EXPLANATORY NOTE

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

Section 1 of the Criminal Justice Act, 1948, abolishes *inter alia* penal servitude and hard labour and makes provision as to the interpretation of enactments conferring powers on civil courts to pass such sentences. This Section is to be brought into force by Order in Council on 18th April, 1949. Section 2 of the same Act abolishes the sentence of whipping. This Section was brought into force by Order in Council on 13th September, 1948. By Section 73 (which was brought into force by Order in Council on 14th March, 1949) the provisions of the above-mentioned Sections may be applied by Order in Council to courts-martial under the Naval Discipline Act and such an Order may adapt and modify the Naval Discipline Act as necessary or expedient. It may also specify the date on which any such adaptations or modifications shall come into force. The schedule to the present Order contains the adaptations and modifications to the Naval Discipline Act which it is considered should be made.

The Naval Discipline (Land and Air Forces in His Majesty's Ships) Order, 1949

1949 No. 1843

Made - - - - 29th September, 1949

At the Court at Buckingham Palace, the 29th day of September, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 7th day of September, 1949, (N.L. 1173/48) in the words following, viz.:—

"Whereas by Section 88 of the Naval Discipline Act it is enacted that Your Majesty's land and air forces when embarked on board any of Your Majesty's ships shall be subject to the provisions of that Act to such extent and under such regulations as Your Majesty by Order in Council shall direct:

"And Whereas Your Majesty was graciously pleased by Your Order in Council of 13th July, 1942(a) to direct that the regulations and tables of summary punishments previously established by the Orders in Council therein recited should cease to have effect and that there should be substituted therefor the regulations and tables of summary punishments set out therein:

"And Whereas Your Majesty was graciously pleased by Your Order in Council of 20th January, 1944(b) to amend the tables of summary punishments appended to the said Order in Council of 13th July, 1942, so that they might accord more closely with the practice and procedure with regard to the summary punishments which might be awarded to aircraftmen in Your Majesty's air forces:

(a) S.R. & O. 1942 (No. 1428) I, p. 675. (b) S.R. & O. 1944 (No. 95) I, p. 534.

"And Whereas Your Majesty was graciously pleased by Your Order in Council of 29th March, 1949(a) made under Section 73 of the Criminal Justice Act, 1948(b) to apply sections 1 and 2 of that Act to Courts Martial under the Naval Discipline Act and accordingly to modify the Naval Discipline Act with such effect that (inter alia) the punishment of imprisonment with hard labour may no longer be awarded and it is desirable to amend the said tables of summary punishments accordingly:

"And Whereas it is desirable further to amend the said tables so that they may accord more closely with the practice and procedure with regard to the summary punishments which may be awarded to ratings in Your Majesty's naval forces:

"And Whereas by Section 1 of the Army and Air Force (Women's Services) Act, 1948(c) it is enacted that the power to raise and maintain land and air forces vested in Your Majesty by statute or by virtue of the prerogative of the Crown shall include power to raise and maintain forces consisting of or including women and it is desirable to amend the said Order in Council of 13th July, 1942, in that connection:

"And Whereas it is desirable further to amend the said Order in Council of 13th July, 1942, to provide that, in the absence of a commissioned officer of the land or air forces on board, the Captain of the ship shall possess and may exercise in regard to soldiers or airmen power to award any of the summary punishments set out in the said tables:

"And Whereas the Army Council and Air Council have signified to us their concurrence in the following proposals:

"We beg leave humbly to recommend that Your Majesty may be graciously pleased by Your Order in Council to direct as follows:

"1. For the tables of summary punishments appended to Your Order in Council of 13th July, 1942, there shall be substituted the tables of summary punishments appended hereto.

"2. The provisions of Your Order in Council of 13th July, 1942, as amended by Your present Order in Council shall apply to women members of Your Majesty's land and air forces as they apply to male members of the said forces, provided that nothing therein shall authorise the award to a woman member of Your Majesty's land forces or a woman member of Your Majesty's air forces of any punishment which could not be awarded to her under the Army Act or Air Force Act respectively.

"3. Your Order in Council of 13th July, 1942, shall have effect as if for article 7 there were substituted the following article:

'7. When any soldiers or airmen of Your Majesty's land or air forces are embarked as passengers in any of Your Majesty's ships, and there is no commissioned officer of the land or air forces on board, the Captain of the ship shall possess and may exercise the power to award to any such soldiers or airmen the summary punishments referred to in Article 6 and the other summary punishments specified in the tables appended hereto, without conferring with or obtaining the concurrence or signature of any officer of Your Majesty's land or air forces:

On the disembarkation of such men the Captain is to furnish the military or air force authority at the place of disembarkation with a return of the punishments awarded by him.'

(a) S.I. 1949 No. 597, p. 2886 above. (b) 11 & 12 Geo. 6. c. 58.
(c) 11 & 12 Geo. 6. c. 21.

"SCHEDULE

"TABLE OF SUMMARY PUNISHMENTS TO BE AWARDED TO PRIVATE SOLDIERS WHEN EMBARKED IN HIS MAJESTY'S SHIPS

No. of Troop Punishments	Summary Punishments authorised for Private Soldiers	By whom to be awarded	If Warrant required	Military equivalent	Remarks
1	Imprisonment (not to exceed 42 days).	Captain	Yes	Imprisonment, day for day.	The offender loses a badge for any imprisonment or detention.
2	Detention (not to exceed 42 days).	Do.	Yes	Detention, day for day.	
3	Confinement in a cell (not to exceed 14 days).	Do.	Yes		
4	Stoppages in conformity with Army Act, S. 138 (3) and Army Act, S. 138 (4) in cases referred by Officer Commanding the Troops.	Do.	Yes	Conviction by Court-Martial.	Loss of a badge.
5	Stoppages in conformity with Army Act, S. 138 (4).	Officer Commanding the Troops.	No	Regimental entry if a summary punishment equivalent to more than 7 days' Confinement to Barracks is awarded in addition to Stoppages, otherwise a Company entry.	Loss of a badge if a Regimental entry.
6	Field Punishment (not to exceed 28 days).	Do. (subject to approval of Captain).	No	Regimental entry	On active service only.
7	Forfeiture of all ordinary pay (not to exceed 28 days) in conformity with Army Act, S. 46 (2) (*d*).	Do. (subject to approval of Captain).	No	Regimental entry	On active service only.

	No. of Troop Punishments	Summary Punishments authorised for Private Soldiers	By whom to be awarded	If Warrant required	Military equivalent	Remarks
Minor Summary Punishments	8	Extra work and drill (not to exceed 14 days).	Officer Commanding the Troops.	No	Regimental entry if punishment exceeds 7 days, otherwise a Company entry.	—
	9	Extra work or drill not exceeding two hours a day (not to exceed 7 days).	Do.	No	Company entry	—
	10	Fines for drunkenness as provided for in King's Regulations for the Army	Do.	No	Regimental entry	May be combined with Nos. 8 and 9.
	11	Extra Guards for slackness, inattention on Guard, as in King's Regulations for the Army.	Do.	No	Company entry	—

NOTE.—A private soldier may be admonished and a non-commissioned officer admonished, reprimanded, or severely reprimanded by the Officer Commanding the Troops.

"TABLE OF SUMMARY PUNISHMENTS TO BE AWARDED TO AIRCRAFTMEN WHEN EMBARKED AS PASSENGERS IN HIS MAJESTY'S SHIPS

No. of Air Force Punishments	Summary Punishments authorised for Aircraftmen	By whom to be awarded	If Warrant required	Consequences to the Aircraftman	Remarks
1	Imprisonment (not to exceed 42 days).	Captain	Yes	1. Deprivation of all G.C. Badges (para. 1180 of K.R. & A.C.I.). 2. Forfeiture of all ordinary pay for the period of the award (para. 3470 of K.R. & A.C.I.). 3. Loss of time towards the award or restoration of G.C. Badges (paras. 1177 and 1181 of K.R. & A.C.I.).	— — —

No. of Air Force Punishments	Summary Punishments authorised for Aircraftmen	By whom to be awarded	If Warrant required	Consequences to the Aircraftman	Remarks
1	Imprisonment (not to exceed 42 days)—*cont.*	Captain	Yes	4. Affects assessment of character (para. 2140 of K.R. & A.C.I.). 5. Entails entry in Service Conduct Sheet (para. 2153 of K.R. & A.C.I.).	— —
2	Detention (not to exceed 42 days).	Do.	Yes	1, 2, 3, 4 and 5 as above.	—
3	Confinement in a cell (not to exceed 14 days).	Do.	Yes	1, 2, 3, 4 and 5 as above.	Is equivalent to detention awarded under the Air Force Act day for day.
3A	Deprivation of one or more G.C. Badges.	Do.	Yes	5 as above ...	—
4	Stoppages in conformity with Air Force Act, S. 138 (3) and Air Force Act, S. 138 (4) in cases referred by Commanding Officer of the body of the Air Force.	Do.	Yes	S. 138 (3) A.F.A. Service Conduct Sheet entry. S. 138 (4) A.F.A. Service Conduct Sheet entry if awarded conjointly with a summary or minor punishment which itself entails a Service Conduct Sheet entry, otherwise General Conduct Sheet entry (paras. 2153 and 2154 of K.R. & A.C.I.).	—
5	Stoppages in conformity with Air Force Act, S. 138 (4).	Commanding Officer of the body of the Air Force.	No	3 as above if a Service Conduct Sheet entry.	—

	No. of Air Force Punishments	Summary Punishments authorised for Aircraftmen	By whom to be awarded	If Warrant required	Consequences to the Aircraftman	Remarks
	6	Field Punishment (not to exceed 28 days).	Commanding Officer of the body of the Air Force (subject to approval of Captain).	No	1, 2, 3, 4 and 5 as above.	On active service only.
	7	Forfeiture of all ordinary pay (not to exceed 28 days) in conformity with Air Force Act, S. 46 (2) (*d*).	Do.. (subject to approval of Captain).	No	Deprivation of one or more G.C. Badges, 3 and 5 as above.	The award of forfeiture of pay in conformity with S. 46 (2) (*e*) Air Force Act, i.e. up to 14 days when not on active service, is restricted by K.R. & A.C.I. to aircraftwomen.
Minor Summary Punishments	8	Extra work and drill (not to exceed 14 days).	Commanding Officer of the body of the Air Force.	No	If exceeding 7 days entails Service Conduct Sheet entry and therefore forfeiture of 3 months' time for G.C. Badges (paras. 1177 and 2153 of K.R. & A.C.I.). If 7 days or less entails General Conduct Sheet entry.	Is equivalent day for day to the award of confinement to camp under the Air Force Act.
	9	Extra work or drill not exceeding two hours a day (not to exceed 7 days).	Do.	No	Entails General Conduct Sheet entry.	Is equivalent day for day to the award of confinement to camp under the Air Force Act.

	No. of Air Force Punishments	Summary Punishments authorised for Aircraftmen	By whom to be awarded	If Warrant required	Consequences to the Aircraftman	Remarks
Minor Summary Punishments	10	Fines for drunkenness as provided for in para. 1152 of K.R. and A.C.I.	Commanding Officer of the body of the Air Force.	No	Entails Service Conduct Sheet entry and therefore forfeiture of 3 months' time for G.C. Badges (para. 1177 of K.R. & A.C.I.).	May be combined with Nos. 8 and 9. Every instance of drunkenness is a Service Conduct Sheet entry (para. 2153, K.R. and A.C.I.).
	11	Extra Guards for slackness, inattention on Guard, as in King's Regulations for the Air Force.	Do.	No	Entails entry on General Conduct Sheet.	—

NOTE.—The Officer Commanding a body of the Air Force may award a reprimand or severe reprimand to a non-commissioned officer and admonition to an airman."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed.

And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

This Order may be cited as the Naval Discipline (Land and Air Forces in His Majesty's Ships) Order, 1949.

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

When embarked on board any of His Majesty's ships, His Majesty's land and air forces are subject to the provisions of the Naval Discipline Act to the extent laid down by regulations contained in Order in Council of 13th July, 1942, as slightly amended by Order in Council of 20th January, 1944. By virtue of the Army and Air Force (Women's Service) Act, 1948, His Majesty's land and air forces now include women, and the present Order in Council makes it clear that the punishments which may be awarded to members of the land and air forces embarked in His Majesty's ships may also be awarded to women members of those forces provided that no

punishments shall be awarded to a woman which could not be awarded to her under the Army or Air Force Acts. The present Order also provides that, in the absence of a commissioned officer of the land or air forces on board, the Captain of the ship may award to soldiers and airmen any of the summary punishments specified in the tables in the schedule to Order in Council of 13th July, 1942, and not merely, as hitherto provided, the greater of those punishments. The Order also brings up to date the above-mentioned tables of summary punishments by amending their enumeration and deleting mention of hard labour, which, by virtue of the Criminal Justice Act, 1948 (Adaptation of Naval Discipline Act) Order, 1949, may no longer be awarded under the Naval Disciplnie Act, and by substituting for three out-moded forms of minor punishment, no longer in use in any of the Services, two punishments already in use in the Royal Navy (Nos. 8 and 9 of the tables in the Schedule to the Order).

NOTARY PUBLIC

The Public Notaries (War Service of Articled Clerks) Act (End of Emergency) Order, 1949

1949 No. 1437

Made - - - - 28*th July*, 1949

At the Court at Buckingham Palace, the 28th day of July, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by section three of the Public Notaries (War Service of Articled Clerks) Act, 1946(a), it is enacted that the expression " emergency period " means the period beginning with the first day of September, nineteen hundred and thirty-nine, and ending with such date as His Majesty may by Order in Council appoint:

Now, therefore, His Majesty, in pursuance of the said section three, is pleased, by and with the advice of his Privy Council to order, and it is hereby ordered as follows:—

1. The first day of July, nineteen hundred and forty-nine, is the date with which the emergency period for the purposes of the Public Notaries (War Service of Articled Clerks) Act, 1946, ends.

2. This Order may be cited as the Public Notaries (War Service of Articled Clerks) Act (End of Emergency) Order, 1949.

E. C. E. Leadbitter.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order brings to an end the period in respect of which war service may be taken into account in reckoning service under articles for the purpose of the enactments relating to public notaries.

(a) 9 & 10 Geo. 6. c. 79.