



# Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

## PART IV

### MISCELLANEOUS AND GENERAL

#### *Application to particular countries and territories*

#### **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**F1** Act repealed (prosp.)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

#### **123 Scotland.**

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) . . . <sup>F1</sup>
- (3) In section forty-eight, the expression “manslaughter” means culpable homicide.
- (4) In subsection (2) of section eighty, references to the <sup>M1</sup>Capital Punishment Amendment Act 1868, and to section seven of that Act, shall be construed as references to that Act and that section as they apply to Scotland, and for the reference to the sheriff there shall be substituted a reference to the lord provost or provost, or magistrate or magistrates, charged with seeing the sentence of death carried into effect.
- (5) In section eighty-two, in subsection (1), for the reference to [<sup>F2</sup>the Coroners Acts 1887 to 1926][<sup>F2</sup>the Coroners Act 1988], there shall be substituted a reference to section twenty-five of the <sup>M2</sup>Prisons (Scotland) Act 1952, and in subsection (3) the reference to sections thirty-nine to forty-two of the <sup>M3</sup>Prison Act 1952, shall include a reference to section thirty of the <sup>M4</sup>Prisons (Scotland) Act 1952.
- (6) In section ninety-eight, the expression “chattel” means corporeal moveable.

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- (7) In subsection (5) of section one hundred and one, the expression “putative father” means the person proved or admitted to be the father.
- (8) In subsection (2) of section one hundred and six, for the words from “and that officer” to the end of the subsection there shall be substituted the words “who shall report the matter to the procurator fiscal”.
- (9) In subsection (4) of section one hundred and nine, for the words from the beginning to “such proceedings” there shall be substituted the words “For the purposes of any proceedings under this section”.
- [<sup>F3</sup>(10) Where by virtue of this Act a document is admissible in evidence or is evidence of any matter stated in it in proceedings before a civil court in England, it shall be sufficient evidence of the matter so stated in such proceedings in Scotland.]

#### Textual Amendments

- F1** S. 123(2) repealed by [Armed Forces Act 1966 \(c. 45\)](#), [Sch. 5](#)
- F2** “the Coroners Act 1988” substituted (E.W.) for “the Coroners Acts 1887 to 1926” by [Coroners Act 1988 \(c. 13, SIF 33\)](#), s. 36(1), [Sch. 3 para. 13](#)
- F3** S. 123(10) added by [Armed Forces Act 1971 \(c. 33\)](#), [s. 76](#)

#### Marginal Citations

- M1** 1868 c. 24.
- M2** 1952 c. 61.
- M3** 1952 c. 52.
- M4** 1952 c. 61.

## 124 Northern Ireland.

- (1) The provisions of this section shall have effect for the purposes of the application of this Act to Northern Ireland.
- (2) In subsection (2) of section eighty, references to the <sup>M5</sup>Capital Punishment Amendment Act 1868 . . . <sup>F4</sup>, shall be construed as references to that Act . . . <sup>F4</sup> as in force from time to time in Northern Ireland, . . . <sup>F4</sup>, and accordingly the reference to the sheriff shall be construed as a reference to the under-sheriff.
- (3) In section eighty-two, in subsection (1), for the words “the Coroners Acts 1887 to 1926” there shall be substituted the words “section thirty-nine of the <sup>M6</sup>Prison Act (Northern Ireland) 1953, with any necessary modifications”, and in subsection (3) the reference to sections thirty-nine to forty-two of the <sup>M7</sup>Prison Act 1952, shall include a reference to sections twenty-eight to thirty-six of the <sup>M8</sup>Prison Act (Northern Ireland) 1953.
- (4) Subsection (3) of section one hundred shall not apply; and all fines imposed in proceedings taken before a court of summary jurisdiction in Northern Ireland shall be dealt with in the manner provided by section twenty of the <sup>M9</sup>Administration of Justice Act (Northern Ireland) 1954.
- (5) For the purposes of section one hundred and one the expression “maintenance order” shall include an order made under section one of the <sup>M10</sup>Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924.

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- (6) In subsection (4) of section one hundred and nine for the reference to [<sup>F5</sup>the <sup>M11</sup>Magistrates' Courts Act 1980], there shall be substituted a reference to the Summary Jurisdiction Acts (Northern Ireland) and the rules made thereunder.
- [<sup>F6</sup>(6A) Where a financial penalty enforcement order has been registered under section 128F below by a court of summary jurisdiction in Northern Ireland in respect of any person, a justice of the peace may issue a summons to that person requiring him to appear before the court which registered that penalty or a warrant for the arrest of that person.]
- [<sup>F7</sup>(6AA) The reference in section 128E(1) to any judgment or order enforceable by a court in the United Kingdom shall include a reference to a judgment enforceable by the Enforcement of Judgments Office.]
- [<sup>F8</sup>(6B) Where a person appears before a court of summary jurisdiction in Northern Ireland in pursuance of a summons or warrant issued under subsection (6A) above, the court may exercise the like Powers as are conferred on it by [<sup>F9</sup>Part IX of the <sup>M12</sup>Magistrates' Courts (Northern Ireland) Order 1981] (satisfaction and enforcement of orders).
- (6C) A financial penalty enforcement order shall be registered in Northern Ireland under section 128F below in accordance with Magistrates' Courts Rules.]

#### Textual Amendments

- F4** Words repealed by Northern Ireland (Emergency Provisions) Act 1973 (c. 53), **Sch. 5**
- F5** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43), **Sch. 8 para. 5**
- F6** S. 124(6A) inserted by Armed Forces Act 1976 (c. 52), s. 16, **Sch. 8 para. 4(1)(3)**
- F7** S. 124(6AA) inserted by S.I. 1979/298, **art. 2**
- F8** S. 124(6B)(6C) inserted by Armed Forces Act 1976 (c. 52), s. 16, **Sch. 8 para. 4(1)(3)**
- F9** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 10**

#### Marginal Citations

- M5** 1868 c. 24.
- M6** 1953 c. 18 (N.I.)
- M7** 1952 c. 52.
- M8** 1953 c. 18 (N.I.)
- M9** 1954 c. 9 (N.I.)
- M10** 1924 c. 27 (N.I.)
- M11** 1980 c. 43.
- M12** S.I. 1981/1675 (N.I. 26)

## 125 Channel Islands and Isle of Man.

- [<sup>F10</sup>(1) This Act extends to the Channel Islands and the Isle of Man subject to subsection (2) below and to such modifications as Her Majesty may by Order in Council specify; and, where any such modification refers to any law for the time being in force in any of the Channel Islands or the Isle of Man, the modification may be expressed to have effect for all purposes of this Act (and not only in the application of this Act to the Channel Islands or the Isle of Man, as the case may be).]
- (2) Any reference in this Act to the United Kingdom (except the references in [<sup>F11</sup>sections 80 and 82A] and in subsections (3) and (4) of section eighty-eight) shall be construed as including a reference to the Channel Islands and the Isle of Man [<sup>F12</sup>and in the said

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section 82A, the reference to a colony shall be construed as including a reference to the Channel Islands and the Isle of Man].

<sup>F13</sup>(3) . . . . .

#### Textual Amendments

- F10** S. 125(1) substituted (1.1.1992) by Armed Forces Act 1991 (c. 62), s. 24(2); S.I. 1991/2719, art. 2  
**F11** Words substituted by Armed Forces Act 1971 (c. 33), s. 52(2)  
**F12** Words added by Armed Forces Act 1971 (c. 33), s. 52(2)  
**F13** S. 125(3) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62), ss. 24(3), 26(2), Sch. 3; S.I. 1991/2719, art.2

#### Modifications etc. (not altering text)

- C1** S. 125 modified (1.1.1992) by Armed Forces Act 1991 (c. 62), s. 24(5); S.I. 1991/2719, art. 2  
 S. 125 applied (*prosp.*) by 1996 c. 46, s. 36(2)(6)

## 126 Colonies.

- (1) This section shall have effect for the purposes of the application of this Act to the colonies.
- (2) Any reference in this Act to a constable shall be construed as or as including a reference to a person having the powers of a constable within a colony.
- (3) Any reference in this Act to a court of summary jurisdiction, . . . <sup>F14</sup> or to summary conviction shall be construed as a reference to a court exercising corresponding jurisdiction within a colony, to a judge or member of such a court or to conviction by such a court, as the case may be; and the reference in subsection (4) of section one hundred and nine of this Act to [<sup>F15</sup>the <sup>M13</sup>Magistrates' Courts Act 1980], shall be construed as a reference to any corresponding law of a colony.
- (4) Any reference in this Act to a civil prison or to the governor of such a prison shall be construed as a reference to a prison or institution in which persons sentenced by a civil court in a colony may be confined, or to the governor, superintendent or other person in charge of such a prison or institution, as the case may be.
- (5) In the application to a colony of any enactment contained in Part III of this Act providing for the imposition of a fine there shall, if the law of the colony so provides, be substituted for the fine specified in that enactment such higher or lower fine as may be provided by that law; and it shall be competent for the law of any colony to declare what amount of the local currency is to be treated as equivalent to the amount of money specified in any such enactment.

#### Textual Amendments

- F14** Words repealed by Armed Forces Act 1966 (c. 45), Sch. 5  
**F15** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43), Sch. 8 para. 5

#### Modifications etc. (not altering text)

- C2** S. 126 restricted by Federation of Malaya Independence Act 1957 (c. 60), s. 2(1), Sch. 1 para. 2(1)

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**Marginal Citations**

**M13** 1980 c. 43.

**127 Protectorates, protected states, trust territories and federated territories.**

- (1) This Act shall apply in relation to any of the following, that is to say—
- (a) any territory under Her Majesty’s protection;
  - (b) any territory for the time being administered by Her Majesty’s Government in the United Kingdom under the trusteeship system of the United Nations;
  - (c) any country or territory consisting of two or more of any of the following units, namely colonies, territories under Her Majesty’s protection or territories administered as aforesaid,
- as it applies in relation to a colony; and references in this Act to Her Majesty’s dominions shall be construed as including references to any such territory as is described in paragraph (a) or paragraph (b) of this subsection.
- (2) Any reference in this Act to the law of a colony shall include, in relation to any two or more units described in paragraph (c) of subsection (1) of this section which are under a central legislature, references to law made by that legislature.
- (3) . . . <sup>F16</sup>

**Textual Amendments**

**F16** S. 127(3) repealed by [Federation of Malaya Independence Act 1957 \(c. 60\)](#), [Sch. 1 para. 2\(1\)](#)

**128** . . . . . <sup>F17</sup>

**Textual Amendments**

**F17** S. 128 repealed by [Armed Forces Act 1966 \(c. 45\)](#), [Sch. 5](#)

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