



Naval Discipline Act 1860

1860 CHAPTER 123

PART I

ARTICLES OF WAR

Misconduct in the Presence of the Enemy

II Penalty for Misconduct in Action.

Every Flag Officer, Captain, Commander or Officer commanding subject to this Act who upon Signal of Battle, or on Sight of a Ship of an Enemy which it may be his Duty to engage, shall not,

- (1) Use his utmost Exertion to bring his Ship into Action ;
- (2) Or shall not during such Action, in his own Person and according to his Rank, encourage his inferior Officers and Men to fight courageously;
- (3) Or who shall surrender his Ship to the Enemy when capable of making a successful Defence, or who in Time of Action shall improperly withdraw from the Fight, shall, if he has acted traitorously, suffer Death ; if he has acted from Cowardice shall suffer Death, or be imprisoned, and be also dismissed with Disgrace from Her Majesty's Service; and if he has acted from Negligence, or through other Default, he shall be dismissed from Her Majesty's Service, with or without Disgrace, or shall suffer such other Punishment as is herein-after mentioned.

III Penalty for not pursuing the Enemy and of not assisting a Friend in View.

Every Officer subject to this Act who shall forbear to pursue the Chase of any Enemy, Pirate, or Rebel, beaten or flying, or shall not relieve and assist a known Friend in View to the utmost of his Power, or who shall improperly forsake his Station, shall, if he has therein acted traitorously, suffer Death; if he has acted from Cowardice, suffer Death or be imprisoned; if he has acted from Negligence, or through other Default, shall be

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dismissed from Her Majesty's Service, with or without Disgrace, or shall suffer, such other Punishment as is herein-after mentioned.

IV Penalty for delaying or discouraging the Service, or deserting his Post, &c.

When any Action or any Service is commanded, every Person subject to this Act who shall presume to delay or discourage the said Action or Service upon any Pretence whatsoever, or in the Presence or Vicinity of the Enemy shall desert his Post or sleep upon his Watch, shall suffer Death, or such other Punishment as is herein-after mentioned.

V Penalty for Misconduct of subordinate Officers and Men in Action.

Every Person subject to this Act, and not being a Commanding Officer, who shall not use his utmost Exertions to carry the Orders of his superior Officers into execution when ordered to prepare for Action, or during the Action, shall, if he has acted traitorously, suffer Death ; if he has acted from Cowardice shall suffer Death, or be imprisoned; and if he has acted from Negligence, or through other Default, be dismissed from Her Majesty's Service, with or without Disgrace, or suffer such other Punishment as is herein-after mentioned.