



Armed Forces Act 1966

1966 CHAPTER 45

PART III

OTHER AMENDMENTS OF LAW RELATING TO ARMED FORCES

Amendments applicable to Naval Discipline Act 1957 only

32 Fines by way of punishment for ratings and alteration of maximum amount of fines.

- (1) The punishments that may be awarded by virtue of subsection (1) of section 43 of the Naval Discipline Act 1957 to a person convicted of an offence under Part I of that Act, being a rating within the meaning of that Act, shall, notwithstanding subsection (3) of that section (which excludes a fine from the punishments so awardable) include a fine; and disrating (specified in paragraph (k) of the said subsection (1)), shall, instead of being treated, for the purposes of the said Part I, as less than a fine, be so treated as greater than that punishment but less than the punishments specified in paragraphs (a) to (h) of that subsection.
- (2) The amount of a fine that may be awarded under the said Act of 1957 by way of punishment for an offence, except in the case of an offence under section 42 of that Act (civil offences), shall not exceed the amount of the offender's gross pay for twenty-eight days ; and in the said excepted case—
 - (a) the amount of a fine that may be so awarded by a court-martial under that Act—
 - (i) where the civil offence constituting the offence under that section is punishable by a civil court in England only on summary conviction and is so punishable by a fine, shall not exceed the maximum amount of that fine ;
 - (ii) where the said civil offence is punishable by a civil court in England on indictment (whether or not it is also punishable on summary conviction) by a fine, shall not exceed the maximum amount of that fine;

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- (b) the amount of a fine that may be so awarded where under that Act the offence is tried summarily—
 - (i) in any case, shall not exceed the amount of the offender's gross pay for twenty-eight days ;
 - (ii) where the civil offence constituting the offence is punishable by a civil court in England only on summary conviction and is so punishable by a fine of a maximum amount less than the amount mentioned in the foregoing sub-paragraph, shall not exceed that maximum;
 - (iii) where the said civil offence is punishable by a civil court in England on indictment by a fine of a maximum amount less than the amount so mentioned (whether or not it is also punishable on summary conviction) shall not exceed that maximum.
- (3) For the purposes of the foregoing subsection, the gross pay for a day of a person found guilty of an offence shall be deemed to be the gross pay that is, or would (apart from any forfeiture) be, issuable to that person in respect of the day on which -punishment is awarded in respect of that offence.
- (4) Accordingly, the said Act of 1957 shall be amended as follows:—
 - (a) in the said section 43(1), after paragraph (h) there shall be inserted the following paragraph :—
 - “(hh) disrating”;
 and paragraph (k) shall cease to have effect;
 - (b) in the said section 43(3), for the reference to paragraph (k) of section 43(1), there shall be substituted a reference to paragraph (hh) thereof, and the reference to paragraph (i) thereof shall cease to have effect;
 - (c) in section 44(6) the words " shall not exceed the amount of the offender's basic pay for thirty days, and " shall cease to have effect.

33 Persons whose duty it is, for purposes of Naval Discipline Act 1957, to sign certificates of arrest or surrender of absentees or deserters.

Section 110(2) of the Naval Discipline Act 1957 (which requires certificates of arrest of deserters and absentees brought before a court of summary jurisdiction to be signed by a justice of the peace) and section 47(2) thereof (which provides that in proceedings under that Act such a certificate purporting to be signed by a justice of the peace shall be evidence of the matters therein contained) shall, as regards certificates issued after the coming into force of this section, have effect—

- (a) in their application to England and Wales, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court;
- (b) in their application to Scotland, with the substitution, for references to a justice of the peace, of references to the clerk of court;
- (c) in their application to Northern Ireland, with the substitution, for references to a justice of the peace, of references to a resident magistrate or the clerk of the petty sessions for the petty sessions district in which the court sat;
- (d) in their application to the Isle of Man, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court:

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- (e) in their application to the Islands of Jersey and Guernsey, with the substitution, for references to a justice of the peace, of references to a magistrate or a person for the time being authorised to act as a magistrate;
- (f) in their application to Alderney, with the substitution, for references to a justice of the peace, of references to the chairman of the Court of Alderney or the person for the time being authorised to act as chairman of that Court;
- (g) in their application to Sark, with the substitution, for references to a justice of the peace, of references to the Seneschal or the Deputy Seneschal;
- (h) in their application to any of the following, that is to say.—
 - (i) a colony;
 - (ii) a territory under Her Majesty's protection;
 - (iii) a territory for the time being administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations;
 - (iv) a country or territory consisting of two or more of any of the following units, namely, colonies, territories under Her Majesty's protection and territories administered as aforesaid ;

with the substitution, for references to a justice of the peace, of references to a magistrate or the official (by whatever designation known) who exercises in the court functions similar to those exercised in England by the clerk of a court of summary jurisdiction.

34 Amendment as to application to civilians of Naval Discipline Act 1957.

In section 118(2) of the Naval Discipline Act 1957 (by virtue of which certain provisions of that Act are applied to certain civilians who are within the limits of the command of an officer commanding any of Her Majesty's naval forces outside the United Kingdom or any colony) the words " or any colony " shall cease to have effect.

35 Amendments as to trial by civil court after trial under Naval Discipline Act 1957, and trial under that Act after trial by civil court.

- (1) In subsection (1) of section 129 of the Naval Discipline Act 1957 (which provides that a person subject to that Act who is acquitted or convicted of an offence on trial thereunder shall not be tried subsequently by a civil court for the same offence) and subsection (2) of that section (which, contains provision whereby the trial under that Act of a person subject thereto is barred where he has been acquitted or convicted by a civil court for the same offence) for the words " for the same offence " there shall be substituted the words " for the same, or substantially the same, offence ".
- (2) The said subsection (2) shall be extended so that the reference to a civil court in the said provision contained therein shall have effect as a reference to such a court in any country, and accordingly after the words " civil court", in the first place where they occur in that subsection, there shall be inserted the words " wherever situated ".

36 Definition of " Her Majesty's forces " and amendment of definition of " enemy ".

- (1) In section 135(1) of the Naval Discipline Act 1957, after the definition of " Governor " there shall be inserted the following paragraph:—

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“ Her Majesty's forces ' includes forces raised under the law of a colony but does not include a force of any Commonwealth country”.

- (2) In the said Act of 1957 the expression " enemy " shall be extended to include, as well as persons engaged in armed operations against Her Majesty's forces, a person so engaged against any forces co-operating with Her Majesty's forces, and accordingly, in the said section 135(1) in the definition of the expression "enemy ", after the words "Her Majesty's forces", there shall be inserted the words " or any forces co-operating therewith