



# Naval Discipline Act 1957

## 1957 CHAPTER 53

### PART I

#### ARTICLES OF WAR

##### *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.