



Naval Discipline Act 1957

1957 CHAPTER 53

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Jurisdiction

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 committed on shore within the United Kingdom; and for the purposes of this subsection an offence of murder or manslaughter 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.
- (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.

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 the Admiralty, 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.

Status: This is the original version (as it was originally enacted).

- (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 those described in paragraph (m) of subsection (1) of section forty-three of this Act.

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:—
- (a) sections two to six, nine, ten, twenty-three, twenty-four, twenty-nine, thirty-four to thirty-seven, and forty-two;
 - (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) The Admiralty 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.

51 Jurisdiction to try offenders no longer subject to this Act

- (1) Subject to the provisions of this and 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) A person liable to be tried by virtue of this section may be tried by court-martial, but shall not be tried under section forty-nine or section fifty of this Act.

52 Limitation of time for trial

- (1) Subject to the provisions of subsection (3) of this section, a person shall not be tried under this Part of this Act for any offence unless the trial is begun within three years after the commission of the offence, disregarding any time during which he was a prisoner of war or was illegally absent.
- (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 after he ceased to be subject thereto.
- (3) The foregoing provisions of this section shall not apply to an offence of mutiny or desertion; and notwithstanding anything in this section a person may, with the consent of the Attorney General, be tried under this Part of this Act at any time for a civil offence within the meaning of section forty-two of this Act committed outside the United Kingdom.