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STATUTORY INSTRUMENTS

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**1972 No. 430**

**DEFENCE**

**The Certificates of Arrest and Surrender  
(Royal Navy) Regulations 1972**

*Made* - - - - *20th March 1972*  
*On such date as the*  
*Armed Forces Act*  
*1971 comes into*  
*Coming into Operation* *force*

The Secretary of State for Defence, in exercise of the powers conferred upon him by section 110(3) of the Naval Discipline Act, 1957, as amended by the Defence (Transfer of Functions) (No. 1) Order 1964<sup>(1)</sup>, and, by virtue of section 44(1) of the Armed Forces Act 1971, by section 103(4) of the Naval Discipline Act, 1957 and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**1.**—(1) These Regulations may be cited as the Certificates of Arrest and Surrender (Royal Navy) Regulations 1972 and shall come into operation on such date as the Armed forces Act 1971 comes into force.

(2) The Interpretation Act 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

**2.** Where, under section 108 of the Naval Discipline Act, 1957, an officer of police causes any person to be delivered into naval custody without being brought before a court of summary jurisdiction, the certificate which is required by subsection (1) of section 110 of that Act to be handed over with him shall be in the form specified in Part I of the Schedule to these Regulations and shall contain the particulars therein set out relating to his surrender.

**3.**—(1) Where, under section 109 of the Naval Discipline Act, 1957, a court of summary jurisdiction causes any person to be delivered into naval custody, or any person is so delivered after having been committed under that section, the certificate which is required by subsection (2) of section 110 of that Act to be handed over with him shall be in the form specified in Part II of the Schedule to these Regulations and shall contain the particulars therein set out relating to his arrest or surrender and the proceedings before the court.

(2) The fee payable to the clerk of the court in respect of such a certificate as is referred to in paragraph (1) of this Regulation shall be:—

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<sup>(1)</sup> (1964 I, p. 769).

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- (a) in the case of a clerk of a court of summary jurisdiction in Scotland— the sum of thirty three pence; and
  - (b) in any other case the sum of tenpence or in a colony the equivalent amount of local currency.
4. Where, under section 103 of the Naval Discipline Act, 1957, a person suspected of any offence under Part I of that Act has been arrested under a warrant issued pursuant to subsection (1) of that section, the certificate which is required by subsection (3) to be handed over with him shall be in the form specified in Part III of the Schedule to these Regulations and shall contain the particulars therein set out relating to his arrest.
5. The Certificates of Arrest and Surrender of Deserters and Absentees (Navy) Regulations, 1958(2) are hereby revoked.

*Carrington*  
One of Her Majesty's Principal Secretaries of  
State

Dated this twentieth day of March 1972

## SCHEDULE

### PART I

Certificate in accordance with section 110(1) of the Naval Discipline Act, 1957

### PART II

Certificate in accordance with section 110(2) of the Naval Discipline Act, 1957

### PART III

Certificate in accordance with section 103(3) of the Naval Discipline Act, 1957

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## EXPLANATORY NOTE

These Regulations, which replace the Certificates of Arrest and Surrender of Deserters and Absentees (Navy) Regulations, 1958, prescribe the form of certificate to be handed over when a naval deserter or absentee, who has surrendered himself to the police, is delivered into naval custody. They also prescribe the form of certificate to be handed over when a deserter or absentee is delivered into naval custody as a result of proceedings before a court of summary jurisdiction (in respect of which certificate the fee payable to the clerk of the court is also fixed) and, on delivery into naval custody, with a person suspected of any offence under Part I of the Naval Discipline Act, 1957 who has been arrested under a warrant issued by naval authorities.