



# Naval Discipline Act 1957

## 1957 CHAPTER 53

### PART II

#### TRIAL AND PUNISHMENT OF OFFENCES

##### *Service of sentence of imprisonment or detention*

#### **81 Place of imprisonment or detention**

- (1) Any person sentenced under this Act to imprisonment may be confined during the term of the sentence—
  - (a) in any naval detention quarters ;
  - (b) in any military establishment or air-force establishment within the meaning of Part II of the Army Act, 1955, or Part II of the Air Force Act, 1955 ;
  - (c) in any civil prison in any part of Her Majesty's dominions;
  - (d) in any other establishment in which persons may be required to serve sentences of imprisonment passed under the Army Act, 1955, or the Air Force Act, 1955.
  
- (2) Any person sentenced under this Act to detention may be confined during the term of the sentence—
  - (a) in any naval detention quarters ;
  - (b) in any such military or air-force establishment as afore said, not being a military or air-force prison ;and may, in such cases and subject to such conditions as may be specified by or under regulations made by the Admiralty, be temporarily detained in a military or air-force prison or a civil prison for any period not exceeding seven days.
  
- (3) Subject to the foregoing provisions of this section, the place to which a person sentenced under this Act to imprisonment or detention is to be committed may be determined by any of the following authorities, that is to say:—
  - (a) in any case, the Admiralty or the Commander-in-Chief;

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- (b) where the offender is tried on any foreign station, the senior naval officer present at the place where he is tried;
- (c) where the offender is tried by court-martial, the officer who ordered the court-martial;
- (d) where the offender is summarily tried under section forty-nine of this Act, the officer by whom he is so tried or the officer in command of the ship or naval establishment to which the offender belongs;

and a committal order made by any such authority shall be sufficient warrant for sending the offender to such place as may be specified therein, there to undergo his sentence according to law, and for detaining him in custody until he reaches that place.

## **82 Naval Detention Quarters Rules**

- (1) The Admiralty may set apart any premises or vessels under the control of the Admiralty, or any parts of such premises or vessels, as naval detention quarters, and may make rules (in this Part of this Act referred to as Naval Detention Quarters Rules) with respect to all or any of the following matters, that is to say—
  - (a) the provision, classification, regulation and management of naval detention quarters ;
  - (b) the classification, regulation, employment, discipline and control of persons serving sentences of imprisonment or detention passed under this Act in naval detention quarters or otherwise in naval custody ;
  - (c) the removal of such persons from such quarters or custody as aforesaid, either temporarily or by way of transfer to another establishment or form of custody, and their release on the expiration or determination of their term of imprisonment or detention ;
  - (d) the temporary release of such persons on compassionate grounds, the cases in which, periods for which and conditions subject to which they may be allowed out of such quarters or custody as aforesaid, and the remission of part of their sentences for good conduct and industry;
  - (e) the appointment, powers and duties of inspectors and visitors and of officers and other members of the staff, of naval detention quarters ;

and such rules may apply the provisions of the Coroners Acts, 1887 to 1926, to naval detention quarters as those provisions apply in relation to prisons.
- (2) Naval Detention Quarters Rules shall not authorise the infliction of corporal punishment.
- (3) Naval Detention Quarters Rules may apply with the necessary modifications all or any of the provisions of sections thirty-nine to forty-two of the Prison Act, 1952 (which relate to offences by persons other than prisoners).
- (4) Naval Detention Quarters Rules may, to such extent as may be provided by the Rules, be made so as to apply to persons detained in naval detention quarters while serving sentences of imprisonment or detention awarded under the Army Act, 1955, or the Air Force Act, 1955, notwithstanding that such persons are not for the time being subject to this Act.
- (5) Naval Detention Quarters Rules may contain such incidental and supplementary provisions as are necessary for the purposes of the Rules.

- (6) The Admiralty may, in respect of any foreign station on which persons subject to this Act are on active service, delegate the power to make Naval Detention Quarters Rules to the Commander-in-Chief or flag officer commanding the station, subject to such restrictions, reservations, exceptions and conditions as the Admiralty may think fit.
- (7) Naval Detention Quarters Rules made by the Admiralty under this section shall be made by statutory instrument; and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **83 Service of sentence in civil prison in the United Kingdom**

The provisions of any enactment, rule or regulation with respect to the confinement, removal and treatment of persons committed to civil prisons in any part of the United Kingdom (including provisions relating to release, discharge and remission) shall apply to any person sentenced under this Act to imprisonment and committed or transferred to any such prison as they apply to a person committed to that prison under a like sentence of a civil court.

### **84 Removal of certain prisoners**

- (1) Subject to the provisions of this section, the Admiralty, the Commander-in-Chief or the senior naval officer present may by order give directions, in the case of any person subject to this Act who is serving a sentence of imprisonment or detention in a civil prison or a military or air-force establishment.—
  - (a) for the transfer of that person to any other prison or establishment to which he could have been committed under this Act, there to undergo the remainder of his sentence according to law ; or
  - (b) for the production of that person for the purpose of attending any proceedings under this Act, whether as a witness or for trial or otherwise, or for any other purpose specified in the order,and any such order may give directions as to the custody of the person to whom it relates and, in the case of an order under paragraph (b) of this subsection, for his return or transfer to the place from which he is removed or to any other place in which his sentence may be required to be served.
- (2) An order under this section shall be a sufficient warrant for the removal of the person to whom it relates from the prison or establishment in which he is serving his sentence, for his reception in the prison or establishment to which he is transferred or returned in pursuance of the order, and for his detention in custody pending such reception.
- (3) Where the attendance of any such person as aforesaid is required for the purposes of a court-martial under this Act, the power to make an order under paragraph (b) of subsection (1) of this section may be exercised by the Commander-in-Chief or senior naval officer present at the place where that person is confined or where the court-martial is or is to be held.
- (4) Any time during which a person removed in pursuance of an order under this section is in naval, military, air force or civil custody, or is serving any sentence of imprisonment or detention passed on him while so removed, shall be reckoned as part of the sentence current when the order was made.
- (5) The provisions of this section shall be without prejudice to any enactment, rule or regulation authorising the removal of persons from civil prisons or military or air force

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establishments ; but no order shall be made under this section for the transfer of a person confined in a civil prison within the United Kingdom to any other such prison to which he could be removed under the Prison Act, 1952, the Prisons (Scotland) Act, 1952, or the Prison Act (Northern Ireland), 1953.