service of that body of those forces;

(*b*) any person employed in the service of any portion or member of that body of those forces; or

(*c*) any person who accompanies that body of those forces or any portion thereof,

as they apply to persons subject to this Act.

PART IV —*cont.*

(2) Without prejudice to the foregoing subsection, but subject to the provisions of this section, the following provisions of this Act, that is to say—

(*a*) sections fourteen, thirty-eight and thirty-nine;

(*b*) sections forty and forty-one, so far as they relate to the sections aforesaid;

(*c*) sections forty-two and forty-three; and

(*d*) Part II so far as it applies to an offence under any of the said sections,

shall apply to a person of any class described in the Third Schedule to this Act who is within the limits of the command of any officer commanding any of Her Majesty's naval forces outside the United Kingdom or any colony, as they apply to persons subject to this Act.

(3) The provisions of the Fourth Schedule to this Act shall have effect for the purposes of the application of this Act to any person to whom it applies by virtue of this section.

(4) This section does not apply to any person to whom section one hundred and seventeen of this Act applies, or who is otherwise subject to this Act apart from this section or is subject to military or air-force law apart from section two hundred and nine of the Army Act, 1955, or the Air Force Act, 1955.

Application to sentenced offenders, etc.

119.—(1) A person sentenced under Part II of this Act to imprisonment or detention shall be subject to this Act until the expiration of the term of his sentence, whether or not he would have ceased to be subject to this Act apart from the provisions of this subsection; and in relation to any such person this Act shall apply as it applies in relation to an able seaman.

(2) If any person not otherwise subject to this Act, being in custody by virtue of section fifty-one or section ninety-five of this Act, commits or is reasonably suspected of having committed an offence which, if he were subject to this Act, would be an offence against any provision of Part I of this Act, he shall be treated for the purposes of that provision and of Part II of this Act as having been subject to this Act at the time of the offence or suspected offence, and as continuing to be so subject thereafter.

(3) Where by virtue of subsection (2) of this section a person who does not hold any naval rank or rate is treated for the purpose of any provisions of this Act as a person subject to this Act, this Act shall apply to him for that purpose—

(*a*) if he holds any military or air force rank, as it applies to a person holding the corresponding naval rank or rate;

(*b*) if he held any naval rank or rate or any military or air-force rank when last subject to this Act apart from this section, as it applies to a person holding that or the corresponding naval rank or rate;

(*c*) in any other case, as it applies to an able seaman.

Attachment and powers of command

Attachment to military or air forces.

120.—(1) Any officer or rating of Her Majesty's naval forces may be attached temporarily to any of Her Majesty's military or air forces.

(2) Regulations may be made by the appropriate Service authorities for prescribing the circumstances in which officers and ratings of Her Majesty's naval forces are to be treated as attached to any of Her Majesty's military or air forces, as the case may be, under this section.

(3) In this section "the appropriate Service authorities" means—

(*a*) in relation to attachment to any of the marine forces, the Admiralty;

(*b*) in relation to attachment to any other of Her Majesty's military forces, the Admiralty and the Army Council;

(*c*) in relation to attachment to any of Her Majesty's air forces, the Admiralty and the Air Council.

(4) A person shall not cease to be subject to this Act by reason only of his being attached to any forces in pursuance of this section.

Attachment to commonwealth and other forces.

121.—(1) Without prejudice to the provisions of section four of the Visiting Forces (British Commonwealth) Act, 1933 (which provides for the attachment of members of home forces to the forces of certain Commonwealth countries), any officer or rating of Her Majesty's naval forces may, by order of the Admiralty or of the Commander-in-Chief or senior naval officer present on a foreign station, be required to serve with any naval, military or air force of a Commonwealth country or of any other country.

(2) A person shall not cease to be subject to this Act by reason only of his being required to serve with any naval, military or air force in pursuance of this section.

Powers of command of members of co-operating military or air forces.

122.—(1) In so far as powers of command depend on rank or rate, an officer, warrant officer or non-commissioned officer of any of Her Majesty's military or air forces who—

(*a*) is acting with any body of Her Majesty's naval forces; or

PART IV —*cont.*

(*b*) is a member of a body of the said military or air forces which is acting with any body of Her Majesty's naval forces,

shall have the like such powers as an officer or rating of Her Majesty's naval forces of corresponding rank or rate.

(2) For the purposes of section eleven, paragraph (*b*) of section twelve and section forty-five of this Act, any such officer, warrant officer or non-commissioned officer as aforesaid shall be treated as an officer or rating of corresponding rank or rate, and shall have the like powers under the said section forty-five as if he were a person subject to this Act.

Application to particular countries and territories

Scotland.

123.—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) In subsection (2) of section forty-seven and in subsection (2) of section one hundred and ten, for the reference to a justice of the peace there shall be substituted a reference to the sheriff or to a member of the court, as the case may be.

(3) In section forty-eight, the expression "manslaughter" means culpable homicide.

(4) In subsection (2) of section eighty, references to the Capital Punishment Amendment Act, 1868, and to section seven of that Act, shall be construed as references to that Act and that section as they apply to Scotland, and for the reference to the sheriff there shall be substituted a reference to the lord provost or provost, or magistrate or magistrates, charged with seeing the sentence of death carried into effect.

(5) In section eighty-two, in subsection (1), for the reference to the Coroners Acts, 1887 to 1926, there shall be substituted a reference to section twenty-five of the Prisons (Scotland) Act, 1952, and in subsection (3) the reference to sections thirty-nine to forty-two of the Prison Act, 1952, shall include a reference to section thirty of the Prisons (Scotland) Act, 1952.

(6) In section ninety-eight, the expression "chattel" means corporeal moveable.

(7) In subsection (5) of section one hundred and one, the expression "putative father" means the person proved or admitted to be the father.

(8) In subsection (2) of section one hundred and six, for the words from "and that officer" to the end of the subsection there shall be substituted the words "who shall report the matter to the procurator fiscal".

(9) In subsection (4) of section one hundred and nine, for the words from the beginning to "such proceedings" there shall be substituted the words "For the purposes of any proceedings under this section".

PART IV —*cont.*

Northern Ireland.

124.—(1) The provisions of this section shall have effect for the purposes of the application of this Act to Northern Ireland.

(2) In subsection (2) of section eighty, references to the Capital Punishment Amendment Act, 1868, to section seven of that Act, and to rules made under the said section seven, shall be construed as references to that Act and that section as in force from time to time in Northern Ireland, and to any rules under that section as so in force, and accordingly the reference to the sheriff shall be construed as a reference to the under-sheriff.

(3) In section eighty-two, in subsection (1), for the words " the Coroners Acts, 1887 to 1926 " there shall be substituted the words " section thirty-nine of the Prison Act (Northern Ireland), 1953, with any necessary modifications ", and in subsection (3) the reference to sections thirty-nine to forty-two of the Prison Act, 1952, shall include a reference to sections twenty-eight to thirty-six of the Prison Act (Northern Ireland), 1953.

(4) Subsection (3) of section one hundred shall not apply ; and all fines imposed in proceedings taken before a court of summary jurisdiction in Northern Ireland shall be dealt with in the manner provided by section twenty of the Administration of Justice Act (Northern Ireland), 1954.

(5) For the purposes of section one hundred and one the expression " maintenance order " shall include an order made under section one of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924.

(6) In subsection (4) of section one hundred and nine for the reference to the Magistrates' Courts Act, 1952, there shall be substituted a reference to the Summary Jurisdiction Acts (Northern Ireland) and the rules made thereunder.

Channel Islands and Isle of Man.

125.—(1) This Act shall apply to the Channel Islands and the Isle of Man in accordance with the following provisions of this section.

(2) Any reference in this Act to the United Kingdom (except the references in section eighty and in subsections (3) and (4) of section eighty-eight) shall be construed as including a reference to the Channel Islands and the Isle of Man.

(3) Subsection (5) of section one hundred and one shall have effect as if—

(*a*) the reference to the Maintenance Orders (Facilities for Enforcement) Act, 1920, included a reference to an Act of Tynwald entitled the Maintenance Orders (Facilities for Enforcement) Act, 1921, a law of the States of Jersey entitled the Maintenance Orders (Facilities for Enforcement) (Jersey) Law, 1953 and a law of the States of Guernsey entitled the Maintenance Orders (Facilities for Enforcement) (Guernsey) Law, 1955 ; and

PART IV —*cont.*

(*b*) the reference to an affiliation order within the meaning of the Affiliation Orders Act, 1914, included a reference to an order made under section three of an Act of Tynwald entitled the Bastardy Act Amendment Act, 1924, or under the laws of the States of Guernsey, entitled the Illegitimacy Laws, 1927 and 1955.

Colonies.

126.—(1) This section shall have effect for the purposes of the application of this Act to the colonies.

(2) Any reference in this Act to a constable shall be construed as or as including a reference to a person having the powers of a constable within a colony.

(3) Any reference in this Act to a court of summary jurisdiction, to a justice of the peace or to summary conviction shall be construed as a reference to a court exercising corresponding jurisdiction within a colony, to a judge or member of such a court or to conviction by such a court, as the case may be; and the reference in subsection (4) of section one hundred and nine of this Act to the Magistrates' Courts Act, 1952, shall be construed as a reference to any corresponding law of a colony.

(4) Any reference in this Act to a civil prison or to the governor of such a prison shall be construed as a reference to a prison or institution in which persons sentenced by a civil court in a colony may be confined, or to the governor, superintendent or other person in charge of such a prison or institution, as the case may be.

(5) In the application to a colony of any enactment contained in Part III of this Act providing for the imposition of a fine there shall, if the law of the colony so provides, be substituted for the fine specified in that enactment such higher or lower fine as may be provided by that law; and it shall be competent for the law of any colony to declare what amount of the local currency is to be treated as equivalent to the amount of money specified in any such enactment.

Protectorates, protected states, trust territories and federated territories.

127.—(1) This Act shall apply in relation to any of the following, that is to say—

(*a*) any territory under Her Majesty's protection;

(*b*) any territory for the time being administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations;

(*c*) any country or territory consisting of two or more of any of the following units, namely colonies, territories under Her Majesty's protection or territories administered as aforesaid,

as it applies in relation to a colony; and references in this Act to Her Majesty's dominions shall be construed as including references to any such territory as is described in paragraph (*a*) or paragraph (*b*) of this subsection.

(2) Any reference in this Act to the law of a colony shall include, in relation to any two or more units described in paragraph (*c*) of subsection (1) of this section which are under a central legislature, references to law made by that legislature.

(3) Without prejudice to the foregoing provisions of this section, references in this Act to Her Majesty's forces or to the armed forces of the Crown (other than references to Her Majesty's naval forces) shall include references to the armed forces of the Federation of Malaya, and references in this Act to Her Majesty's service or to the service or naval service of Her Majesty shall include references to the service or naval service of that Federation.

Republic of Ireland.

128. Notwithstanding anything in the Ireland Act, 1949, this Act shall apply in relation to the Republic of Ireland as it applies in relation to a foreign country, and not as it applies in relation to any part of Her Majesty's dominions.

Miscellaneous provisions

Jurisdiction of civil courts.

129.—(1) Where a person subject to this Act is acquitted or convicted of an offence on trial by a court-martial or disciplinary court, or on summary trial under section forty-nine of this Act, a civil court shall be debarred from trying him subsequently for the same offence; but except as aforesaid nothing in this Act shall be construed as restricting the jurisdiction of any civil court to try a person subject to this Act for any offence.

(2) Where a person subject to this Act is acquitted or convicted of an offence on trial by a civil court, he shall not subsequently be tried under this Act for the same offence; and no person so convicted shall, by reason of the conviction or the offence, be subjected to any loss or forfeiture of seniority or of rate, of privilege in respect of leave, or of pay or service (other than pay and service in respect of time spent in civil custody pending trial, or while attending his trial, or while serving any sentence of imprisonment, corrective training, preventive detention, detention in a Borstal institution or other detention awarded by the civil court):

Provided that nothing in this subsection shall affect the power to discharge any person from Her Majesty's service as a person whose services are no longer required; and notwithstanding anything in this subsection a rating who would otherwise be so discharged may, on his own application, be reverted in lieu of being so discharged.

Redress of complaints.

130.—(1) If any person subject to this Act thinks that he has suffered any personal oppression, injustice or other ill-treatment, he may make a complaint in accordance with the procedure laid down in Queen's Regulations and Admiralty Instructions;

PART IV —*cont.*

and, if the complainant is not satisfied with the decision of the authority to whom his complaint is made as aforesaid, and that authority neglects or refuses, when requested so to do, to forward the complaint to the next superior authority, the complainant shall be entitled to make a complaint direct to the next superior authority, and so on.

(2) It shall be the duty of any authority receiving a complaint under this section to have it investigated as soon as practicable and to take any steps for redressing the matter complained of which appear to that authority to be necessary.

Ships under convoy.

131.—(1) It is the duty of the master or other person for the time being in command of any vessel comprised in a convoy under the command of an officer of Her Majesty's naval forces, or of any person appointed in that behalf with the authority of the Admiralty, to obey, in all matters relating to the navigation or security of the convoy, any directions which may be given—

(*a*) where the convoy is escorted by any of Her Majesty's ships or vessels, by the commanding officer of any such ship or vessel;

(*b*) in any case, by the said officer or other person in command of the convoy,

and to take such precautions for avoiding the enemy as may be required by any such directions.

(2) If any such directions are not obeyed, any such commanding officer, or the said officer or other person in command of the convoy, may compel obedience by force of arms, and neither he nor any person acting under his orders shall be liable for any injury or loss of life or any damage to or loss of property resulting therefrom.

Interpretation

Definitions of Her Majesty's ships, forces, etc.

132.—(1) In this Act "Her Majesty's ships" means commissioned ships flying the white ensign, and "Her Majesty's vessels" means ships and vessels, other than Her Majesty's ships, engaged in the naval service of Her Majesty, whether belonging to Her Majesty or not; but "Her Majesty's ships" and "Her Majesty's vessels" do not include ships or vessels of a Commonwealth country or maintained by a colony, other than ships or vessels placed at the disposal of the Admiralty or placed at the disposal of Her Majesty for general service in the Royal Navy.

(2) In this Act "Her Majesty's naval establishments" means establishments belonging to or under the control of the Admiralty, whether within or without Her Majesty's dominions.

PART IV —*cont.*

(3) Where persons subject to this Act are appointed or drafted to one of Her Majesty's ships or naval establishments for duty in any or any other of Her Majesty's ships, vessels or naval establishments, those persons shall be treated for the purposes of this Act as belonging to the ship or establishment to which they are appointed or drafted.

(4) In this Act " Her Majesty's aircraft " means aircraft in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include aircraft belonging to a Commonwealth country or to any colony other than aircraft placed at the disposal of the Admiralty or placed at the disposal of Her Majesty for general service in the Royal Navy

(5) In this Act " Her Majesty's naval forces " means the Royal Navy, the naval reserve forces (as defined by this section) and such of the marine forces, and of the naval forces of a Commonwealth country or raised under the law of any colony, as are for the time being subject to this Act.

(6) In this Act " Her Majesty's military forces " and " Her Majesty's air forces " include forces raised under the law of a colony but do not include the forces of any Commonwealth country.

(7) In this Act " the marine forces " means the Royal Marines, the Royal Marine Forces Volunteer Reserve, the Royal Fleet Reserve so far as it consists of non-commissioned officers and marines, the Royal Marine Emergency Reserve, and the Royal Naval Special Reserve so far as it consists of persons entered for service in the Royal Marines.

(8) In this Act " naval reserve forces " means the Royal Naval Reserve (including officers of reserve to the Royal Navy and including the Royal Fleet Reserve except so far as it consists of non-commissioned officers and marines), the Royal Naval Volunteer Reserve, the Royal Naval Volunteer (Supplementary) Reserve, the Royal Naval Emergency Reserve and the Royal Naval Special Reserve except so far as it consists of persons entered for service in the Royal Marines.

Definitions of officer, rating and superior officer.

133.—(1) In this Act " officer ", in relation to any of Her Majesty's naval forces, means a person of or above the rank of cadet, and in relation to any other forces means an officer of rank corresponding to the said rank or any superior rank.

(2) In this Act " rating " means a member of Her Majesty's naval forces of or below the rate of chief petty officer ; and any reference in this Act to a rating, or to a rating of any particular rate, shall include a reference to a warrant officer, non-commissioned officer, marine, soldier or airman who is subject to this Act, or to any such warrant officer or non-commissioned officer of rank corresponding with that rate, as the case may be.

PART IV —*cont.*

(3) In this Act " superior officer ", in relation to any person means an officer or a rating not below the rate of petty officer, who is of rank or rate higher than that person, or senior to that person in the same rank or rate.

(4) Any reference in this Act to a specific rank or rate in Her Majesty's naval forces includes a reference to any other rank or rate in those forces which is equivalent to that rank or rate.

(5) In this Act " corresponding rank " in relation to any rank or rate in any of Her Majesty's naval, military or air forces, means such rank or rate in any other of those forces as may be declared by Queen's Regulations and Admiralty Instructions for the time being in force to correspond therewith.

Definition of active service.

134. For the purposes of this Act a force shall be deemed to be on active service when engaged in operations against an enemy, when situated in an area in which such operations are taking place, or when landed in any foreign country for the protection of life or property, and a person shall be deemed to be on active service when serving in or with a force which is on active service.

General interpretation.

135.—(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 Naval Prize Act, 1864;

PART IV —*cont.*

"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:

"Commonwealth country" means Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan, Ceylon or Ghana;

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

"court-martial" means a court-martial under this Act;

"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, 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 and includes the British Resident, Zanzibar, 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;

"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 the Admiralty under subsection (1) of section eighty-two of this Act;

"prize court" means a prize court within the meaning of the Naval Prize Act, 1864;

PART IV —*cont.*

" 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 ;

" 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 Army Act, 1955, or the 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 ;

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

" ship papers " has the meaning assigned to it by the Naval Prize Act, 1864 ;

" steals " has the same meaning as in the Larceny Act, 1916 ;

(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.

(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.

Supplemental

Minor amendments.

136. The enactments specified in the Fifth Schedule to this Act shall have effect subject to the amendments set out in the second column of that Schedule.

Repeals and transitional provisions.

137.—(1) The enactments described in the Sixth Schedule to this Act (being enactments superseded by this Act and other obsolete enactments relating to the navy) are hereby repealed to the extent specified in the third column of that Schedule.

(2) Without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) any reference in any enactment to the Naval Discipline Act or to any provision of that Act shall be construed as, or as including, a reference to this Act or the corresponding provision of this Act.

(3) The transitional provisions contained in the Seventh Schedule to this Act shall have effect in connection with the repeal of the Naval Discipline Act.

Savings.

138.—(1) Nothing in this Act shall take away, abridge or prejudicially affect any right, power or prerogative of Her Majesty in right of Her Crown or in right of Her Office of Admiralty.

(2) The provisions of this Act specifying the classes of persons who are subject thereto shall not affect the application of this Act to any person to whom it applies by virtue of the Coastguard Act, 1925.

Short title and commencement.

139.—(1) This Act may be cited as the Naval Discipline Act, 1957.

(2) This Act shall come into force on such date as Her Majesty may by Order in Council appoint.

SCHEDULES

Section 112.

FIRST SCHEDULE

APPLICATION OF ACT TO MARINE FORCES

1. For paragraph (*k*) of subsection (1) of section forty-three of this Act there shall be substituted the following paragraph :—

"(*k*) reduction to the ranks or any less reduction in rank".

2. Subsection (7) of section forty-four of this Act shall not apply and for any other reference in that section to disrating there shall be substituted a reference to reduction to the ranks.

3. Notwithstanding anything in section two hundred and one of the Army Act, 1955, a sentence of reduction to the ranks or any less reduction in rank may be awarded in the case of an offender tried under section forty-nine of this Act.

4. In subsection (2) of section fifty-two of this Act, for the words "after he ceased to be subject thereto" there shall be substituted the words "next after the earliest date on which he is no longer subject to service law".

Section 113.

SECOND SCHEDULE

APPLICATION OF ACT TO ATTACHED MILITARY AND AIR FORCES

1. Throughout Part I of this Act, for any reference to dismissal with disgrace from Her Majesty's service there shall be substituted a reference—

(*a*) in the case of an officer, to cashiering ;

(*b*) in any other case, to discharge with ignominy from Her Majesty's service.

2. For paragraph (*g*) of subsection (1) of section forty-three of this Act, there shall be substituted the following paragraph :—

"(*g*) forfeiture, in such manner as may be prescribed by regulations made by the Admiralty, of seniority of rank ;"

and for the purpose of this paragraph "seniority of rank", in relation to an officer of the regular forces, means seniority of rank either in the army or in the corps to which the offender belongs, or in both.

3. For paragraph (*k*) of the said subsection (1) there shall be substituted the following paragraph :—

"(*k*) reduction to the ranks or any less reduction in rank ;".

4. Paragraph (*i*) of the said subsection (1) and subsection (6) of section forty-four of this Act shall not apply.

5. Subsection (7) of section forty-four of this Act shall not apply, and for any other reference in that section to disrating there shall be substituted a reference to reduction to the ranks.

6. Notwithstanding anything in section two hundred and one of the Army Act, 1955, or the Air Force Act, 1955, a sentence of reduction to the ranks or any less reduction in rank may be awarded in the case of an offender tried under section forty-nine of this Act.

2ND SCH. —*cont.*

7. In subsection (1) of section fifty, the reference to an officer of Her Majesty's naval forces below the rank of commander shall be construed as a reference to an officer of the regular forces or the regular air force of corresponding rank; and in relation to the trial of such an officer subsection (3) of that section shall have effect as if the reference to officers of Her Majesty's naval forces included a reference to officers of the regular forces or of the regular air force, as the case may be.

8. In relation to the trial of a member of the regular forces or of the regular air force, section fifty-four shall have effect:—

(*a*) as if the officers described in subsection (1) included officers of those forces or of that force, as the case may be;

(*b*) as if any other reference in that section to a specified naval rank included a reference to the corresponding military or air-force rank.

9. In subsection (2) of section fifty-two of this Act, for the words "after he ceased to be subject thereto" there shall be substituted the words "next after the earliest date on which he is no longer subject to service law".

10. Any reference in this Act to the uniform of any of Her Majesty's naval forces, or to illegal absence from any of those forces, shall be construed as a reference to the uniform of, or to illegal absence from, any of the regular forces, or the regular air force, as the case may be.

11. In sections seventy to seventy-two of this Act, in their application to any finding or sentence made or awarded on summary trial under section forty-nine of this Act, and in section ninety-two of this Act, any reference to the Admiralty shall be construed—

(*a*) in relation to a member of the regular forces, as a reference to the Admiralty or the Army Council;

(*b*) in relation to a member of the regular air force, as a reference to the Admiralty or the Air Council.

THIRD SCHEDULE

Section 118.

CIVILIANS SUBJECT TO THIS ACT OUTSIDE HER MAJESTY'S DOMINIONS

1. Persons serving Her Majesty, or otherwise employed, in such capacities connected with Her Majesty's naval, military or air forces as may be specified for the purposes of this Schedule by regulations made by the Admiralty, being persons serving or employed under Her Majesty's government in the United Kingdom.

2. Persons who are employed by, or in the service of, any naval, military or air force organisation so specified to which Her Majesty's government in the United Kingdom is a party and are employed by or in the service of that organisation by reason of that government being a party thereto.

3. Persons belonging to or employed by any other organisation so specified which operates in connection with Her Majesty's naval, military or air forces

3RD SCH. —*cont.*

4. Persons who, for the purposes of their profession or employment, are attached to or accompany any of Her Majesty's naval, military or air forces in pursuance of an authorisation granted by or on behalf of the Admiralty, the Army Council or the Air Council.

5. Persons forming part of the family of members of any of Her Majesty's naval, military or air forces and residing with them or about to reside or departing after residing with them.

6. Persons forming part of the family of persons falling within paragraphs 1 to 4 of this Schedule and residing with them or about to reside or departing after residing with them.

7. Persons employed by members of any of Her Majesty's naval, military or air forces.

8. Persons employed by persons falling within paragraphs 1 to 6 of this Schedule.

9. Persons forming part of the family of persons falling within paragraph 7 or paragraph 8 of this Schedule and residing with them or about to reside or departing after residing with them.

Section 118.

FOURTH SCHEDULE

APPLICATION OF ACT TO CERTAIN CIVILIANS

1. In the application of any enactment contained in Part I of this Act to a person to whom it applies by virtue of section one hundred and eighteen of this Act—

(*a*) for any reference to dismissal with disgrace from Her Majesty's service there shall be substituted a reference to imprisonment for a term not exceeding two years; and

(*b*) for any reference to dismissal from Her Majesty's service (not being dismissal with disgrace) there shall be substituted a reference to a fine,

and paragraphs (*f*) to (*m*) of subsection (1) of section forty-three shall not apply.

2. In section thirty-nine of this Act, in its application to any such person, after the words "naval discipline" there shall be inserted the words "or contravenes or fails to comply with any provision of standing orders or of other routine orders of a continuing nature made for any ship or naval establishment, being a provision known to him or which he might reasonably be expected to know".

3. Any person found committing an offence for which he is liable to be tried by virtue of the said section one hundred and eighteen, or alleged to have committed or reasonably suspected of having committed such an offence, may be arrested by a provost officer, by any

officer or person legally exercising authority under a provost officer or on his behalf, or by or on the orders of any officer subject to this Act; and subsection (3) of section forty-five of this Act shall apply to the powers of arrest conferred by this paragraph as it applies to the powers conferred by that section.

4. In relation to a person liable to be tried as aforesaid, section forty-nine of this Act shall apply as it applies in relation to a rating, but subject to the following modifications:—

(*a*) the officer empowered to try and punish an offence in accordance with the said section forty-nine shall be such officer as may be determined by or under regulations made by the Admiralty for the purposes of this paragraph, and subsections (4) and (5) of that section shall not apply;

(*b*) the punishment which may be awarded under that section shall in the case of any offence be a fine not exceeding ten pounds, and no other punishment shall be so awarded.

FIFTH SCHEDULE

Section 136.

MINOR AMENDMENTS

Enactment	*Amendment*
The Naval Enlistment Act, 1853, 16 & 17 Vict. c. 69.	In section sixteen for the words "deemed to be a rogue and vagabond" to the end of the section there shall be substituted the words "liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds".
The Courts-Martial (Appeals) Act, 1951, 14 & 15 Geo. 6. c. 46.	In section six, in subsection (4) for the words "section sixty-eight of the Naval Discipline Act" there shall be substituted the words "section sixty-three of the Naval Discipline Act, 1957".
	In section seventeen, after the word "Rules" there shall be inserted the words "or regulations made", and for paragraph (*a*) there shall be substituted the following paragraph:— "(*a*) section seventy-nine or section eighty-two of the Naval Discipline Act, 1957;".

5TH SCH. —*cont.*

Enactment	*Amendment*
The Army Act, 1955, 2 & 3 Eliz. 2. c. 18.	In section fifty-seven, in subsection (3), after the word " court-martial " in the second place where it occurs there shall be inserted the words " or disciplinary court ", and after the words " the Naval Discipline Act " there shall be inserted the words " and to a court-martial held in pursuance of ".
	In section seventy-four, in subsection (4), the words " petty officer or " shall be omitted and, after the words " non-commissioned officer ", in the first place where those words occur, there shall be inserted the words " or rating ".
	In the Seventh Schedule, in paragraph 12 for the words " good conduct badges " there shall be substituted the words " good conduct medal or good conduct badges or both "; and after paragraph 12 there shall be inserted the following paragraph:— " 12A. Section seventy-eight shall have effect as if in subsection (3) the following paragraph were inserted after paragraph (*d*):— '(dd) forfeiture of good conduct medal or good conduct badges or both'. "
The Air Force Act, 1955, 3 & 4 Eliz. 2. c. 19.	In section fifty-seven, in subsection (3), after the word " court-martial " in the second place where it occurs there shall be inserted the words " or disciplinary court " and after the words " the Naval Discipline Act " there shall be inserted the words " and to a court-martial held in pursuance of ".
	In section seventy-four, in subsection (4), the words " petty officer or " shall be omitted and, after the words " non-commissioned officer ", in the first place where those words occur, there shall be inserted the words " or rating ".

SIXTH SCHEDULE

Section 137.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
59 Geo. 3. c. 25	The Freight for Treasure Act, 1819.	The whole Act.
5 & 6 Will. 4. c. 24.	The Naval Enlistment Act, 1835.	In section one, the words from " Provided also ", in the first place where those words occur, to " forces by sea ". Sections two and three.
10 & 11 Vict. c. 62.	The Naval Deserters Act, 1847.	The whole Act.
16 & 17 Vict. c. 69.	The Naval Enlistment Act, 1853.	In section twelve, the words from " or of aiding " to " vessel ".
16 & 17 Vict. c. 73.	The Naval Volunteers Act, 1853.	Sections twenty-one to twenty-four.
22 & 23 Vict. c. 40.	The Royal Naval Reserve (Volunteer) Act, 1859.	Sections eleven and twelve. In section fifteen the words from the beginning to " while in actual service; and ", and the words from " Provided that " to the end of the section. Sections nineteen to twenty-two.
26 & 27 Vict. c. 69.	The Officers of Royal Naval Reserve Act, 1863.	In section two the words from " and shall " to the end of the section.
29 & 30 Vict. c. 109.	The Naval Discipline Act.	The whole Act.
47 & 48 Vict. c. 39.	The Naval Discipline Act, 1884.	The whole Act.
59 & 60 Vict. c. 33.	The Royal Naval Reserve Volunteer Act, 1896.	Section two.
9 Edw. 7. c. 41.	The Naval Discipline Act, 1909.	The whole Act.
1 & 2 Geo. 5. c. 47.	The Naval Discipline (Dominion Naval Forces) Act, 1911.	The whole Act.
4 & 5 Geo. 5. c. 89.	The Navy (Pledging of Certificates, etc.) Act, 1914.	The whole Act.
5 & 6 Geo. 5. c. 30.	The Naval Discipline Act, 1915.	The whole Act.
5 & 6 Geo. 5. c. 73.	The Naval Discipline (No. 2) Act, 1915.	The whole Act.
7 & 8 Geo. 5. c. 34.	The Naval Discipline Act, 1917.	The whole Act.
7 & 8 Geo. 5. c. 51.	The Air Force (Constitution) Act, 1917.	Section seven and the First Schedule.
12 & 13 Geo. 5. c. 37.	The Naval Discipline Act, 1922.	The whole Act.
15 & 16 Geo. 5. c. 88.	The Coastguard Act, 1925.	In section two the words from " and be " to " commission ".

6TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
21 & 22 Geo. 5. c. 9.	The Colonial Naval Defence Act, 1931.	In section two, in subsection (2) the words from " and while " to the end of paragraph (*c*). In section four, subsection (4).
1 & 2 Geo. 6. c. 64.	The Naval Discipline (Amendment) Act, 1938.	The whole Act.
4 & 5 Geo. 6. c. 29.	The Naval Discipline (Amendment) Act, 1941.	The whole Act.
10 & 11 Geo. 6. c. 24.	The Naval Forces (Enforcement of Maintenance Liabilities) Act, 1947.	In section one, subsection (4).
10 & 11 Geo. 6. c. 30.	The Indian Independence Act, 1947.	Section thirteen.
11 & 12 Geo. 6. c. 10.	The Emergency Laws (Miscellaneous Provisions) Act, 1947.	In the Second Schedule, paragraph 3.
11 & 12 Geo. 6. c. 64.	The National Service Act, 1948.	In section twenty-six, paragraph (*b*) of subsection (2), and subsection (3).
14 & 15 Geo. 6. c. 46.	The Courts-Martial (Appeals) Act, 1951.	In section twenty-four, in subsection (1), in the definition of " naval court-martial ", the words " constituted under section fifty-seven A of that Act ".
3 & 4 Eliz. 2. c. 20.	The Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955.	In the Second Schedule, paragraph 1, sub-paragraph (3) of paragraph 6, and paragraph 7.
5 & 6 Eliz. 2. c. 6.	The Ghana Independence Act, 1957.	In section four, in subsection (2), the words " and in section eighty-six of the Naval Discipline Act as amended by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955 ".
5 & 6 Eliz. 2. c. 11.	The Homicide Act, 1957	In section eight, subsection (2). In section nine, in subsection (2), the words " and the first paragraph of section forty-five of the Naval Discipline Act ".

Section 137.

SEVENTH SCHEDULE

TRANSITIONAL PROVISIONS

1. In relation to an offence against any section in Part I or Part II of the Naval Discipline Act, the provisions of sections forty-three and forty-four of this Act and of Part II of this Act and any orders and regulations made under those provisions shall, so far as applicable, apply as if the said section had been contained in Part I of this Act and this Act had been in force when the offence was committed, and as if any finding or punishment having effect before the

date of the commencement of this Act, and anything done before that date by virtue of or in relation to such a finding or sentence, had been come to, awarded or done under this Act:

Provided that nothing in this paragraph shall render an offence capable of being tried under this Act, if by reason of the time or place of the commission of the offence it could not have been so tried or dealt with under the Naval Discipline Act; and no greater punishment shall be imposed in respect of an offence committed before the said date than could have been imposed under the law in force when it was committed.

2. Notwithstanding anything in paragraph 1 of this Schedule, where any proceedings for such an offence as aforesaid have been begun before the date of the commencement of this Act, any step in the proceedings taken after that date shall be deemed to be validly taken if taken in accordance with the Naval Discipline Act and the orders and regulations made thereunder.

3. Notwithstanding anything in paragraph 1 of this schedule, the provisions of the Naval Discipline Act with respect to the constitution of a court-martial and the summoning of witnesses thereto shall apply in relation to a court-martial ordered before the commencement of this Act as if this Act had not been enacted.

4. Where after the date of the commencement of this Act a person is alleged—

(*a*) to have committed an offence continuing over a period beginning before that date and ending thereon or thereafter; or

(*b*) to have committed an offence between two dates falling within such a period,

and the offence would be an offence against this Act if this Act had been in force at all material times, he may be proceeded against as if this Act had so been in force.

5. Any commission issued before the date of commencement of this Act which authorises the ordering of courts-martial shall, if in force immediately before that date, continue in force thereafter as if issued under this Act, and may be varied or revoked accordingly.

6. Any Order in Council, general orders or regulations made under any enactment of the Naval Discipline Act specified in the first column of the following Table which is in force at the commencement of this Act shall continue in force and have effect as if made under and for the purposes of the enactment of this Act specified in relation thereto in the second column of the said Table and may be varied or revoked accordingly.

TABLE

Naval Discipline Act	*This Act*
Sections 22 and 23	Section 17 (1).
Section 56 (2)	Section 49.
Section 57A (4)	Section 50.
Section 65	Section 58.
Section 74A	The corresponding provision of section 90, 91 or 92.
Section 81 (2)	Section 82.
Section 89	Section 117.

7TH SCH. —*cont.*

7. In so far as general orders under subsection (4) of section 57A of the Naval Discipline Act apply to disciplinary courts any provisions of that Act, those orders shall continue in force and have effect as aforesaid as if they applied the corresponding provisions of this Act.

Table of Statutes referred to in this Act

Short title	Session and chapter
Naval Enlistment Act, 1853	16 & 17 Vict. c. 69.
Naval Volunteers Act, 1853	16 & 17 Vict. c. 73.
Naval Prize Act, 1864	27 & 28 Vict. c. 25.
Naval Discipline Act	29 & 30 Vict. c. 109.
Capital Punishment Amendment Act, 1868	31 & 32 Vict. c. 24.
Bankers' Books Evidence Act, 1879	42 & 43 Vict. c. 11.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Affiliation Orders Act, 1914	4 & 5 Geo. 5. c. 6.
Naval Billeting &c. Act, 1914	4 & 5 Geo. 5. c. 70.
Larceny Act, 1916	6 & 7 Geo. 5. c. 50.
Maintenance Orders (Facilities for Enforcement) Act, 1920	10 & 11 Geo. 5. c. 33.
Coastguard Act, 1925	15 & 16 Geo. 5. c. 88.
Colonial Naval Defence Act, 1931	21 & 22 Geo. 5. c. 9.
Visiting Forces (British Commonwealth) Act, 1933	23 & 24 Geo. 5. c. 6.
Ireland Act, 1949	12, 13 & 14 Geo. 6. c. 41.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Courts Martial (Appeals) Act, 1951	14 & 15 Geo. 6. c. 46.
Prison Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Prisons (Scotland) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Homicide Act, 1957	5 & 6 Eliz. 2. c. 11.

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