

## 1972 No. 430

## DEFENCE

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

<i>Made</i> - - - -	20th March 1972
<i>Coming into Operation</i>	On such date as the Armed Forces Act 1971 comes into 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(a), as amended by the Defence (Transfer of Functions) (No. 1) Order 1964(b), and, by virtue of section 44(1) of the Armed Forces Act 1971(c), 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(d) 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:—

- (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.

(a) 1957 c. 53.  
(c) 1971 c. 33.

(b) S.I. 1964/488 (1964 I, p. 769).  
(d) 1889 c. 63.

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(a) are hereby revoked.

Dated this twentieth day of March 1972.

*Carrington,*

One of Her Majesty's Principal Secretaries of State

SCHEDULE

PART I

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

I certify that.....(full names)  
surrendered himself at.....(place) at  
.....(time) on the.....day of.....19...  
(as being illegally absent from.....(ship or naval  
establishment)). At the time of his arrest he was not wearing the uniform of any of  
wearing .....

H.M. naval forces(b).

.....(c).

He gave the following particulars/appears to be(a):—

Official number.....

Rank or rating.....

Ship or establishment.....

Dated this.....day of.....19...

Signature of officer of police in }  
charge of police station where }  
the person named above sur- } .....  
rendered or was taken on sur- }  
render. }  
}

(a) S.I. 1958/561 (1958 II, p. 2121).

(b) Delete as necessary.

(c) Where the uniform of one of H.M. naval forces was worn here state 'naval uniform', 'Royal Marines uniform' or as the case may require.

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

I certify that.....(full names),  
whose service particulars are given below, appeared before a court of summary  
jurisdiction at.....on the.....day of.....  
.....19... in accordance with section 109 of the Naval Discipline Act, 1957, having  
(a).....at.....(place), at...  
.....(time) on the.....day of  
.....19... At the time of his arrest/surrender(b)  
he was not wearing the uniform of any of H.M. naval forces(b)  
he was wearing.....(c)  
He was committed to civil custody/delivered into naval custody(b) in accordance with  
the said section. The above facts were proved to the satisfaction of the court by the  
evidence of.....(names of witnesses). Opportunity was  
given to cross-examine the witnesses. ....(name of prisoner)  
admitted that he illegally absented himself from.....  
(ship or establishment) at.....(place),  
on.....(date)(d).

Service particulars of the person named above:—

Official number.....

Rank or rating.....

Ship or establishment.....

Dated this.....day of.....19...

Signature.....

Description.....

(As to the persons qualified to sign, see Note).

**NOTE**

The following persons are authorised to sign under section 33 of the Armed Forces Act 1966:

- (1) In England, Wales and the Isle of Man: A Justice of the Peace or Clerk of the Court.
- (2) In Scotland: The Clerk of the Court.
- (3) In Northern Ireland: A resident magistrate, or the Clerk of Petty Sessions for the petty sessions district in which the court sat.
- (4) In Jersey and Guernsey: A magistrate, or a person for the time being authorised to act as a magistrate.
- (5) In Alderney: The Chairman of the Court of Alderney, or the person for the time being authorised to act as Chairman of that Court.
- (6) In Sark: The Seneschal or the Deputy Seneschal.
- (7) In a Colony, Protectorate, or Trusteeship Territory under the United Nations (or territory consisting of two or more such units): A magistrate, or the official (by whatever designation known) who exercises in the Court functions similar to those exercised in England by the clerk of a court of summary jurisdiction.

(a) Insert here 'surrendered to.....' or 'been arrested by.....' as the case required. (b) Delete as necessary.

(c) Where the uniform of one of H.M. naval forces was worn here state 'naval uniform', 'Royal Marines uniform' or as the case may require.

(d) Delete if inappropriate.

PART III

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

1. I certify that:

Official Number.....

Rank or rating.....

Full Names.....

Ship or establishment.....

was arrested at.....(place) at.....  
.....(time) on the.....day of.....19...  
under a warrant issued by naval authorities pursuant to section 103(1) of the Naval  
Discipline Act, 1957.

2. At the time of his arrest he was:

not wearing the uniform of any of H.M. naval forces(a)

was wearing.....(b)

Dated this.....day of.....19...

Signature of officer of police }  
who causes the above-named per- } .....  
son to be delivered into naval }  
custody. }

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

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.

(a) Delete as necessary.

(b) Where the uniform of one of H.M. naval forces was worn here state 'naval uniform', 'Royal Marines Uniform' or as the case may require.



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