



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Suspension and reconsideration of sentences of imprisonment and detention

90 Suspension of sentences.

(1) Where any person has been sentenced under this Act to imprisonment or detention, the authority having power under section eighty-one of this Act to issue a committal order may, in lieu of issuing such an order, order that the sentence be suspended; and in ^[F1]any case where a sentence is suspended under this subsection] the sentence shall not begin to run until ^[F2]an order determining the suspension of the sentence is made under section 91(1) or 91B(1) of this Act and a committal order is issued] .

^{F3}[(1A) Where any person has been sentenced under this Act by a court-martial to imprisonment or detention ^[F4]or by the summary appeal court to detention, the court] may itself exercise the power under subsection (1) above to order the suspension of the sentence.]

(2) Where any person has been sentenced under this Act to imprisonment or detention and a committal order in respect of that sentence has been issued under the said section eighty-one, the sentence may be suspended by an order made—

- (a) in any case, by ^[F5]the Defence Council] or by any officer holding such command as may be prescribed by regulations made by ^[F5]the Defence Council];
- (b) where the committal order was issued by an officer not holding such command, by that officer;

and in any such case the offender shall be released and the currency of the sentence suspended until ^[F6]an order determining the suspension of the sentence is made under section 91(1) or 91B(1) of this Act and a further committal order is issued] .

Status: Point in time view as at 18/07/2008. This version of this provision has been superseded.

Changes to legislation: Naval Discipline Act 1957 (repealed), Section 90 is up to date with all changes known to be in force on or before 14 July 2024.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)

- (3) Where a sentence is suspended under this section, [^{F5}the Defence Council] or, subject to any regulations or directions made or given by [^{F5}the Defence Council], any other authority by whom the sentence is suspended, may direct that any other punishment which the suspended sentence involves shall be suspended or remitted; but except as aforesaid the suspension of a sentence under this section shall not affect any such other punishment.

Textual Amendments

- F1** Words in s. 90(1) substituted (1.1.1992) by [Armed Forces Act 1991 \(c. 62\), s. 12\(1\)](#); S.I. 1991/2719, [art. 2](#)
- F2** Words in s. 90(1) substituted (18.7.2008) by [The Armed Forces \(Alignment of Service Discipline Acts\) Order 2008 \(S.I. 2008/1694\), art. 30\(2\)](#)
- F3** S. 90(1A) inserted (1.1.1992) by [Armed Forces Act 1991 \(c. 62\), s. 12\(1\)](#); S.I. 1991/2719, [art. 2](#)
- F4** Words in S. 90(1A) substituted (18.7.2008) by [The Armed Forces \(Alignment of Service Discipline Acts\) Order 2008 \(S.I. 2008/1694\), art. 30\(3\)](#)
- F5** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F6** Words in s. 90(2) substituted (18.7.2008) by [The Armed Forces \(Alignment of Service Discipline Acts\) Order 2008 \(S.I. 2008/1694\), art. 30\(4\)](#)

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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Changes to legislation:

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