



# Naval Discipline Act 1957

## 1957 CHAPTER 53

### PART II

#### TRIAL AND PUNISHMENT OF OFFENCES

##### *Arrest*

#### **45 Duty to bring offenders to justice and powers of arrest**

- (1) It shall be the duty of every person subject to this Act who knows or has reasonable grounds for suspecting that any other person subject thereto is committing or has committed an offence under any provision of Part I of this Act, to take all reasonable steps within his power to cause that person to be brought to justice.
- (2) Subject to Standing Orders of the commanding officer of any of Her Majesty's ships or naval establishments, the following persons shall have power to arrest a person subject to this Act who is found committing or is alleged to have committed or is reasonably suspected of having committed any such offence as aforesaid, that is to say:—
  - (a) in the case of an officer, an officer subject to this Act who is his superior officer or, if the person to be arrested is engaged in a mutiny, quarrel or disturbance, any officer subject to this Act;
  - (b) in the case of a rating, an officer subject to this Act, a chief petty officer, petty officer or leading rating subject to this Act who is of superior rate or senior to him in the same rate, and any rating exercising authority as a member of the regulating staff or as a member of the staff of the officer of the watch;
  - (c) in any case, a provost officer and any officer or person legally exercising authority under or on behalf of a provost officer:

Provided that an officer shall not be arrested by virtue of paragraph (c) of this subsection except on the order of another officer.

- (3) Any power of arrest under this section may be exercised either personally or by ordering into arrest the person to be arrested or by giving orders for that person's arrest.

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*Status: This is the original version (as it was originally enacted).*

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#### **46 Provisions for avoiding delay after arrest**

- (1) Where any person subject to this Act is placed under arrest, it shall be the duty of the commanding officer of the ship or establishment in which he is serving to ensure that as soon as may be either proceedings are taken for his trial or he is released from arrest.
- (2) Whenever any person subject to this Act, having been taken into naval custody, remains under close arrest for a longer period than eight days without being tried summarily under this Part of this Act or a court for his trial under this Part of this Act being ordered to assemble, a special report on the necessity for further delay shall be made by his commanding officer to the Admiralty, and a similar report shall be so made every eight days until the person under arrest is released from arrest or tried summarily or such a court is ordered to assemble.
- (3) Any report to be made under this section shall be made by the quickest method which is reasonably available in the circumstances.

#### **47 Evidence of arrest or surrender**

- (1) In any proceedings for an offence under Part I of this Act against a person who—
  - (a) has surrendered himself to any consular officer;
  - (b) has been taken on arrest or surrender into the custody of a provost officer ; or
  - (c) has been taken on arrest or surrender into custody at any police station, guard-room or other place in any part of Her Majesty's dominions,a certificate purporting to be signed by the consular or provost officer, or the officer in charge of the police station, guard-room or other place, as the case may be, containing a statement of the fact, date, time and place of arrest or surrender, and whether or not the person charged was wearing the uniform of any of Her Majesty's naval forces at the time of arrest or surrender, shall be evidence of the matter therein contained.
- (2) In any proceedings for an offence of desertion, absence without leave or improperly leaving his ship or place of duty against a person who on arrest or surrender has been brought before a court of summary jurisdiction in accordance with the provisions of Part III of this Act, a certificate purporting to be signed by a justice of the peace containing a statement of the fact, date, time and place of arrest or surrender, and whether or not the person charged was wearing the uniform of any of Her Majesty's naval forces at the time of arrest or surrender, and containing such particulars as to the proceedings before the court as may be prescribed by regulations made by the Admiralty by statutory instrument, shall be evidence of the matter therein contained.
- (3) In this section " provost officer " includes a corresponding officer of any of the forces of a Commonwealth country, or of a force raised under the law of any colony.