



# Naval Discipline Act 1957

## 1957 CHAPTER 53

### PART I

#### ARTICLES OF WAR

##### *Punishments*

#### **43 Scale of punishments**

- (1) Subject to the provisions of this and the next following section, the following are the punishments which may be awarded to persons convicted of offences under this Part of this Act, that is to say:—
- (a) death;
  - (b) imprisonment for a term exceeding two years;
  - (c) dismissal with disgrace from Her Majesty's service;
  - (d) imprisonment for a term not exceeding two years;
  - (e) dismissal from Her Majesty's service;
  - (f) detention;
  - (g) forfeiture of seniority for a specified time or otherwise;
  - (h) dismissal from the ship or naval establishment to which the offender belongs;
  - (i) fine;
  - (j) severe reprimand;
  - (k) disrating;
  - (l) reprimand;
  - (m) such minor punishments as are now inflicted, according to the custom of the navy or may from time to time be allowed by the Admiralty ;
- and any reference in this Act to a punishment authorised by this Act is a reference to one of the said punishments.
- (2) In this Part of this Act the expression " any less punishment authorised by this Act" means, in relation to the punishment specified in any paragraph of subsection (1) of

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*Status: This is the original version (as it was originally enacted).*

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this section, any one or more of the punishments specified in subsequent paragraphs of that subsection ; and for the purposes of this subsection any reference in this Part of this Act to imprisonment other than a reference to imprisonment for a term not exceeding two years shall be construed as a reference to the punishment specified in paragraph (b) of the said subsection (1).

- (3) In the application of this section to a convicted person being an officer, subsection (1) shall have effect as if paragraphs (f), (k) and (m) were omitted; and in the application of this section to a convicted person being a rating, that subsection shall have effect as if paragraphs (g), (h), (i) (j) and (l) were omitted.

#### **44 Supplementary provisions as to punishments**

- (1) A sentence of imprisonment for any term exceeding two years shall in all cases involve dismissal with disgrace from Her Majesty's service.
- (2) Dismissal with disgrace from Her Majesty's service (whether awarded by sentence or involved by a sentence of imprisonment) shall in all cases involve the forfeiture of all pay, bounty, salvage and allowances earned by, and of all annuities, pensions and gratuities, granted to, the offender, and an incapacity to serve Her Majesty again in any military, naval, air force, or civil service; and a sentence of such dismissal may be accompanied by a sentence of imprisonment for a term not exceeding two years.
- (3) A sentence of imprisonment for a term not exceeding two years shall involve—
- (a) in all cases, stoppage of pay during the term of imprisonment ;
  - (b) in the case of a rating, disrating and deprivation of good conduct medal and good conduct badges;
- and any such sentence may be accompanied by a sentence of dismissal from Her Majesty's service.
- (4) Detention may be awarded for any term not exceeding two years; and a sentence of detention shall in all cases involve stoppage of pay during the term of detention, and disrating.
- (5) A sentence of dismissal from Her Majesty's service may be accompanied by a sentence of forfeiture of any one or more of the following, that is to say, pay, bounty, salvage and allowances earned by, and annuities, pensions and gratuities granted to, the offender.
- (6) A fine shall not exceed the amount of the offender's basic pay for thirty days, and may be recovered by deductions from his pay in such manner as may be provided by regulations made by the Admiralty.
- (7) A sentence of disrating may reduce the offender to any rate not lower than that prescribed, in relation to persons of the class to which he belongs, by regulations made by the Admiralty; and references in subsections (3) and (4) of this section to disrating are references to reduction to the rate so prescribed.