

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: Naval Discipline Act 1957 (repealed), FOURTH SCHEDULE is up to date with all changes known to be in force on or before 06 July 2024.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)*

## SCHEDULES

### FOURTH SCHEDULE

Section 118.

#### APPLICATION OF ACT TO CERTAIN CIVILIANS

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- F1** Act repealed (prosp.)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

- 1 In the application of any enactment contained in Part I of this Act to a person to whom it applies by virtue of section one hundred and eighteen of this Act—
- (a) for any reference to dismissal with disgrace from Her Majesty’s service there shall be substituted a reference to imprisonment for a term not exceeding two years; and
  - (b) for any reference to dismissal from Her Majesty’s service (not being dismissal with disgrace) there shall be substituted a reference to a fine,
- [<sup>F1</sup>and in relation to such persons—
- (i) paragraphs (e) to (m) of section 43(1) above shall be omitted; and
  - (ii) paragraph 15 of Schedule 4A below shall have effect in substitution for the words in that subsection from “and references in this Act” to the end.]

##### Textual Amendments

- F1** Words substituted by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 9 para. 14\(a\)](#)

- 2 . . . <sup>F2</sup>

##### Textual Amendments

- F2** [Sch. 4 para. 2](#) repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), [Sch. 4 Pt. I](#)

- 3 Any person found committing an offence for which he is liable to be tried by virtue of the said section one hundred and eighteen, or alleged to have committed or reasonably suspected of having committed such an offence, may be arrested by a provost officer, by any officer or person legally exercising authority under a provost officer or on his behalf, or by or on the orders of any officer subject to this Act; and subsection (3) of section forty-five of this Act shall apply to the powers of arrest conferred by this paragraph as it applies to the powers conferred by that section.

- [<sup>F3</sup>3A In relation to persons to whom Part II of this Act applies by virtue of section 118 of this Act, sections 47A to 47E of this Act shall have effect with the substitution of references to paragraph 3 of this Schedule for references to section 45 of this Act.]

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#### Textual Amendments

**F3** Sch. 4 paras. 3A, 3B inserted (2.10.2000) by 2000 c. 4, s. 10, **Sch. 1 para. 12**; S.I. 2000/2366, **art. 2**

- <sup>F4</sup>3B In relation to such persons—
- (a) section 47K(2)(b) of this Act shall have effect with the omission of the words from the beginning to “(5) of this Act”, and
  - (b) section 47L(6) of this Act shall have effect with the omission of paragraph (a).

#### Textual Amendments

**F4** Sch. 4 paras. 3A, 3B inserted (2.10.2000) by 2000 c. 4, s. 10, **Sch. 1 para. 12**; S.I. 2000/2366, **art. 2**

- 4 In relation to a person liable to be tried as aforesaid, [<sup>F5</sup>section 52D] of this Act shall apply as it applies in relation to a rating, but subject to the following modifications:
- (a) the officer empowered to try and punish an offence in accordance with the said [section 52D] shall be such officer as may be determined by or under regulations made by [<sup>F6</sup>the Defence Council] for the purposes of this paragraph, <sup>F7</sup> . . . ;
  - (b) the punishment which may be awarded under that section shall in the case of any offence be a fine not exceeding [<sup>F8</sup> £100], and no other punishment shall be so awarded.

#### Textual Amendments

**F5** Words in Sch. 4 para. 4 substituted (1.4.1997 with savings) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 97(a)**; S.I. 1997/304, **art. 2** (with art. 3)

**F6** Words substituted by S.I. 1964/488, **Sch. 1 Pt. I**

**F7** Words in Sch. 4 para. 4 repealed (1.4.1997 with savings) by 1996 c. 46, ss. 5, 35(2), Sch. 1 Pt. IV para. 97(b), **Sch. 7 Pt. I**; S.I. 1997/304, **art. 2** (with art. 3)

**F8** Words substituted by Armed Forces Act 1981 c. 55, **Sch. 1 para. 1**

- [<sup>F9</sup>4A For the purposes of section 52(2) of this Act a person shall be deemed not to have ceased to be a person to whom this Act applies by virtue of section 118(2) of this Act if he has so ceased by reason only of one or both of the following, namely—
- (a) the fact that he has ceased to be within the limits of a command within whose limits he continues to have his ordinary residence or to serve or to be employed;
  - (b) the fact that there has been an interruption of his residence with a family of persons whose place of residence continues to be his home.]

#### Textual Amendments

**F9** Sch. 4 para. 4A inserted by Armed Forces Act 1986 (c. 21, SIF 7:1), **s. 8(2)–(4)**

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[<sup>F10</sup>4B In its application to a person subject to a community supervision order under paragraph 4 of Schedule 4A to this Act, section 52 of this Act shall have effect as if subsection (2) was omitted.]

**Textual Amendments**

**F10** Sch. 4 para. 4B inserted (1.4.1997 with savings) by 1996 c. 46, s. 10, Sch. 3 para. 4; S.I. 1997/304, art. 2 (with art. 3)

[<sup>F11</sup>4C (1) Where the summary appeal court hears an appeal brought by any person to whom this Act applies by virtue of section 118 of this Act and the court would otherwise include two officers qualified under section 52FH of this Act for membership of the court, the court may include in place of either or both of them a corresponding number of persons who are in the service of the Crown and are persons to whom this Act applies by virtue of section 118.

(2) References in Part II of this Act to the officers qualified under section 52FH for membership of the summary appeal court shall be construed as including references to persons who are members of that court by virtue of sub-paragraph (1) of this paragraph.]

**Textual Amendments**

**F11** Sch. 4 para. 4C inserted (2.10.2000) by 2000 c. 4, s. 25, Sch. 3 para. 18; S.I. 2000/2366, art. 2 (with Sch. para. 15)

[<sup>F12</sup>5 Section 129B above shall apply to a person to whom this Act applies by virtue of section 118 above, as it applies to a person subject to this Act.]

**Textual Amendments**

**F12** Para. 5 added by Armed Forces Act 1976 (c. 52), Sch. 9 para. 14(b)

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