



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Jurisdiction

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F1 Act repealed (prosp.)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

48 Jurisdiction of courts-martial.

- (1) Subject to the provisions of this section, any offence under Part I of this Act may be tried and punished by court-martial; and a court-martial shall have jurisdiction to try any such offence whether committed within the United Kingdom or elsewhere.
- (2) A person shall not be tried by court-martial by virtue of section forty-two of this Act for a civil offence of treason, murder, manslaughter, treason-felony or rape [^{F1}or an offence under section 1 of the Geneva Conventions Act 1957]. . . [^{F2}or an offence under section 1 of the ^{M1}Biological Weapons Act 1974][^{F3}or an offence under section 2 or 11 of the Chemical Weapons Act 1996][^{F4}or an offence under section 51 or 52 of the International Criminal Court Act 2001] committed on shore within the United Kingdom; and for the purposes of this subsection an offence of murder or manslaughter [^{F5}, or an offence under section 1 of the Geneva Conventions Act 1957 or section 51 of the International Criminal Court Act 2001 consisting of the killing of a person,]. . . shall be deemed to have been committed at the place of the commission of the act or the occurrence of the neglect which caused the death, irrespective of the place of the death. [^{F6}In this subsection the references to murder shall apply also to aiding, abetting, counselling or procuring suicide].

Status: Point in time view as at 07/01/2003.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Jurisdiction is up to date with all changes known to be in force on or before 03 June 2024.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) Except as provided by subsection (3) of section thirty-eight of this Act, a person who commits an offence under that section in relation to a court-martial shall not be dealt with by that court for that offence.

Textual Amendments

F1 Words in s. 48(2) inserted (1.9.2001) by 2001 c. 17, s. 74(2)(a) (with ss. 56(2), 63(2), 78); S.I. 2001/2161, art. 2

F2 Words inserted by Biological Weapons Act 1974 (c. 6), s. 5(2)

F3 Words in s. 48(2) inserted (16.9.1996) by 1996 c. 6, s. 35(c) (with s. 37); S.I. 1996/2054, art. 2

F4 Words in s. 48(2) inserted (1.9.2001) by 2001 c. 17, s. 74(2)(b) (with ss. 56(2), 63(2), 78); S.I. 2001/2161, art. 2

F5 Words in s. 48(2) inserted (1.9.2001) by 2001 c. 17, s. 74(3) (with ss. 56(2), 63(2), 78); S.I. 2001/2161, art. 2

F6 Words added by Suicide Act 1961 (c. 60), Sch. 1 Pt. II

Marginal Citations

M1 1974 c. 6.

F7 49

Textual Amendments

F7 S. 49 repealed (1.4.1997 with savings) by 1996 c. 46, ss. 5, 35(2), Sch. 1 para. 12, Sch. 7 Pt. I; S.I. 1997/304, art. 2 (with art. 3)

F8 50

Textual Amendments

F8 S. 50 repealed (1.4.1997 with savings) by 1996 c. 46, ss. 8, 35(2), Sch. 1 para. 12, Sch. 7 Pt. I; S.I. 1997/304, art. 2 (with art. 3)

51 Jurisdiction to try offenders no longer subject to this Act.

(1) Subject to the provisions of . . . ^{F9} the next following section, a person who has ceased to be subject to this Act may be tried under this Part of this Act for any offence committed while subject to this Act, and may for that purpose be arrested and kept in custody, as if he had not ceased to be subject thereto.

(2) . . . ^{F10}

Textual Amendments

F9 Words repealed by Armed Forces Act 1981 (c. 55), Sch. 5 Pt. II

F10 S. 51(2) repealed by Armed Forces Act 1981 (c. 55), Sch. 5 Pt. II

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52 Limitation of time for trial.

[^{F11}(1) Where by virtue of any enactment proceedings on indictment for any civil offence must be brought within a limited period, a person shall not be tried for that offence under section 42 of this Act unless the trial is begun within that period.]

(2) Without prejudice to the foregoing subsection, but subject to the provisions of subsection (3) of this section, a person shall not be tried by virtue of section fifty-one of this Act for an offence committed while subject to this Act unless the trial is begun within three months [^{F12}or, in the case of trial by court-martial, six months] after he ceased to be subject thereto.

[^{F13}(3) [^{F14}Subsection (2)] above shall not apply to an offence of mutiny or desertion; [^{F14}or, without prejudice to subsection (1) above, to a civil offence punishable under section 42 of this Act where the civil offence is alleged to have been committed outside the United Kingdom and the Attorney General consents to the trial.]]

Textual Amendments

- F11** S. 52(1) substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\), s. 7\(2\)\(6\)](#)
- F12** Words inserted by [Armed Forces Act 1981 \(c. 55\), s. 6\(6\)](#)
- F13** S. 52(3) substituted by [Armed Forces Act 1971 \(c. 33\), ss. 41, 78\(4\)](#)
- F14** Words substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\), s. 7\(3\)\(6\)](#)

^{F15}52A

Textual Amendments

- F15** S. 52A repealed (1.4.1997 with savings) by [1996 c. 46, ss. 8, 35\(2\), Sch. 1 para. 12, Sch. 7 Pt. I; S.I. 1997/304, art. 2 \(with art. 3\)](#)

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