



Naval Discipline Act 1957

1957 CHAPTER 53

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Special powers of Admiralty

77 Effect of appeal against conviction on order for restitution or compensation

- (1) The operation of any order made under section seventy-six of this Act on conviction by a court-martial or disciplinary court shall be suspended—
 - (a) in any case, until the expiration of the period prescribed under Part I of the Courts-Martial (Appeals) Act, 1951, as the period within which an application for leave to appeal to the Courts-Martial Appeal Court against the conviction must be lodged ; and
 - (b) if such an application is duly lodged, until either the application is finally refused or is withdrawn or the appeal is determined or abandoned ;and where the operation of any such order is suspended under this subsection, the order shall not take effect if the conviction is quashed on appeal.
- (2) On any appeal to the Courts-Martial Appeal Court the court may by order annul or vary any order made under the said section seventy-six although the conviction in respect of which it was made is not quashed.
- (3) Rules of court made under the said Act of 1951 may make provision for securing the safe custody, during the period during which the operation of an order is suspended under this section, of the property ordered to be restored or handed over or the money to which the order relates.
- (4) Notwithstanding anything in this section, an order under the said section seventy-six shall not, so far as it relates to the delivery of property to the person appearing to be the owner thereof, be suspended if it is certified by the Admiralty, or by the court or officer by whom the order is made, that the title to the property is not in dispute.