

## CHAPTER 165

### NAVAL DISCIPLINE

1869-1

PART I of this Act came into operation on 15th April, 1869.

PART II of this Act came into operation on 23rd November, 1916.

#### **Amended by:**

*1916-5*

*1967/168*

*1981-19*

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1985

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## CHAPTER 165

### NAVAL DISCIPLINE 1869-1

#### *Arrangement of Sections*

1. Short title

#### PART I

#### PREVENTION OF LIQUORS BEING BROUGHT ON BOARD HER MAJESTY'S SHIPS

2. Spirituous liquors not to be introduced on board Her Majesty's ships without consent of captain
3. Offences
4. Apprehension of offenders against this Part
5. References in this Part

#### PART II

#### DISCIPLINE OF SEAMEN ON CERTAIN BRITISH SHIPS

6. Seamen neglecting to join ship, absent without leave, or joining in state of drunkenness
7. Penalty
8. Non-application of certain restrictions in *Shipping Act*



**BARBADOS**

## NAVAL DISCIPLINE

1869-1

[Note: This Chapter comprises a consolidation of the Naval Discipline Act, 1869, 1869-1 and the Admiralty Transport Seamen Discipline Act, 1916, 1916-5.]

*An Act to prevent spirituous or fermented liquors being brought on board Her Majesty's ships and to provide for the discipline of seamen serving on board certain British ships in the service of the Crown.*

[Commencement: 15th April, 1869 PART I]

[Commencement: 23rd November, 1916 PART II]

**Short title**

1. This Act may be cited as the *Naval Discipline Act*.

## PART I

PREVENTION OF LIQUORS BEING BROUGHT ON BOARD HER  
MAJESTY'S SHIPS**Spiruous liquors not to be introduced on board Her Majesty's ships  
without consent of captain**

2.(1) It shall not be lawful for any person to bring on board any of Her Majesty's ships or vessels, when in any port or harbour of Barbados, any spirituous or fermented liquor of any description, without the previous consent of the officer commanding the ship or vessel on board of which the same may be brought.

(2) It shall be lawful for any officer in Her Majesty's service or warrant or petty officer of the navy or non-commissioned officer of the marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching, or which may have hovered about or approached, any of Her Majesty's ships or vessels, when in any of the ports or harbours of Barbados and, if any spirituous or fermented liquor is found on board such boat or vessel, to seize such spirituous or fermented liquor and the same shall be forfeited.

**Offences**

3. Any person who
- (a) brings any spirituous or fermented liquor on board any of Her Majesty's ships or vessels without such previous consent; or
  - (b) approaches or hovers about any of Her Majesty's ships or vessels when in any of the ports or harbours of Barbados for the purpose of
    - (i) bringing any spirituous or fermented liquor on board the same without such previous consent; or

- (ii) giving or selling without such previous consent spirituous or fermented liquor to men in Her Majesty's service; or
- (iii) aiding or assisting to desert or improperly absent himself from his ship or vessel,

shall forfeit and pay a penalty of \$48 for every such act or offence, to be recovered before any magistrate in a summary manner, a moiety of such penalty to be to the use of the informer.

#### **Apprehension of offenders against this Part**

4. It shall be lawful for any officer in Her Majesty's service or any such warrant or petty officer or non-commissioned officer as aforesaid or any constable or peace officer to apprehend or cause to be apprehended any such offender or persons so acting and to bring such offender or cause such offender to be brought before a magistrate to be dealt with under this Part.

#### **References in this Part**

5. For the purposes of this Act, a reference to Her Majesty in relation to Her Majesty's service shall be construed as a reference to Her Majesty in right of Her government of Barbados and of the United Kingdom.

## PART II

## DISCIPLINE OF SEAMEN ON CERTAIN BRITISH SHIPS

**Seamen neglecting to join ship, absent without leave, or joining in state of drunkenness**

**6.(1)** A seaman who, being lawfully engaged in accordance with the *Shipping Act*, Cap. 296, to serve on board any ship belonging to, or chartered or requisitioned by, the Government of Barbados

- (a) neglects or refuses without reasonable cause to join his ship or to proceed to sea in his ship, or deserts or is absent without leave from his ship or from his duty at any time; or
- (b) joins his ship or is, whilst on board his ship, in a state of drunkenness so that the performance of his duties or the navigation of this ship is thereby impeded,

shall be guilty of an offence.

[1981-19]

(2) The master, mate or owner of the ship, or his agent or any commissioned naval officer may, with or without the assistance of any member of the Police Force, convey on board his ship any seaman whom he has reason to believe to be guilty of an offence under this section and may also arrest him without first procuring a warrant, and all members of the Police Force are hereby directed to give assistance if required.

(3) No commissioned naval officer acting in pursuance of the powers aforesaid shall be liable to any penalty nor to any action for damages for false imprisonment.

**Penalty**

**7.** Such seaman on a summary conviction before a magistrate of an offence under section 6 shall, if the offence comes within paragraph (a) thereof, be liable to forfeit out of his wages a sum not exceeding 2 days' pay and, in

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addition for every 24 hours of absence, either a sum not exceeding 6 days' pay or any expenses properly incurred in hiring a substitute, and also to imprisonment for 10 weeks or, if the offence comes within paragraph (b) thereof, liable to a fine of \$24.

**Non-application of certain restrictions in *Shipping Act***

8.(1) The exercise of the powers conferred by this Part shall not be subject to the restrictions imposed by the *Shipping Act*, on the exercise of any similar powers conferred by that Act.

(2) For the purposes of this Part, a copy of any entry made in an official log book in the manner provided by the *Shipping Act*, Cap. 296, shall, if it purports to be signed and certified as a true copy or extract by the officer in whose custody the original log book is entrusted, be admissible in evidence.

[1981-19]