



Naval Discipline Act 1957

1957 CHAPTER 53

PART I

ARTICLES OF WAR

Misconduct in action and assistance to enemy

2 Misconduct in action by persons in command

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 ;
- (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.

3 Misconduct in action by other officers and men

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

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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.

4 Obstruction of operations

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.

5 Corresponding with, supplying or serving with the enemy

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.