



Naval Discipline Act 1957

1957 CHAPTER 53

PART IV

MISCELLANEOUS AND GENERAL

Persons subject to this Act

111 Naval forces, volunteers and trainees

- (1) Every officer on the active list of officers of the Royal Navy (not being an officer of any such class as may be prescribed by regulations made by the Admiralty), and every rating of the Royal Navy, is subject to this Act at all times.
- (2) Any officer on any retired or emergency list of officers of the Royal Navy is subject to this Act when ordered on any duty or service for which, as such an officer, he is liable, and is so subject from the time appointed for him to report or attend for that purpose until he is duly released or discharged.
- (3) Any officer or rating of any of the naval reserve forces is subject to this Act—
 - (a) while being trained or exercised in pursuance of any enactment relating to those forces or any regulations made under any such enactment;
 - (b) when called, recalled or required to re-enter into actual service under any such enactment or regulation,and is so subject from the time appointed for him to report or attend for any such purpose until he is duly released or discharged.
- (4) Without prejudice to subsection (1) of this section, any naval pensioner who is required to join the Royal Navy under section sixteen of the Naval Volunteers Act, 1853, is subject to this Act from the time appointed for him to report or attend for that purpose.
- (5) Any person not otherwise subject to this Act who volunteers or engages for service, training or exercise with the Royal Navy, not being—
 - (a) a member of the Women's Royal Naval Service or Queen Alexandra's Royal Naval Nursing Service or any reserve of either of those services;

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- (b) a member of the Voluntary Aid Detachments ;
 - (c) a member of the Sea Cadet Corps or the Combined Cadet Force; or
 - (d) a person excepted from this subsection by directions of the Admiralty,
- is subject to this Act during the period of service, training or exercise.
- (6) A person not otherwise subject to this Act, being a member of—
- (a) any of the armed forces of the Crown raised outside the United Kingdom; or
 - (b) any armed forces other than armed forces of the Crown,
- not being in either case forces excepted from this subsection by directions of the Admiralty) is subject to this Act when ordered to be trained or exercised on board any of Her Majesty's ships or in any of Her Majesty's naval establishments.
- (7) Where by virtue of this section this Act applies to any person not being a member of the armed forces of the Crown, it shall apply to him (except so far as may be otherwise provided by regulations made by the Admiralty)—
- (a) if he holds any rank or rate in any other naval, military or air forces, as it applies to a person holding the corresponding rank or rate in the armed forces of the Crown;
 - (b) in any other case, as it applies to an able seaman.
- (8) This section applies to chaplains in the Royal Navy or in any of the naval reserve forces as it applies to officers of the Royal Navy, or of that force, as the case may be.

112 Marines

- (1) An officer, non-commissioned officer or marine of the marine forces is subject to this Act when borne on the books of any of Her Majesty's ships or naval establishments.
- (2) The provisions of the First Schedule to this Act shall have effect for the purposes of the application of this Act to any person who is subject thereto by virtue of this section.

113 Attached military and air forces

- (1) Subject to the provisions of this section, a member of Her Majesty's military or air forces is subject to this Act when attached to Her Majesty's naval forces under section one hundred and seventy-nine of the Army Act, 1955, or section one hundred and seventy-nine of the Air Force Act, 1955.
- (2) The provisions of the Second Schedule to this Act shall have effect for the purposes of the application of this Act to any person who is subject thereto by virtue of this section.
- (3) No woman shall be subject to this Act by virtue of this section.

114 Commonwealth forces

- (1) Without prejudice to subsection (6) of section one hundred and eleven of this Act, the members of a naval, military or air force of a Commonwealth country are subject to this Act to such extent, and subject to such adaptations and modifications, as may be provided by or under the Visiting Forces (British Commonwealth) Act, 1933, or by the law of that country.
- (2) Where members of a force of any Commonwealth country are subject to this Act as aforesaid by virtue of the law of that country, Her Majesty may by Order in Council

make such adaptations and modifications of this Act in relation to other members of Her Majesty's naval forces as may be desirable for the purpose of regulating the relations between those members of Her Majesty's naval forces and members of the force of that country.

115 Colonial naval forces

- (1) Without prejudice to subsection (6) of section one hundred and eleven of this Act, the members of a force raised for the naval defence of a colony in pursuance of section one of the Colonial Naval Defence Act, 1931, are subject to this Act to such extent, and subject to such adaptations and modifications, as may be provided by the legislature of that colony under subsection (1) of section two of that Act.
- (2) Without prejudice to the foregoing subsection, any officer or rating of any force raised by a colony as aforesaid is subject to this Act while at the disposal of Her Majesty for general service in the Royal Navy under subsection (2) of the said section two.

116 Application to deserters, etc., from commonwealth and colonial forces

- (1) Without prejudice to the foregoing provisions of this Part of this Act, Her Majesty may by Order in Council direct that members of any naval force of a Commonwealth country or raised by any colony shall be subject to this Act so far as it relates to the offences of desertion or absence without leave, and to the arrest, trial and punishment of persons who have committed or are suspected of having committed either of the said offences.
- (2) Where any Order in Council is made under this section in relation to members of a naval force, references in section forty-seven and in Part III of this Act to Her Majesty's naval forces shall include references to that force.

117 Application to passengers in H.M. ships

Parts I and II of this Act shall, to such extent and subject to such modifications as may be prescribed by regulations made by the Admiralty, apply to persons embarked as passengers on board Her Majesty's ships or aircraft (not being persons who are subject to this Act by virtue of any of the foregoing provisions of this Act or are subject to military or air-force law), as they apply to persons subject to this Act.

118 Application to certain civilians

- (1) Subject to the provisions of this section where any body of Her Majesty's naval forces are on active service Parts I and II of this Act shall (so far as applicable) apply to the following persons, that is to say—
 - (a) any person employed in the service of that body of those forces;
 - (b) any person employed in the service of any portion or member of that body of those forces; or
 - (c) any person who accompanies that body of those forces or any portion thereof, as they apply to persons subject to this Act,
- (2) Without prejudice to the foregoing subsection, but subject to the provisions of this section, the following provisions of this Act, that is to say—
 - (a) sections fourteen, thirty-eight and thirty-nine;

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- (b) sections forty and forty-one, so far as they relate to the sections aforesaid;
 - (c) sections forty-two and forty-three; and
 - (d) Part II so far as it applies to an offence under any of the said sections,
- shall apply to a person of any class described in the Third Schedule to this Act who is within the limits of the command of any officer commanding any of Her Majesty's naval forces outside the United Kingdom or any colony, as they apply to persons subject to this Act.
- (3) The provisions of the Fourth Schedule to this Act shall have effect for the purposes of the application of this Act to any person to whom it applies by virtue of this section.
 - (4) This section does not apply to any person to whom section one hundred and seventeen of this Act applies, or who is otherwise subject to this Act apart from this section or is subject to military or air-force law apart from section two hundred and nine of the Army Act, 1955, or the Air Force Act, 1955.

119 Application to sentenced offenders, etc.

- (1) A person sentenced under Part II of this Act to imprisonment or detention shall be subject to this Act until the expiration of the term of his sentence, whether or not he would have ceased to be subject to this Act apart from the provisions of this subsection; and in relation to any such person this Act shall apply as it applies in relation to an able seaman.
- (2) If any person not otherwise subject to this Act, being in custody by virtue of section fifty-one or section ninety-five of this Act, commits or is reasonably suspected of having committed an offence which, if he were subject to this Act, would be an offence against any provision of Part I of this Act, he shall be treated for the purposes of that provision and of Part II of this Act as having been subject to this Act at the time of the offence or suspected offence, and as continuing to be so subject thereafter.
- (3) Where by virtue of subsection (2) of this section a person who does not hold any naval rank or rate is treated for the purpose of any provisions of this Act as a person subject to this Act, this Act shall apply to him for that purpose—
 - (a) if he holds any military or air force rank, as it applies to a person holding the corresponding naval rank or rate;
 - (b) if he held any naval rank or rate or any military or air-force rank when last subject to this Act apart from this section, as it applies to a person holding that or the corresponding naval rank or rate;
 - (c) in any other case, as it applies to an able seaman.

Attachment and powers of command

120 Attachment to military or air forces

- (1) Any officer or rating of Her Majesty's naval forces may be attached temporarily to any of Her Majesty's military or air forces.
- (2) Regulations may be made by the appropriate Service authorities for prescribing the circumstances in which officers and ratings of Her Majesty's naval forces are to be treated as attached to any of Her Majesty's military or air forces, as the case may be, under this section.

- (3) In this section " the appropriate Service authorities" means—
- (a) in relation to attachment to any of the marine forces, the Admiralty;
 - (b) in relation to attachment to any other of Her Majesty's military forces, the Admiralty and the Army Council;
 - (c) in relation to attachment to any of Her Majesty's air forces, the Admiralty and the Air Council.
- (4) A person shall not cease to be subject to this Act by reason only of his being attached to any forces in pursuance of this section.

121 Attachment to commonwealth and other forces

- (1) Without prejudice to the provisions of section four of the Visiting Forces (British Commonwealth) Act, 1933 (which provides for the attachment of members of home forces to the forces of certain Commonwealth countries), any officer or rating of Her Majesty's naval forces may, by order of the Admiralty or of the Commander-in-Chief or senior naval officer present on a foreign station, be required to serve with any naval, military or air force of a Commonwealth country or of any other country.
- (2) A person shall not cease to be subject to this Act by reason only of his being required to serve with any naval, military or air force in pursuance of this section.

122 Powers of command of members of co-operating military or air forces

- (1) In so far as powers of command depend on rank or rate, an officer, warrant officer or non-commissioned officer of any of Her Majesty's military or air forces who—
- (a) is acting with any body of Her Majesty's naval forces; or
 - (b) is a member of a body of the said military or air forces which is acting with any body of Her Majesty's naval forces,
- shall have the like such powers as an officer or rating of Her Majesty's naval forces of corresponding rank or rate.
- (2) For the purposes of section eleven, paragraph (b) of section twelve and section forty-five of this Act, any such officer, warrant officer or non-commissioned officer as aforesaid shall be treated as an officer or rating of corresponding rank or rate, and shall have the like powers under the said section forty-five as if he were a person subject to this Act.

Application to particular countries and territories

123 Scotland

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) In subsection (2) of section forty-seven and in subsection (2) of section one hundred and ten, for the reference to a justice of the peace there shall be substituted a reference to the sheriff or to a member of the court, as the case may be.
- (3) In section forty-eight, the expression " manslaughter means culpable homicide.

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- (4) In subsection (2) of section eighty, references to the Capital Punishment Amendment Act, 1868, and to section seven of that Act, shall be construed as references to that Act and that section as they apply to Scotland, and for the reference to the sheriff there shall be substituted a reference to the lord provost or provost, or magistrate or magistrates, charged with seeing the sentence of death carried into effect.
- (5) In section eighty-two, in subsection (1), for the reference to the Coroners Acts, 1887 to 1926, there shall be substituted a reference to section twenty-five of the Prisons (Scotland) Act, 1952, and in subsection (3) the reference to sections thirty-nine to forty-two of the Prison Act, 1952, shall include a reference to section thirty of the Prisons (Scotland) Act, 1952.
- (6) In section ninety-eight, the expression " chattel" means corporeal moveable.
- (7) In subsection (5) of section one hundred and one, the expression " putative father" means the person proved or admitted to be the father.
- (8) In subsection (2) of section one hundred and six, for the words from " and that officer " to the end of the subsection there shall be substituted the words " who shall report the matter to the procurator fiscal ".
- (9) In subsection (4) of section one hundred and nine, for the words from the beginning to " such proceedings " there shall be substituted the words " For the purposes of any proceedings under this section ".

124 Northern Ireland

- (1) The provisions of this section shall have effect for the purposes of the application of this Act to Northern Ireland.
- (2) In subsection (2) of section eighty, references to the Capital Punishment Amendment Act, 1868, to section seven of that Act, and to rules made under the said section seven, shall be construed as references to that Act and that section as in force from time to time in Northern Ireland, and to any rules under that section as so in force, and accordingly the reference to the sheriff shall be construed as a reference to the under-sheriff.
- (3) In section eighty-two, in subsection (1), for the words " the Coroners Acts, 1887 to 1926 " there shall be substituted the words " section thirty-nine of the Prison Act (Northern Ireland), 1953, with any necessary modifications " , and in subsection (3) the reference to sections thirty-nine to forty-two of the Prison Act, 1952, shall include a reference to sections twenty-eight to thirty-six of the Prison Act (Northern Ireland), 1953.
- (4) Subsection (3) of section one hundred shall not apply ; and all fines imposed in proceedings taken before a court of summary jurisdiction in Northern Ireland shall be dealt with in the manner provided by section twenty of the Administration of Justice Act (Northern Ireland), 1954.
- (5) For the purposes of section one hundred and one the expression " maintenance order " shall include an order made under section one of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924.
- (6) In subsection (4) of section one hundred and nine for the reference to the Magistrates' Courts Act, 1952, there shall be substituted a reference to the Summary Jurisdiction Acts (Northern Ireland) and the rules made thereunder.

125 Channel Islands and Isle of Man

- (1) This Act shall apply to the Channel Islands and the Isle of Man in accordance with the following provisions of this section.
- (2) Any reference in this Act to the United Kingdom (except the references in section eighty and in subsections (3) and (4) of section eighty-eight) shall be construed as including a reference to the Channel Islands and the Isle of Man.
- (3) Subsection (5) of section one hundred and one shall have effect as if—
 - (a) the reference to the Maintenance Orders (Facilities for Enforcement) Act, 1920, included a reference to an Act of Tynwald entitled the Maintenance Orders (Facilities for Enforcement) Act, 1921, a law of the States of Jersey entitled the Maintenance Orders (Facilities for Enforcement) (Jersey) Law, 1953 and a law of the States of Guernsey entitled the Maintenance Orders (Facilities for Enforcement) (Guernsey) Law, 1955; and
 - (b) the reference to an affiliation order within the meaning of the Affiliation Orders Act, 1914, included a reference to an order made under section three of an Act of Tynwald entitled the Bastardy Act Amendment Act, 1924, or under the laws of the States of Guernsey, entitled the Illegitimacy Laws, 1927 and 1955.

126 Colonies

- (1) This section shall have effect for the purposes of the application of this Act to the colonies.
- (2) Any reference in this Act to a constable shall be construed as or as including a reference to a person having the powers of a constable within a colony.
- (3) Any reference in this Act to a court of summary jurisdiction, to a justice of the peace or to summary conviction shall be construed as a reference to a court exercising corresponding jurisdiction within a colony, to a judge or member of such a court or to conviction by such a court, as the case may be; and the reference in subsection (4) of section one hundred and nine of this Act to the Magistrates' Courts Act, 1952, shall be construed as a reference to any corresponding law of a colony.
- (4) Any reference in this Act to a civil prison or to the governor of such a prison shall be construed as a reference to a prison or institution in which persons sentenced by a civil court in a colony may be confined, or to the governor, superintendent or other person in charge of such a prison or institution, as the case may be.
- (5) In the application to a colony of any enactment contained in Part III of this Act providing for the imposition of a fine there shall, if the law of the colony so provides, be substituted for the fine specified in that enactment such higher or lower fine as may be provided by that law; and it shall be competent for the law of any colony to declare what amount of the local currency is to be treated as equivalent to the amount of money specified in any such enactment.

127 Protectorates, protected states, trust territories and federated territories

- (1) This Act shall apply in relation to any of the following, that is to say—
 - (a) any territory under Her Majesty's protection ;

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- (b) any territory for the time being administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations ;
- (c) any country or territory consisting of two or more of any of the following units, namely colonies, territories under Her Majesty's protection or territories administered as aforesaid,

as it applies in relation to a colony; and references in this Act to Her Majesty's dominions shall be construed as including references to any such territory as is described in paragraph (a) or paragraph (b) of this subsection.

- (2) Any reference in this Act to the law of a colony shall include, in relation to any two or more units described in paragraph (c) of subsection (1) of this section which are under a central legislature, references to law made by that legislature.
- (3) Without prejudice to the foregoing provisions of this section, references in this Act to Her Majesty's forces or to the armed forces of the Crown (other than references to Her Majesty's naval forces) shall include references to the armed forces of the Federation of Malaya, and references in this Act to Her Majesty's service or to the service or naval service of Her Majesty shall include references to the service or naval service of that Federation.

128 Republic of Ireland

Notwithstanding anything in the Ireland Act, 1949, this Act shall apply in relation to the Republic of Ireland as it applies in relation to a foreign country, and not as it applies in relation to any part of Her Majesty's dominions.

Miscellaneous provisions

129 Jurisdiction of civil courts

- (1) Where a person subject to this Act is acquitted or convicted of an offence on trial by a court-martial or disciplinary court, or on summary trial under section forty-nine of this Act, a civil court shall be debarred from trying him subsequently for the same offence; but except as aforesaid nothing in this Act shall be construed as restricting the jurisdiction of any civil court to try a person subject to this Act for any offence.
- (2) Where a person subject to this Act is acquitted or convicted of an offence on trial by a civil court, he shall not subsequently be tried under this Act for the same offence; and no person so convicted shall, by reason of the conviction or the offence, be subjected to any loss or forfeiture of seniority or of rate, of privilege in respect of leave, or of pay or service (other than pay and service in respect of time spent in civil custody pending trial, or while attending his trial, or while serving any sentence of imprisonment, corrective training, preventive detention, detention in a Borstal institution or other detention awarded by the civil court):

Provided that nothing in this subsection shall affect the power to discharge any person from Her Majesty's service as a person whose services are no longer required ; and notwithstanding anything in this subsection a rating who would otherwise be so discharged may, on his own application, be reverted in lieu of being so discharged.

130 Redress of complaints

- (1) If any person subject to this Act thinks that he has suffered any personal oppression, injustice or other ill-treatment, he may make a complaint in accordance with the procedure laid down in Queen's Regulations and Admiralty Instructions; and, if the complainant is not satisfied with the decision of the authority to whom his complaint is made as aforesaid, and that authority neglects or refuses, when requested so to do, to forward the complaint to the next superior authority, the complainant shall be entitled to make a complaint direct to the next superior authority, and so on.
- (2) It shall be the duty of any authority receiving a complaint under this section to have it investigated as soon as practicable and to take any steps for redressing the matter complained of which appear to that authority to be necessary.

131 Ships under convoy

- (1) It is the duty of the master or other person for the time being in command of any vessel comprised in a convoy under the command of an officer of Her Majesty's naval forces, or of any person appointed in that behalf with the authority of the Admiralty, to obey, in all matters relating to the navigation or security of the convoy, any directions which may be given—
 - (a) where the convoy is escorted by any of Her Majesty's ships or vessels, by the commanding officer of any such ship or vessel;
 - (b) in any case, by the said officer or other person in command of the convoy,and to take such precautions for avoiding the enemy as may be required by any such directions.
- (2) If any such directions are not obeyed, any such commanding officer, or the said officer or other person in command of the convoy, may compel obedience by force of arms, and neither he nor any person acting under his orders shall be liable for any injury or loss of life or any damage to or loss of property resulting therefrom.

Interpretation

132 Definitions of Her Majesty's ships, forces, etc.

- (1) In this Act "Her Majesty's ships" means commissioned ships flying the white ensign, and "Her Majesty's vessels" means ships and vessels, other than Her Majesty's ships, engaged in the naval service of Her Majesty, whether belonging to Her Majesty or not; but "Her Majesty's ships" and "Her Majesty's vessels" do not include ships or vessels of a Commonwealth country or maintained by a colony, other than ships or vessels placed at the disposal of the Admiralty or placed at the disposal of Her Majesty for general service in the Royal Navy.
- (2) In this Act "Her Majesty's naval establishments" means establishments belonging to or under the control of the Admiralty, whether within or without Her Majesty's dominions.
- (3) Where persons subject to this Act are appointed or drafted to one of Her Majesty's ships or naval establishments for duty in any or any other of Her Majesty's ships, vessels or naval establishments, those persons shall be treated for the purposes of this Act as belonging to the ship or establishment to which they are appointed or drafted.

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- (4) In this Act " Her Majesty's aircraft" means aircraft in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include aircraft belonging to a Commonwealth country or to any colony other than aircraft placed at the disposal of the Admiralty or placed at the disposal of Her Majesty for general service in the Royal Navy
- (5) In this Act " Her Majesty's naval forces " means the Royal Navy, the naval reserve forces (as defined by this section) and such of the marine forces, and of the naval forces of a Commonwealth country or raised under the law of any colony, as are for the time being subject to this Act.
- (6) In this Act " Her Majesty's military forces " and " Her Majesty's air forces " include forces raised under the law of a colony but do not include the forces of any Commonwealth country.
- (7) In this Act " the marine forces " means the Royal Marines, the Royal Marine Forces Volunteer Reserve, the Royal Fleet Reserve so far as it consists of non-commissioned officers and marines, the Royal Marine Emergency Reserve, and the Royal Naval Special Reserve so far as it consists of persons entered for service in the Royal Marines.
- (8) In this Act " naval reserve forces " means the Royal Naval Reserve (including officers of reserve to the Royal Navy and including the Royal Fleet Reserve except so far as it consists of non-commissioned officers and marines), the Royal Naval Volunteer Reserve, the Royal Naval Volunteer (Supplementary) Reserve, the Royal Naval Emergency Reserve and the Royal Naval Special Reserve except so far as it consists of persons entered for service in the Royal Marines.

133 Definitions of officer, rating and superior officer

- (1) In this Act " officer ", in relation to any of Her Majesty's naval forces, means a person of or above the rank of cadet, and in relation to any other forces means an officer of rank corresponding to the said rank or any superior rank.
- (2) In this Act " rating " means a member of Her Majesty's naval forces of or below the rate of chief petty officer; and any reference in this Act to a rating, or to a rating of any particular rate, shall include a reference to a warrant officer, non-commissioned officer, marine, soldier or airman who is subject to this Act, or to any such warrant officer or non-commissioned officer of rank corresponding with that rate, as the case may be.
- (3) In this Act " superior officer ", in relation to any person means an officer or a rating not below the rate of petty officer, who is of rank or rate higher than that person, or senior to that person in the same rank or rate.
- (4) Any reference in this Act to a specific rank or rate in Her Majesty's naval forces includes a reference to any other rank or rate in those forces which is equivalent to that rank or rate.
- (5) In this Act " corresponding rank " in relation to any rank or rate in any of Her Majesty's naval, military or air forces, means such rank or rate in any other of those forces as may be declared by Queen's Regulations and Admiralty Instructions for the time being in force to correspond therewith,

134 Definition of active service

For the purposes of this Act a force shall be deemed to be on active service when engaged in operations against an enemy, when situated in an area in which such operations are taking place, or when landed in any foreign country for the protection of life or property, and a person shall be deemed to be on active service when serving in or with a force which is on active service.

135 General Interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" aircraft " means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

" aircraft material " includes—

- (a) parts of, and components of or accessories for, aircraft, whether for the time being in aircraft or not;
- (b) engines, armaments, ammunition and bombs and other missiles of any description in, or for use in, aircraft;
- (c) any other gear, apparatus or instruments in, or for use in, aircraft;
- (d) any apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft; and
- (e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft or aircraft material;

" aircraft papers " has the meaning assigned to it by the Naval Prize Act, 1864 ;

" civil court " means a court of ordinary criminal jurisdiction but does not, except where otherwise expressly provided, include any such court outside Her Majesty's dominions;

" civil prison " means a prison in which a person sentenced by a civil court to imprisonment can be confined ;

" committal order " means an order committing a person sentenced under this Act to imprisonment or detention to any establishment in which, by virtue of subsection (1) or (2) of section eighty-one of this Act, he may be confined during the term of the sentence:

" Commonwealth country " means Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan, Ceylon or Ghana ;

" constable " includes any person having powers corresponding with those of a constable ;

" court-martial " means a court-martial under this Act;

" decoration " includes medal, medal ribbon, clasp and good conduct badge;

" desertion " has the meaning assigned to it by section fifteen of this Act, and " desert " shall be construed accordingly;

" enemy " includes all persons engaged in armed operations against Her Majesty's forces, and also includes all armed mutineers, armed rebels, armed rioters and pirates;

" Governor ", in relation to any colony, means the Governor-General, Governor or other officer, however styled, who is for the time being administering the government of the colony and includes the British Resident,

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Zanzibar, but where two or more colonies or the parts of any colony are under local governments and also under a central government, references to the Governor shall be construed as references to the Governor-General, Governor or other officer, however styled, who is for the time being administering the central government;

" mutiny " has the meaning assigned to it by section eight of this Act;

" naval detention quarters " means premises or vessels, or parts of premises or vessels, set apart by the Admiralty under subsection (1) of section eighty-two of this Act;

" prize court " means a prize court within the meaning of the Naval Prize Act, 1864 ;

" property " includes real property in England and Wales or Northern Ireland, heritable property in Scotland and property outside the United Kingdom of the nature of real property;

" provost officer " means a naval provost marshal, an assistant to a naval provost marshal and any other officer being a provost officer within the meaning of the Army Act, 1955, or the Air Force Act, 1955 ;

" public or service property " means property belonging to any department of Her Majesty's Government in the United Kingdom or of the Government of Northern Ireland, or held for the purposes of any such department, and property belonging to or connected with Her Majesty's naval forces, the naval forces of any Commonwealth country or naval forces raised under the law of any colony, or any part of any of those forces;

" service law " has the meaning assigned by section eight of this Act;

" ship papers " has the meaning assigned to it by the Naval Prize Act, 1864;

" steals " has the same meaning as in the Larceny Act, 1916;

- (2) Any reference in this Act to an offence under Part I thereof includes a reference to a civil offence punishable on conviction thereunder by virtue of section forty-two of this Act.
- (3) Any reference in this Act to an enactment is a reference thereto as amended by or under any subsequent enactment.
- (4) Any power conferred by this Act to make an Order in Council or order shall include power to vary or revoke the Order in Council or order by a subsequent Order in Council or order.
- (5) Any Order in Council, order or regulations made under this Act may make different provision for different circumstances or cases, or may make provision for particular circumstances or cases only.

Supplemental

136 Minor amendments

The enactments specified in the Fifth Schedule to this Act shall have effect subject to the amendments set out in the second column of that Schedule.

137 Repeals and transitional provisions

- (1) The enactments described in the Sixth Schedule to this Act (being enactments superseded by this Act and other obsolete enactments relating to the navy) are hereby repealed to the extent specified in the third column of that Schedule.
- (2) Without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) any reference in any enactment to the Naval Discipline Act or to any provision of that Act shall be construed as, or as including, a reference to this Act or the corresponding provision of this Act.
- (3) The transitional provisions contained in the Seventh Schedule to this Act shall have effect in connection with the repeal of the Naval Discipline Act.

138 Savings

- (1) Nothing in this Act shall take away, abridge or prejudicially affect any right, power or prerogative of Her Majesty in right of Her Crown or in right of Her Office of Admiralty.
- (2) The provisions of this Act specifying the classes of persons who are subject thereto shall not affect the application of this Act to any person to whom it applies by virtue of the Coastguard Act, 1925.

139 Short title and commencement

- (1) This Act may be cited as the Naval Discipline Act 1957.
- (2) This Act shall come into force on such date as Her Majesty may by Order in Council appoint.