

Status: Point in time view as at 02/10/2000.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Disciplinary courts is up to date with all changes known to be in force on or before 14 July 2024.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



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

[^{F1}Disciplinary courts]

Textual Amendments

F1 Crossheading before s. 52G inserted (1.4.1997) by [1996 c. 46, s. 5, Sch. 1 Pt. I para. 13](#); [S.I. 1997/304, art. 2](#) (with [art. 3](#))

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F1 Act repealed (prosp.)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

[^{F2}52G Disciplinary courts.

- (1) If an officer of Her Majesty's naval forces below the rank of commander is charged with an offence to which this section applies at a time when the force to which he belongs is on active service, the higher authority to whom the charge was referred may order a disciplinary court.
- (2) A disciplinary court shall have power, subject to the provisions of this section and of any rules made under it, to try and punish the offence accordingly.
- (3) This section applies to any offence triable by court-martial under this Act other than an offence under the following provisions—
 - (a) sections 2 to 4, 6, 9, 10, 23 and 24, section 29(1) so far as relating to public or service property, section 29A, and sections 34 to 37 and 42;

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- (b) sections 40 and 41, so far as applicable to an offence under any of the provisions mentioned in paragraph (a) of this subsection.
- (4) A disciplinary court shall consist of not less than three nor more than five officers, at least one of whom is not below the rank of commander.
- (5) An officer shall not be a member of a disciplinary court unless he is an officer of Her Majesty's naval forces and is subject to this Act.
- (6) The officer who orders a disciplinary court shall not be a member of the court.
- (7) A disciplinary court shall not have power to award any punishment greater than dismissal from Her Majesty's service.
- (8) The Secretary of State may by statutory instrument make rules as to the assembling, constitution, procedure and practice of disciplinary courts.
- (9) Rules under subsection (8) above may apply in relation to disciplinary courts and to proceedings of such courts, with the necessary modifications, any provisions of this Part of this Act or of rules under section 58 of this Act relating to courts-martial and proceedings of courts-martial.]

Textual Amendments

- F2** Ss. 52B-52G inserted (1.4.1997 with savings) by 1996 c. 46, s. 5, **Sch. 1 Pt. I para. 13**; S.I. 1997/304, **art. 2** (with **art. 3**)

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