



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Jurisdiction

Textual Amendments applied to the whole legislation

F1 Act repealed (prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#) and the repeal being partly in force, as to which see individual provisions

48 Jurisdiction of courts-martial.

- (1) Subject to the provisions of this section, any offence under Part I of this Act may be tried and punished by court-martial; and a court-martial shall have jurisdiction to try any such offence whether committed within the United Kingdom or elsewhere.
- (2) A person shall not be tried by court-martial by virtue of section forty-two of this Act for a civil offence of treason, murder, manslaughter, treason-felony or rape [^{F1}or genocide][^{F2}or an offence under section 1 of the ^{M1}Biological Weapons Act 1974] committed on shore within the United Kingdom; and for the purposes of this subsection an offence of murder or manslaughter [^{F1}or an offence of genocide consisting of the killing of any person] shall be deemed to have been committed at the place of the commission of the act or the occurrence of the neglect which caused the death, irrespective of the place of the death. [^{F3}In this subsection the references to murder shall apply also to aiding, abetting, counselling or procuring suicide].
- (3) Except as provided by subsection (3) of section thirty-eight of this Act, a person who commits an offence under that section in relation to a court-martial shall not be dealt with by that court for that offence.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Jurisdiction is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words inserted by [Genocide Act 1969 \(c. 12\), s. 1\(7\)\(b\)](#)
F2 Words inserted by [Biological Weapons Act 1974 \(c. 6\), s. 5\(2\)](#)
F3 Words added by [Suicide Act 1961 \(c. 60\), Sch. 1 Pt. II](#)

Marginal Citations

- M1** [1974 c. 6.](#)

49 Summary trial.

- (1) Subject to the provisions of this section, a rating who is charged with an offence to which this section applies may, in accordance with regulations made by [^{F4}the Defence Council], be summarily tried and punished by the officer in command of the ship or naval establishment to which the offender belongs either at the time of the commission or at the time of the trial of the offence.
- (2) This section applies to any offence triable by court-martial under this Act, other than an offence punishable by sentence of death [^{F5}or an offence of murder].
- (3) A commanding officer shall not have power under this section to award a sentence of dismissal with disgrace from Her Majesty's service or a sentence of imprisonment or detention for any term exceeding three months.
- (4) The power conferred by subsection (1) of this section on the officer in command of a ship or naval establishment may, subject to regulations made under this section, be exercised—
 - (a) in respect of persons on board a single tender or boat which is absent from the ship or establishment on detached service, by the officer in command of that tender or boat;
 - (b) in respect of persons on board one of two or more tenders or boats which are absent as aforesaid on detached service in company or acting together, by the officer in immediate command of those tenders or boats; and
 - (c) in respect of other persons absent from the ship or establishment on detached service either on shore or elsewhere, by the officer in immediate command of those persons.
- (5) The power conferred on any officer by subsection (1) or subsection (4) of this section may, subject to such conditions as may be prescribed by regulations made under this section, be delegated by that officer to any officer not below the rank of lieutenant or corresponding rank:

Provided that an officer to whom the said power is so delegated shall not have power to award any punishment other than [^{F6}a fine [^{F7}stoppages] or] those described in paragraph (m) of subsection (1) of section forty-three of this Act.

Textual Amendments

- F4** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
F5 Words added by [Armed Forces Act 1971 \(c. 33\), s. 47](#)
F6 Words inserted by [Armed Forces Act 1971 \(c. 33\), s. 47](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Jurisdiction is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F7 Word substituted by [Armed Forces Act 1981 \(c. 55\), s. 16](#) except as to an offence alleged to have been committed before 1.5.1982

50 Disciplinary courts.

- (1) If an officer of Her Majesty's naval forces below the rank of commander is charged in time of war with an offence to which this section applies, the authority having power under this Act to order a court-martial for the trial of that offence may, if it appears to that authority that the offence is not of such a nature as to necessitate trial by such a court, order a disciplinary court in place of a court-martial; and a disciplinary court so ordered shall have power, subject to the provisions of this section and of any orders made thereunder, to try and punish the offence accordingly.
- (2) This section applies to any offence triable by court-martial under this Act other than an offence under the following provisions of this Act, that is to say:—
 - [F8(a)** sections 2 to 4, 6, 9, 10, 23 and 24, section 29(1) so far as relating to public or service property, section 29A, and sections 34 to 37 and 42;]
 - (b)** sections forty and forty-one, so far as applicable to an offence under any of the provisions mentioned in paragraph (a) of this subsection.
- (3) A disciplinary court shall consist of not less than three nor more than five officers, being officers of Her Majesty's naval forces subject to this Act, and shall include at least one member who is not below the rank of commander.
- (4) The officer who orders a disciplinary court shall not be a member of the court.
- (5) **[F9The Secretary of State]** may by statutory instrument make orders as to the assembling, constitution, procedure and practice of disciplinary courts; and such orders may apply in relation to disciplinary courts and to proceedings of such courts, with the necessary modifications, any provisions of this Part of this Act or of General Orders in force thereunder relating to courts-martial and proceedings of courts-martial.
- (6) A disciplinary court shall not have power to award any punishment greater than dismissal from Her Majesty's service.

Textual Amendments

- F8** S. 50(2)(a) substituted by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\), Sch. 1 para. 2\(2\)](#)
F9 Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

51 Jurisdiction to try offenders no longer subject to this Act.

- (1) Subject to the provisions of . . . **F10** the next following section, a person who has ceased to be subject to this Act may be tried under this Part of this Act for any offence committed while subject to this Act, and may for that purpose be arrested and kept in custody, as if he had not ceased to be subject thereto.
- (2) . . . **F11**

Textual Amendments

- F10** Words repealed by [Armed Forces Act 1981 \(c. 55\), Sch. 5 Pt. II](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Jurisdiction is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F11 S. 51(2) repealed by [Armed Forces Act 1981 \(c. 55\)](#), **Sch. 5 Pt. II**

52 Limitation of time for trial.

[^{F12}(1) Where by virtue of any enactment proceedings on indictment for any civil offence must be brought within a limited period, a person shall not be tried for that offence under section 42 of this Act unless the trial is begun within that period.]

(2) Without prejudice to the foregoing subsection, but subject to the provisions of subsection (3) of this section, a person shall not be tried by virtue of section fifty-one of this Act for an offence committed while subject to this Act unless the trial is begun within three months [^{F13}or, in the case of trial by court-martial, six months] after he ceased to be subject thereto.

[^{F14}(3) [^{F15}Subsection (2)] above shall not apply to an offence of mutiny or desertion; [^{F15}or, without prejudice to subsection (1) above, to a civil offence punishable under section 42 of this Act where the civil offence is alleged to have been committed outside the United Kingdom and the Attorney General consents to the trial.]]

Textual Amendments

F12 S. 52(1) substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), **s. 7(2)(6)**

F13 Words inserted by [Armed Forces Act 1981 \(c. 55\)](#), **s. 6(6)**

F14 S. 52(3) substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 41, 78(4)**

F15 Words substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), **s. 7(3)(6)**

[^{F16}52A Power to stay further proceedings.

Where, in the course of investigating a charge, it appears to the accused's commanding officer that proceedings in respect of the matters to which the charge relates could be, and in the interests of the better administration of justice ought to be, taken against the accused otherwise than under this Act he may stay further proceedings on the charge.]

Textual Amendments

F16 **S. 52A** inserted by [Armed Forces Act 1981 \(c. 55\)](#), **s. 3(6)**

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

Naval Discipline Act 1957 (repealed), Cross Heading: Jurisdiction is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.