



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II U.K.

TRIAL AND PUNISHMENT OF OFFENCES

Jurisdiction

49 Summary trial. U.K.

- (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 [^{F1}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 [^{F2}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.

Status: Point in time view as at 01/01/1992. This version of this provision has been superseded.

Changes to legislation: Naval Discipline Act 1957 (repealed), Section 49 is up to date with all changes known to be in force on or before 14 July 2024.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)

- (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 [^{F3}a fine [^{F4}stoppages] or] those described in paragraph (m) of subsection (1) of section forty-three of this Act.

- [^{F5}(6) The reference in the proviso to subsection (5) above to stoppages does not include a reference to stoppages for personal injury.]

Textual Amendments

- F1** Words substituted by S.I. 1964/488, **Sch. 1 Pt. I**
F2 Words added by **Armed Forces Act 1971 (c. 33), s. 47**
F3 Words inserted by **Armed Forces Act 1971 (c. 33), s. 47**
F4 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
F5 S. 49(6) inserted (1.1.1992) by **Armed Forces Act 1991 (c. 62), s. 8(2); S.I. 1991/2719, art. 2**

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

Status:

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