



Naval Discipline Act 1957

1957 CHAPTER 53

PART III

PROVISIONS RELATING TO CIVILIANS AND CIVIL AUTHORITIES

Arrest and detention of offenders by civil authorities

103 Arrest under warrants of naval authorities

- (1) A warrant for the arrest of a person suspected of any offence under Part I of this Act may be issued by any Commander-in-Chief, by the senior naval officer present at any port, by any officer in command of any of Her Majesty's ships or naval establishments, or by any officer who by virtue of subsection (4) of section forty-nine of this Act has power to try that person for that offence.
- (2) A warrant issued under this section shall be addressed to an officer or officers of police, and shall specify the name of the person for whose arrest it is issued and the offence which he is alleged to have committed; and any such warrant may be issued in respect of two or more persons alleged to have committed the same offence or offences of the same class.
- (3) A person arrested under a warrant issued under this section shall as soon as practicable be delivered into naval custody ; and there shall be handed over with him a certificate signed by the officer of police who causes him to be delivered into naval custody stating the fact, date, time and place of arrest, and whether or not the person arrested was at the time of arrest wearing the uniform of any of Her Majesty's naval forces.

104 Arrest of persons unlawfully at large

- (1) A constable may arrest without warrant any person who, having been sentenced under Part II of this Act to imprisonment or detention, is unlawfully at large during the currency of the sentence, and may take him to any place in which he may be required in accordance with law to be detained.

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- (2) The provisions of subsections (2) and (3) of section eighty-eight of this Act shall have effect for the purposes of the foregoing subsection as they have effect for the purposes of that section.

105 Arrest of deserters and absentees

- (1) A constable may arrest without warrant any person whom he has reasonable cause to suspect of being an officer or rating of any of Her Majesty's naval forces who has deserted or is absent without leave.
- (2) Where no constable is available, any officer or rating who is subject to this Act, or any other person, may arrest any person whom he has reasonable cause to suspect as aforesaid.
- (3) Any person having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of being, within his jurisdiction an officer or rating of any of Her Majesty's naval forces who has deserted or is absent without leave, or is reasonably suspected of having deserted or being absent without leave, may issue a warrant authorising his arrest.
- (4) Any person taken into custody in pursuance of this section shall as soon as practicable be brought before a court of summary jurisdiction.

106 Arrest of persons suspected of offences punishable by civil courts

- (1) A constable may arrest without warrant any person whom he has reasonable grounds for suspecting of having committed an offence punishable under this Part of this Act on summary conviction, and may seize any property which he has reasonable grounds for suspecting of having been the subject of an offence against section ninety-eight of this Act.
- (2) Any person having authority to issue a warrant for the arrest of a person charged with crime may, if satisfied by evidence on oath that a person within his jurisdiction has, or is reasonably suspected of having, in his possession any property which has been the subject of an offence against the said section ninety-eight, grant a warrant to search for such property as in the case of stolen goods; and any property suspected of having been the subject of such an offence which is found on such a search shall be seized by the officer charged with the execution of the warrant, and that officer shall bring the person in whose possession or keeping the property is found before a court of summary jurisdiction.
- (3) For the purposes of this section property shall be deemed to be in the possession of a person if he has it under his control, and whether he has it for his own use or benefit or for the use or benefit of another.

107 Duties of governors of civil prisons, etc.

- (1) It shall be the duty of the governor of a civil prison—
- (a) to receive and confine until discharged in due court of law any person sentenced under this Act to imprisonment who is committed, transferred or returned to that prison in pursuance of a committal order or an order made under section eighty-four of this Act, and to deliver over or discharge any

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- such person in accordance with any order under this Act or on the expiration of his sentence;
- (b) to receive and confine for a period not exceeding seven days any person who is for the time being in naval custody upon delivery of an order in that behalf purporting to be signed by a flag officer or by the officer in command of any of Her Majesty's ships or naval establishments, or upon production of a committal order or an order made under the said section eighty-four relating to that person ;
 - (c) to receive any person duly committed to that prison by a court of summary jurisdiction under this Part of this Act as being illegally absent from any of Her Majesty's naval forces, and to detain him until, in accordance with the directions of the court, he is delivered into naval custody.
- (2) Subsection (1) of this section, except paragraph (a), shall apply to the person having charge of any police station or other place (not being a prison) provided for the confinement of persons in custody as it applies to the governor of a prison.