



Naval Discipline Act 1860

1860 CHAPTER 123

PART VI

SUPPLEMENTAL PROVISIONS

LXXIV Short Title of Act.

This Act may be cited for all Purposes as " The Naval Discipline Act, 1860."

LXXV Commencement of Act.

This Act shall commence on the First Day of *April* One thousand eight hundred and sixty-one.

LXXVI Definition Clause.

In the Construction of this Act, unless there be something in the Context or Subject Matter repugnant to or inconsistent with such Construction—

" Admiralty, " or " the Lords of the Admiralty, " shall mean the Lord High Admiral for the Time being of the United Kingdom of *Great Britain* and *Ireland*, and when there shall be no such Lord High Admiral in Office, any Two or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom:

" Officer " shall mean an Officer belonging to One of Her Majesty's Ships, and shall include a subordinate and a Warrant Officer, but shall not extend to Petty and Non-commissioned Officers :

When the Words " Superior Officer " are used in this Act they shall be held to include all Officers, including Petty and Noncommissioned Officers.

LXXVII Persons subject to this Act.

Every Person in or belonging to Her Majesty's Navy, and borne on the Books of any One of Her Majesty's Ships in Commission, shall be subject to this Act; and all other

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Persons hereby made liable thereto, and all Spies, shall be triable and punishable under the Provisions of this Act.

LXXVIII Land Forces embarked as Passengers.

Her Majesty's Land Forces, when embarked on board any of Her Majesty's Ships, shall be subject to the Provisions of this Act, to such Extent and under such Regulations as Her Majesty, Her Heirs and Successors, by any Order or Orders in Council, shall at any Time or Times direct.

LXXIX Other Persons embarked as Passengers.

All other Persons ordered to be received or being Passengers on board any of Her Majesty's Ships shall be deemed to be Persons subject to this Act, under such Regulations as the Admiralty may from Time to Time direct.

LXXX Crews of Ships lost or destroyed.

When any One of Her Majesty's Ships shall be wrecked or lost or destroyed, or taken by the Enemy, such Ship shall, for the Purposes of this Act, be deemed to remain in Commission until her Crew shall be regularly removed into some other of Her Majesty's Ships of War, or until a Court-martial shall have been held, pursuant to the Custom of the Navy in such Cases, to inquire into the Cause of the Wreck, Loss, Destruction, or Capture of the said Ship.

LXXXI All the Officers and Crew of lost Ship may be tried by One Court.

When no specific Charge shall be made against any Officer or Seamen for or in respect or in consequence of such Wreck, Loss, Destruction, or Capture, it shall be lawful to try all the Officers and Crew or all the surviving Officers and Crew of any such Ship, together, before One and the same Court, and to call upon all or any of them when upon their Trial to give Evidence on Oath or Affirmation before the Court touching all or any of the Matters then under Inquiry, but no Officer or Seaman shall be obliged to give any Evidence which may tend to criminate himself.

LXXXII Or by separate Courts.

When deemed necessary by the Admiralty, or any Officer authorized to order Courts-martial, separate Courts-martial shall be held for the Trial of some One or more of such Officers and Crew for or in respect or in consequence of the Wreck, Loss, Destruction, or Capture of any such Ship.

LXXXIII Or subsequent Offence, separate Court.

For any Offence or Offences committed by any Officer or Seaman, or Officers and Seamen, after the Wreck, Loss, Destruction, or Capture of any such Ship, a separate Court-martial shall be held for the Trial of such Offender or Offenders.

LXXXIV Pay of Crews of Ships lost or taken.

When any Ship of Her Majesty shall be wrecked, lost, or otherwise destroyed, or taken by the Enemy, if it shall appear by the Sentence of a Court-martial that the Crews

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of such Ship did, in the Case of a Ship wrecked or lost, do their utmost to save or get her off, and in the Case of a Ship taken by the Enemy do their utmost to defend themselves, and that they have, since the Wreck, Destruction, Loss, or Capture of such Ship, behaved themselves well, and been obedient to their Officers, then all the Pay of such Crews or of such Portions of such Crews as have behaved themselves well, and been obedient to their Officers, shall be continued until the Time of their being discharged or removed into other Ships of Her Majesty, or dying.

LXXX When Ship of senior Officer is lost he may dispose of Officers and Crew of lost Ship.

If the Ship of any Officer ordered to command any Two or more of Her Majesty's Ships shall be wrecked, lost, or otherwise destroyed, such Officer shall continue in the Command of any Ship or Ships which at the Time of his Ship being wrecked, lost, or destroyed was or were under his Command, and it shall be lawful for such Officer to order the surviving Officers and Crew of the wrecked, lost, or destroyed Ship to join any other Ship under his Command, or to distribute them among the other Ships under his Command, if more than One, and such Officer shall, until he meets with some other Officer senior to himself, have the same Power and Authority in all respects as if his Ship had not been wrecked, lost, or destroyed.