



Naval Discipline Act 1957

1957 CHAPTER 53

PART I

ARTICLES OF WAR

Public worship

1 Public worship to be performed

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

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

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- (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 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.

Neglect of duty

6 Sleeping on watch or abandoning post

- (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.

7 Neglect of duty

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

8 Definition of " mutiny "

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.

9 Offences of mutiny

- (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
 - (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.

10 Failure to suppress mutiny

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.

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Insubordination and similar offences

11 Striking superior officer

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.

12 Disobedience or threatening superior officer

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.

13 Fighting and quarrelling

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.

14 Obstruction of provost officers

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

15 Definition of " desertion "

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.

16 Offences of desertion

- (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.

17 Absence without leave, etc.

- (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.

18 Failure to report deserters and absentees

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
 - (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

19 Loss or hazarding of ship or aircraft

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.

20 Dangerous flying, etc.

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.

21 Low flying

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.

22 Annoyance by flying

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***23 Prize offences by commanding officers**

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.

24 Other prize offences

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

25 Inaccurate certification

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.

26 Improper carriage of goods

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 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

27 Malingering

- (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.

28 Drunkenness

- (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***29 Misapplication and destruction of public and service property**

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.

30 Loss and waste of public and service property

(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.

31 Offences relating to issues and decorations

(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.

32 Billeting offences

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
- (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.

33 Offences in relation to requisitioning of vehicles, etc.

(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

34 Unauthorised disclosure of information

- (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.

35 Falsification of documents

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.

36 Cruelty or scandalous conduct by officers

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.

37 Disgraceful conduct

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.

38 Offences in relation to courts-martial

- (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;
- (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.

39 Conduct to the prejudice of naval discipline

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

40 Attempt to commit naval offence

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.

41 Aiding and abetting of naval offence

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***42 Civil offences**

- (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***43 Scale of punishments**

- (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;
 - (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.

44 Supplementary provisions as to punishments

- (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.
- (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.