



Naval Discipline Act 1957

1957 CHAPTER 53

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Arrest

45 Duty to bring offenders to justice and powers of arrest

- (1) It shall be the duty of every person subject to this Act who knows or has reasonable grounds for suspecting that any other person subject thereto is committing or has committed an offence under any provision of Part I of this Act, to take all reasonable steps within his power to cause that person to be brought to justice.
- (2) Subject to Standing Orders of the commanding officer of any of Her Majesty's ships or naval establishments, the following persons shall have power to arrest a person subject to this Act who is found committing or is alleged to have committed or is reasonably suspected of having committed any such offence as aforesaid, that is to say:—
 - (a) in the case of an officer, an officer subject to this Act who is his superior officer or, if the person to be arrested is engaged in a mutiny, quarrel or disturbance, any officer subject to this Act;
 - (b) in the case of a rating, an officer subject to this Act, a chief petty officer, petty officer or leading rating subject to this Act who is of superior rate or senior to him in the same rate, and any rating exercising authority as a member of the regulating staff or as a member of the staff of the officer of the watch;
 - (c) in any case, a provost officer and any officer or person legally exercising authority under or on behalf of a provost officer:

Provided that an officer shall not be arrested by virtue of paragraph (c) of this subsection except on the order of another officer.

- (3) Any power of arrest under this section may be exercised either personally or by ordering into arrest the person to be arrested or by giving orders for that person's arrest.

Status: This is the original version (as it was originally enacted).

46 Provisions for avoiding delay after arrest

- (1) Where any person subject to this Act is placed under arrest, it shall be the duty of the commanding officer of the ship or establishment in which he is serving to ensure that as soon as may be either proceedings are taken for his trial or he is released from arrest.
- (2) Whenever any person subject to this Act, having been taken into naval custody, remains under close arrest for a longer period than eight days without being tried summarily under this Part of this Act or a court for his trial under this Part of this Act being ordered to assemble, a special report on the necessity for further delay shall be made by his commanding officer to the Admiralty, and a similar report shall be so made every eight days until the person under arrest is released from arrest or tried summarily or such a court is ordered to assemble.
- (3) Any report to be made under this section shall be made by the quickest method which is reasonably available in the circumstances.

47 Evidence of arrest or surrender

- (1) In any proceedings for an offence under Part I of this Act against a person who—
 - (a) has surrendered himself to any consular officer;
 - (b) has been taken on arrest or surrender into the custody of a provost officer ; or
 - (c) has been taken on arrest or surrender into custody at any police station, guard-room or other place in any part of Her Majesty's dominions,a certificate purporting to be signed by the consular or provost officer, or the officer in charge of the police station, guard-room or other place, as the case may be, containing a statement of the fact, date, time and place of arrest or surrender, and whether or not the person charged was wearing the uniform of any of Her Majesty's naval forces at the time of arrest or surrender, shall be evidence of the matter therein contained.
- (2) In any proceedings for an offence of desertion, absence without leave or improperly leaving his ship or place of duty against a person who on arrest or surrender has been brought before a court of summary jurisdiction in accordance with the provisions of Part III of this Act, a certificate purporting to be signed by a justice of the peace containing a statement of the fact, date, time and place of arrest or surrender, and whether or not the person charged was wearing the uniform of any of Her Majesty's naval forces at the time of arrest or surrender, and containing such particulars as to the proceedings before the court as may be prescribed by regulations made by the Admiralty by statutory instrument, shall be evidence of the matter therein contained.
- (3) In this section " provost officer " includes a corresponding officer of any of the forces of a Commonwealth country, or of a force raised under the law of any colony.

Jurisdiction

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 committed

on shore within the United Kingdom; and for the purposes of this subsection an offence of murder or manslaughter 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.

- (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.

49 Summary trial

- (1) Subject to the provisions of this section, a rating who is charged with an offence to which this section applies may, in accordance with regulations made by the Admiralty, be summarily tried and punished by the officer in command of the ship or naval establishment to which the offender belongs either at the time of the commission or at the time of the trial of the offence.
- (2) This section applies to any offence triable by court-martial under this Act, other than an offence punishable by sentence of death.
- (3) A commanding officer shall not have power under this section to award a sentence of dismissal with disgrace from Her Majesty's service or a sentence of imprisonment or detention for any term exceeding three months.
- (4) The power conferred by subsection (1) of this section on the officer in command of a ship or naval establishment may, subject to regulations made under this section, be exercised—
- (a) in respect of persons on board a single tender or boat which is absent from the ship or establishment on detached service, by the officer in command of that tender or boat;
 - (b) in respect of persons on board one of two or more tenders or boats which are absent as aforesaid on detached service in company or acting together, by the officer in immediate command of those tenders or boats; and
 - (c) in respect of other persons absent from the ship or establishment on detached service either on shore or elsewhere, by the officer in immediate command of those persons.
- (5) The power conferred on any officer by subsection (1) or subsection (4) of this section may, subject to such conditions as may be prescribed by regulations made under this section, be delegated by that officer to any officer not below the rank of lieutenant or corresponding rank:

Provided that an officer to whom the said power is so delegated shall not have power to award any punishment other than those described in paragraph (m) of subsection (1) of section forty-three of this Act.

50 Disciplinary courts

- (1) If an officer of Her Majesty's naval forces below the rank of commander is charged in time of war with an offence to which this section applies, the authority having power under this Act to order a court-martial for the trial of that offence may, if it appears to that authority that the offence is not of such a nature as to necessitate trial by such a court, order a disciplinary court in place of a court-martial; and a disciplinary court so

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ordered shall have power, subject to the provisions of this section and of any orders made thereunder, to try and punish the offence accordingly.

- (2) This section applies to any offence triable by court-martial under this Act other than an offence under the following provisions of this Act, that is to say:—
 - (a) sections two to six, nine, ten, twenty-three, twenty-four, twenty-nine, thirty-four to thirty-seven, and forty-two;
 - (b) sections forty and forty-one, so far as applicable to an offence under any of the provisions mentioned in paragraph (a) of this subsection.
- (3) A disciplinary court shall consist of not less than three nor more than five officers, being officers of Her Majesty's naval forces subject to this Act, and shall include at least one member who is not below the rank of commander.
- (4) The officer who orders a disciplinary court shall not be a member of the court.
- (5) The Admiralty may by statutory instrument make orders as to the assembling, constitution, procedure and practice of disciplinary courts; and such orders 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 General Orders in force thereunder relating to courts-martial and proceedings of courts-martial.
- (6) A disciplinary court shall not have power to award any punishment greater than dismissal from Her Majesty's service.

51 Jurisdiction to try offenders no longer subject to this Act

- (1) Subject to the provisions of this and 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) A person liable to be tried by virtue of this section may be tried by court-martial, but shall not be tried under section forty-nine or section fifty of this Act.

52 Limitation of time for trial

- (1) Subject to the provisions of subsection (3) of this section, a person shall not be tried under this Part of this Act for any offence unless the trial is begun within three years after the commission of the offence, disregarding any time during which he was a prisoner of war or was illegally absent.
- (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 after he ceased to be subject thereto.
- (3) The foregoing provisions of this section shall not apply to an offence of mutiny or desertion; and notwithstanding anything in this section a person may, with the consent of the Attorney General, be tried under this Part of this Act at any time for a civil offence within the meaning of section forty-two of this Act committed outside the United Kingdom.

Constitution of courts-martial

53 Ordering of courts-martial

- (1) Subject to the provisions of this section, a court-martial may be ordered by the Admiralty, or by any officer of the Royal Navy who is authorised in that behalf by commission granted by the Admiralty.
- (2) Where an officer authorised as aforesaid, and being in command of any fleet or squadron of Her Majesty's ships abroad, dies, is recalled, leaves his station or is removed from his command, the officer on whom the command of the fleet or squadron for the time being devolves, may exercise the like power to order courts-martial as was exercisable by the officer authorised as aforesaid.
- (3) Where an officer authorised to order a court-martial and being in command of any fleet or squadron of Her Majesty's ships abroad—
 - (a) detaches any part of the fleet or squadron on separate service; or
 - (b) separates himself from any part of the fleet or squadron,he may by commission authorise the officer who from time to time is in command of that part of the fleet or squadron to order courts-martial therein during the continuance in force of the commission; and any such commission shall continue in force until revoked by the officer by whom it was granted or by the officer for the time being in command of the fleet or squadron.
- (4) Where there is present at any place an officer subject to this Act who is in command of any of Her Majesty's ships or naval establishments, and is superior in rank to another officer who, apart from this subsection, would have power to order a court-martial to be held at that place, that power shall be exercisable by the first-mentioned officer to the exclusion of the said other officer.
- (5) Where it appears to an officer authorised by or under this section to order a court-martial in respect of any matter that by reason of his own concern with that matter it is undesirable for him to determine whether a court-martial should be ordered, he shall either—
 - (a) request a flag officer to act on his behalf; or
 - (b) if no such officer is available, give notice of the case to the Admiralty;and a flag officer so requested to act may order a court-martial accordingly notwithstanding anything in subsection (4) of this section, and whether or not he is otherwise authorised to order a court-martial.

54 Composition of courts-martial

- (1) A court-martial shall consist of not less than five nor more than nine officers, being officers of Her Majesty's naval forces subject to this Act who are of or above the rank of lieutenant.
- (2) An officer shall not be appointed a member of a court-martial unless he has held a commission in any of the armed forces of the Crown for a period of not less than three years or for periods amounting in the aggregate to not less than three years.
- (3) The members of a court-martial, and such spare members as the authority ordering the court-martial considers appropriate for the purpose of filling vacancies, shall be nominated by that authority.

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- (4) The officer who orders a court-martial shall not be a member of the court-martial; and no court-martial shall consist of officers all of whom belong to the same ship or naval establishment.
- (5) The president of a court-martial shall not be below the rank of captain, and in the case of a court-martial for the trial of an officer of flag rank shall be an officer of flag rank.
- (6) A court-martial for the trial of an officer of flag rank shall not include any member below the rank of captain.
- (7) A court-martial for the trial of a commodore or captain shall not include any member below the rank of commander.
- (8) A court-martial for the trial of a commander shall include at least two members, in addition to the president, who are not below the rank of commander.

55 Officials of courts-martial

- (1) For the purposes of every court-martial there shall be appointed a judge advocate and a clerk of the court, who shall respectively perform such functions at and in relation to the trial as may be prescribed by this Part of this Act or by General Orders made thereunder.
- (2) The judge advocate and the clerk of the court may be appointed respectively by the authority by whom the court-martial is ordered or by such officer as that authority may direct; and in default of any such appointment, the judge advocate or clerk of the court as the case may be, shall be appointed by the officer nominated as president of the court-martial.

56 Place and time of sittings of courts-martial

- (1) A court-martial shall be held on board such of Her Majesty's ships or vessels, or at such premises on shore, whether within or out of the United Kingdom, as may be appointed by the authority ordering the court-martial, or by any officer designated in that behalf by that authority.
- (2) A court-martial may, if it appears to the court to be expedient in the interests of justice, be adjourned, either generally or for the purpose of any part of the proceedings, to any other ship, vessel or place and shall, if so required by the authority or officer referred to in subsection (1) of this section, be adjourned to any other ship, vessel or place appointed by that authority or officer.
- (3) Without prejudice to the provisions of the last foregoing subsection, a court-martial may, if it appears to the court that an adjournment is desirable for any reason, be adjourned for such period as the court thinks fit:

Provided that except with the consent of the accused and the prosecutor the period for which the court may be adjourned under this subsection shall not on any occasion exceed six days.

- (4) Subject to the provisions of this section, a court-martial shall, unless prevented by weather or other unavoidable cause, sit from day to day (with the exception of Sundays) until the court has arrived at a finding and, in the case of a conviction, until sentence is pronounced.

57 Quorum

- (1) If at any time between the nomination of the members of a court-martial and the pronouncement of sentence by that court the president dies or is otherwise unable to attend, the court shall be dissolved and the accused may be tried by another court.
- (2) The proceedings of a court-martial shall be valid notwithstanding the absence of one or more of the members other than the president, so long as the number of members present throughout the proceedings is not reduced below four:

Provided that a member of the court who has been absent for any time during a sitting shall take no further part in the proceedings.

- (3) Nothing in this section shall prejudice any power of the authority by whom a court-martial is ordered to dissolve the court

Proceedings of courts-martial

58 General Orders as to procedure of courts-martial

- (1) Subject to the provisions of this section, the Admiralty may make General Orders for regulating the procedure and practice of courts-martial under this Act.
- (2) Without prejudice to the generality of the foregoing subsection, provision may be made by such General Orders—
 - (a) for authorising the receipt of evidence by statutory declaration and other documentary evidence in proceedings before courts-martial, subject to such conditions and restrictions as may be prescribed by the Orders;
 - (b) for authorising the judge advocate appointed for the purposes of a court-martial to hear submissions and evidence, in the absence of the members of the court, on such matters as may be prescribed by the Orders, and for applying to the judge advocate, in respect of such proceedings, any enactment relating to such a court;
 - (c) for prescribing anything which is authorised or required by this Part of this Act to be prescribed by such Orders.
- (3) General Orders under this section may direct that the powers conferred by section seven of the Bankers' Books Evidence Act, 1879 (which enables orders to be made for the inspection of bankers' books for the purposes of legal proceedings) may be exercised for the purposes of a court-martial (whether within or without the United Kingdom) by the authority by whom the court-martial is ordered, as well as by the court or a judge within the meaning of that Act.
- (4) General Orders under this section shall not have effect unless and until approved by Her Majesty in Council in pursuance of a report of the Judicial Committee of the Privy Council ; and every Order in Council made for the purposes of this subsection shall be laid before both Houses of Parliament.
- (5) General Orders under this section shall be of no effect so far as inconsistent with any provision of this Act.

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59 Challenge by accused

- (1) Before the members of a court-martial are sworn, the names of the officers constituting the court shall be read over in the presence of the accused, and he shall be asked whether he objects to being tried by any of those officers.
- (2) Every objection made by the accused in respect of any officer shall be considered by the other officers appointed members of the court.
- (3) If objection is made in respect of the president, and allowed by the other members of the court, the court shall adjourn and the authority by whom the court-martial was ordered shall appoint another president.
- (4) If objection is made in respect of any member of the court other than the president, and allowed by the members of the court entitled to vote, the member objected to shall retire, and the vacancy shall be filled by the first officer nominated as a spare member in accordance with the provisions of section fifty-four of this Act who is qualified to be and is not already a member of the court.
- (5) Without prejudice to the foregoing provisions of this section, the accused may, before the members of the court have been sworn, raise any other objection which he desires to make regarding the constitution of the court; and if it appears to the court that any such objection is well founded the court shall adjourn and report the objection to the authority by whom the court-martial was ordered.
- (6) After the members of a court-martial have been duly sworn, no question as to the constitution of the court shall be raised in the proceedings, but without prejudice to any power of the Courts-Martial Appeal Court or of the Admiralty in a case in which it appears that a substantial miscarriage of justice has occurred by reason of the court not having been duly constituted.

60 Administration of oaths

- (1) An oath shall be administered separately to each member of a court-martial, to the judge advocate, the clerk of the court and any officer in attendance for instruction in the duties of judge advocate or clerk of the court, and to any person appointed to attend for the purpose of reporting or transcribing the proceedings or as interpreter.
- (2) Except as provided by subsection (3) of this section, every witness before a court-martial shall be examined on oath.
- (3) Where any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if in the opinion of the court he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth:

Provided that where the evidence is given on behalf of the prosecution the accused shall not be liable to be convicted unless it is corroborated by some other material evidence in support thereof implicating the accused.

- (4) A person shall be permitted to make a solemn affirmation instead of taking an oath under this section—
 - (a) if he objects to being sworn, and states as the ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief; or

- (b) if it is not reasonably practicable to administer an oath to him in the manner appropriate to his religious belief.
- (5) An oath or affirmation required to be administered under this section shall be in such form, and shall be administered at such time, by such person and in such manner, as may be prescribed by General Orders under section fifty-eight of this Act.

61 Courts-martial to sit in open court

- (1) Subject to the provisions of this section and to any provisions of General Orders under section fifty-eight of this Act with respect to the deliberations of the court upon their finding and sentence or upon other matters specified in those Orders, a court-martial shall sit in open court and in the presence of the accused.
- (2) It is hereby declared that a court-martial has the like power to order the exclusion of the public from its proceedings as a civil court; and without prejudice to any such power, a court-martial may order that, subject to such exceptions, if any, as the court may specify, the public shall be excluded from all or any part of the proceedings of the court if it appears to the court that any evidence to be given or statement made in the course of the proceedings or of that part of the proceedings, as the case may be, might otherwise lead to the disclosure of any information which would or might be directly or indirectly useful to an enemy.

62 Finding and sentence

- (1) Subject to the provisions of this section, every question to be determined on a trial by court-martial shall be determined by a majority of the votes of the members of the court.
- (2) In the case of an equality of votes on the finding, the court shall acquit the accused.
- (3) Without prejudice to the provisions of section sixty-one of this Act, the finding of a court-martial on each charge, and any sentence of the court, together with any recommendation to mercy, shall be announced in open court.
- (4) A finding of guilty where the only punishment which the court can award is death shall not have effect unless it is reached with the concurrence of all the members of the court; and where there is no such concurrence, but a majority of the members of the court are in favour of such a finding, the court shall be dissolved and the accused may be tried by another court.
- (5) Where the accused is found guilty and the court has power to sentence him either to death or to some less punishment, sentence of death shall not be passed without the concurrence of all the members of the court.

63 Special finding of insane at time of trial or offence

- (1) Where, on the trial of any person by court-martial, it appears to the court—
- (a) that the accused is by reason of insanity unfit to stand his trial; or
 - (b) that the accused did the act or made the omission charged, but was insane at the time when the act was done or the omission made so as not to be responsible according to law for his actions,
- the court shall so find, and shall order him to be kept in custody until effect is given to the directions of the Admiralty.

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

- (2) In the case of any such finding, the Admiralty may give orders for the safe custody of the accused during Her Majesty's pleasure in such place and manner as they think fit.

64 Summing of witnesses

- (1) Any person, whether subject to this Act or not, who is required to give evidence before a court-martial may be summoned by notice in writing given by the clerk of the court.
- (2) Any person not subject to this Act who attends a court-martial in pursuance of a notice under this section shall be entitled to receive such expenses of his attendance as may be authorised in accordance with regulations made by the Admiralty.

65 Contempt of court-martial by civilians

- (1) Subject to the provisions of this section, if any person not subject to this Act (whether within the United Kingdom or elsewhere)—
- (a) having been duly summoned to attend as a witness before a court-martial, fails to comply with the summons;
 - (b) is guilty in relation to a court-martial of any such act or default as is described in paragraphs (b) to (f) of subsection (1) of section thirty-eight of this Act; or
 - (c) does any other act in relation to a court-martial which, if the court were a court of law having power to commit for contempt, would be punishable as contempt of that court,
- the president of the court-martial may certify the offence to any court of law having jurisdiction in the place where it is alleged to have been committed or in the place where the offender is to be found, being a court having power to commit as aforesaid.
- (2) The court to which an offence is certified under this section may inquire into the alleged offence and, after hearing any witnesses who may be produced against or on behalf of the person charged therewith, and after hearing any statement that may be offered in defence, deal with him in any manner in which the court could deal with him if he had committed the like offence in or in relation to that court.
- (3) A person shall not be dealt with under this section in respect of failure to comply with a summons requiring him to attend as a witness before a court-martial unless any expenses to which he is entitled under this Act in respect of his attendance have been paid or tendered:

Provided that for the purposes of this subsection—

- (a) the tender of a warrant or voucher entitling any person to travel free of charge shall be deemed to constitute tender of his expenses in respect of any travelling authorised by the warrant or voucher ; and
- (b) the tender of a written undertaking on behalf of the Admiralty to defray at the trial any other expenses to which such a person may be entitled under this Act in respect of his attendance shall be deemed to constitute tender of those expenses. (4) Without prejudice to the provisions of subsection (5) of section fifty of this Act, this section applies in relation to a disciplinary court as it applies in relation to a court-martial.

66 Record of proceedings of courts-martial

- (1) As soon as practicable after the conclusion of a court-martial, the judge advocate or the clerk of the court shall transmit to the Commander-in-Chief or senior naval officer the record of the proceedings ; and the Commander-in-Chief or senior naval officer shall transmit it to the Admiralty.
- (2) Subject to the provisions of this section, a person who has been charged before a court-martial shall be entitled, on application made to the Admiralty within five years after the conclusion of the proceedings before the court-martial, to receive a copy of the record of the proceedings, subject to payment of such fee (if any), not exceeding the cost of making the copy, as may be required by the Admiralty.
- (3) Where a person charged as aforesaid dies within the period of five years mentioned in subsection (2) of this section, his personal representatives, or any person who in the opinion of the Admiralty ought to be treated for the purposes of this subsection as his personal representative, shall, on application made to the Admiralty within one year after his death, have the like right to receive a copy of the record as that person would have had on application made under that subsection.
- (4) If, on application made in pursuance of this section for a copy of the record of any proceedings, the Admiralty certify that it is necessary for reasons "of security that the proceedings or any part thereof should not be disclosed, the applicant shall not be entitled to a copy of the proceedings or part to which the certificate relates.

Power to convict of mitigated or alternative offence

67 Power to convict of mitigated offence

Where the punishment for any offence under this Act depends upon the intent with which or the circumstances in which the offender acts, and any person is charged with committing that offence with an intent or in circumstances involving the higher degree of punishment, he may be found guilty of committing that offence without that intent, or in circumstances involving the lower degree of punishment, as the case may be.

68 Power to convict of alternative offence

- (1) Where a person is charged with an offence under any provision of this Act other than section forty-two, and it is not proved that he committed that offence but is proved that he committed any other such offence, being—
 - (a) an attempt to commit the offence charged ; or
 - (b) an offence of the same class as the offence charged and not involving greater punishment,he may be found not guilty of the offence charged but guilty of the said other offence.
- (2) Where a person is charged with a civil offence under section forty-two of this Act and it is not proved that he committed that offence but is proved that he committed any other civil offence of which, if he had been tried by a civil court for committing the first-mentioned offence in England, he might have been found guilty, he may be convicted of an offence under the said section forty-two in respect of the commission of that other civil offence.

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

69 Power to convict of attempt notwithstanding proof of completed offence

It is hereby declared that a person charged under this Act with an attempt to commit any offence may be convicted notwithstanding proof that he actually committed that offence.

Review of finding and sentence

70 Review by Admiralty of finding and sentence

- (1) Any finding of guilty under this Part of this Act, and any sentence awarded in respect of such a finding, may be reviewed by the Admiralty at any time, and in the case of trial by court-martial shall be so reviewed as soon as practicable after the Admiralty have received the record of the proceedings.
- (2) Without prejudice to the foregoing subsection, a person convicted under this Part of this Act by a court-martial may at any time present a petition to the Admiralty against the finding or sentence or both; and in any such case the Admiralty shall, as soon as practicable after the presentation of the petition and after consideration of the matters alleged therein, review the finding or sentence or both, as the case may be.
- (3) If an application for leave to appeal against a conviction by court-martial under this Part of this Act is received by the registrar of the Courts-Martial Appeal Court, or if the said registrar receives particulars of such an application furnished in pursuance of paragraph (b) of subsection (3) of section four of the Courts-Martial (Appeals) Act, 1951, so much of subsections (1) and (2) of this section as requires the Admiralty to review the finding of a court-martial shall cease to have effect in relation to that conviction.

71 Power to quash or alter findings

- (1) On the review of a finding under section seventy of this Act the Admiralty may—
 - (a) in any case, quash the finding ;
 - (b) where some other finding of guilty could lawfully have been made by the court or officer before whom the trial took place, and it appears to the Admiralty that that court or officer must have been satisfied of facts necessary to justify that other finding, substitute that other finding.
- (2) Where a finding is quashed by the Admiralty under this section, then—
 - (a) if the sentence passed in respect of that finding relates to that finding only, the sentence shall be quashed;
 - (b) if the sentence relates to that and any other finding or findings, the Admiralty may substitute such sentence authorised by this Act in respect of the other finding or findings as they think proper, not being a sentence of greater severity.
- (3) Where a finding is substituted by the Admiralty under this section, the Admiralty may substitute for the sentence passed in respect of the original finding such sentence authorised by this Act in respect of the substituted finding as they think proper, not being a sentence of greater severity.
- (4) Any finding or sentence substituted under this section shall be treated for all purposes as the finding or sentence of the court or officer before whom the trial took place.

72 Power to remit or alter sentences

- (1) On the review of a sentence under section seventy of this Act the Admiralty may, subject to the provisions of this section.—
 - (a) annul the sentence ;
 - (b) remit the sentence in whole or in part;
 - (c) commute the sentence for a sentence of a punishment provided by this Act less than the punishment or the greatest of the punishments imposed by the sentence commuted;
 - (d) if the sentence is for any reason invalid, substitute such sentence as they think proper, being a sentence which could lawfully have been awarded in respect of the relevant finding or findings, not being a sentence of greater severity.
- (2) In relation to a sentence passed upon summary trial, the powers of the Admiralty under the last foregoing subsection may be exercised, to such extent and subject to such limitations as may be prescribed by regulations made by the Admiralty, by an officer not below the rank of commodore authorised in that behalf by the Admiralty.
- (3) Any sentence having effect after remission or commutation under this section, or substituted under this section, shall be treated for all purposes as the sentence of the court or officer before whom the trial took place.
- (4) Nothing in this section shall enable the Admiralty to annul, remit or commute a sentence of death passed on a person found guilty under this Act of treason or murder.

73 Saving for functions of Judge Advocate of Her Majesty's Fleet

Nothing in this Part of this Act shall prejudice the exercise by the Judge Advocate of Her Majesty's Fleet of his functions of considering and reporting on the proceedings of courts-martial and disciplinary courts, or any other of his functions in relation to such courts.

Special powers of Admiralty

74 Power to dispense with trial of persons confessing to desertion

- (1) If any rating subject to this Act signs a confession that he is guilty of desertion, the Admiralty may by order dispense with his trial for that offence and, if they think fit, impose on him any such forfeiture as could be imposed on conviction of that offence under Part I of this Act.
- (2) The powers of the Admiralty under this section may be exercised by any flag officer authorised by the Admiralty in that behalf, as well as by the Admiralty.

75 Forfeiture of pay and effects of certain absentees

- (1) If it appears to the Admiralty that any person subject to this Act is absent without leave and has been so absent for a period of not less than one month (whether or not he appears to be guilty of desertion), then, without prejudice to any proceedings which may be taken against him in the event of his apprehension or return, the Admiralty may by an order containing a statement of his said absence impose on him any such forfeiture as could be imposed on conviction of an offence of desertion under Part I of this Act.

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- (2) An order under this section for the forfeiture of any property shall be sufficient authority for the sale of that property and for the disposal of the proceeds of sale in accordance with the directions of the Admiralty:

Provided that the Admiralty may, if they think fit on sufficient cause shown at any time after the making of the order—

- (a) remit the forfeiture of any property which has not been sold thereunder; or
 - (b) pay or dispose of the proceeds of sale of any property sold thereunder to or for the use of the person to whom it belonged or his representatives.
- (3) The powers conferred by this section on the Admiralty may be exercised by the Commander-in-Chief or flag officer from whose command a person is absent as aforesaid, as well as by the Admiralty.

76 Restitution or compensation on conviction of larceny, etc.

- (1) Where any person is convicted under this Part of this Act of unlawfully obtaining any property, whether by stealing it, receiving it knowing it to have been stolen, embezzling it, fraudulently misapplying it or otherwise, the Admiralty may—
- (a) if the whole or any part of the property unlawfully obtained is found in the possession of the offender, order the property so found to be repaid or restored to the person appearing to the Admiralty to be its owner;
 - (b) if any property (other than money) appearing to the Admiralty to have been obtained by the conversion or exchange of any of the property unlawfully obtained is found as aforesaid, order the property so found to be delivered to the person appearing to the Admiralty to be the owner of the property unlawfully obtained ;
 - (c) if and so far as neither the property unlawfully obtained nor property of equivalent value in respect of which an order is made under paragraph (b) of this subsection is found in the possession of the offender, order that the offender be required to pay to the person appearing to the Admiralty to be the owner of the property unlawfully obtained such sum as or towards compensation as appears to the Admiralty to be just.
- (2) Where a person is convicted as aforesaid and it appears to the Admiralty that any of the property unlawfully obtained was taken in exchange from the offender by any other person who did not then know it to have been unlawfully obtained, the Admiralty may—
- (a) if the whole or any part of the property given in exchange by the said other person is found in the possession of the offender, order that on restitution of the property taken in exchange to the person appearing to the Admiralty to be its owner, the property so found be restored to the said other person ;
 - (b) if and so far as the said property is not so found, order that on restitution as aforesaid of the property taken in exchange the offender be required to pay to the said other person such sum as or towards compensation as appears to the Admiralty to be just.
- (3) Where a person is convicted as aforesaid and it appears to the Admiralty that any of the property unlawfully obtained was purchased or taken in pawn from the offender by a person who did not then know it to have been unlawfully obtained, the Admiralty may order that on restitution of that property to the person appearing to the Admiralty

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to be its owner the offender be required to pay to the said other person such sum as or towards compensation as appears to the Admiralty to be just.

- (4) Any sum payable by an offender by way of compensation under this section may be ordered to be paid out of money found in the possession of the offender or by means of deductions from his pay.
- (5) The amount or aggregate amount of the compensation which an offender may be required to pay by an order or orders under this section otherwise than out of money found in his possession shall not in any case exceed one hundred pounds.
- (6) Subject to regulations made by the Admiralty, the powers conferred on the Admiralty by the foregoing provisions of this section may be exercised—
 - (a) where the offender is tried by a court-martial or disciplinary court, by that court, by the officer who ordered that court or by the Commander-in-Chief or senior naval officer to whom the proceedings are transmitted under section sixty-six of this Act;
 - (b) where the offender is tried summarily under section forty-nine of this Act, by the officer in command of the ship or establishment to which he belongs,as well as by the Admiralty, and references in those provisions to the Admiralty shall be construed accordingly.
- (7) An order under this section shall not bar the right of any person, other than the offender or a person claiming through him, to recover any property delivered or paid in pursuance of such an order from the person to whom it is delivered or paid.

77 Effect of appeal against conviction on order for restitution or compensation

- (1) The operation of any order made under section seventy-six of this Act on conviction by a court-martial or disciplinary court shall be suspended—
 - (a) in any case, until the expiration of the period prescribed under Part I of the Courts-Martial (Appeals) Act, 1951, as the period within which an application for leave to appeal to the Courts-Martial Appeal Court against the conviction must be lodged ; and
 - (b) if such an application is duly lodged, until either the application is finally refused or is withdrawn or the appeal is determined or abandoned ;and where the operation of any such order is suspended under this subsection, the order shall not take effect if the conviction is quashed on appeal.
- (2) On any appeal to the Courts-Martial Appeal Court the court may by order annul or vary any order made under the said section seventy-six although the conviction in respect of which it was made is not quashed.
- (3) Rules of court made under the said Act of 1951 may make provision for securing the safe custody, during the period during which the operation of an order is suspended under this section, of the property ordered to be restored or handed over or the money to which the order relates.
- (4) Notwithstanding anything in this section, an order under the said section seventy-six shall not, so far as it relates to the delivery of property to the person appearing to be the owner thereof, be suspended if it is certified by the Admiralty, or by the court or officer by whom the order is made, that the title to the property is not in dispute.

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Execution of sentence of death

78 Confirmation and authority for execution

- (1) A sentence of death passed under this Act shall not be carried out until it has been confirmed by the Admiralty.
- (2) Without prejudice to the foregoing subsection, a sentence of death passed under this Act shall not be carried out in any colony except with the authority of the Governor of the colony.

79 Regulations as to execution

- (1) The Admiralty may make regulations with respect to the execution of sentences of death under this Act, whether passed in the United Kingdom or elsewhere.
- (2) Without prejudice to the generality of the foregoing subsection, regulations under this section may make provision with respect to all or any of the following matters, that is to say—
 - (a) the manner in which, the person by whom and the country or territory, place and kind of establishment (whether naval or not) where any such sentence is to be executed; and
 - (b) the custody and treatment of the person under sentence and his removal from one place or establishment to another between the passing and execution of the sentence,or may authorise such person as may be specified in or determined by or under the regulations to give directions with respect to all or any of those matters.
- (3) Regulations made under this section may contain such incidental and supplementary provisions as appear to the Admiralty to be necessary for the purposes of the regulations.
- (4) Such provost marshal or other provost officer not below the rank of lieutenant-commander as may be specified in or determined under regulations under this section shall be responsible for the due execution of any sentence of death passed under this Act.
- (5) The power of the Admiralty to make regulations under this section shall be exercisable by statutory instrument; and any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

80 Execution in civil prison in the United Kingdom

- (1) A person sentenced to death and committed or transferred to a civil prison in the United Kingdom in pursuance of regulations under section seventy-nine of this Act shall, while in that prison, be confined and otherwise dealt with in the same manner as a person confined therein under a like sentence of a civil court.
- (2) The Capital Punishment Amendment Act, 1868, and any rules made under section seven of that Act, shall apply in relation to the execution in a civil prison of a sentence of death passed under this Act for any offence, but as if for references to the sheriff there were substituted references to the provost marshal or other provost officer responsible for the due execution of the sentence.

Service of sentence of imprisonment or detention

81 Place of imprisonment or detention

- (1) Any person sentenced under this Act to imprisonment may be confined during the term of the sentence—
- (a) in any naval detention quarters ;
 - (b) in any military establishment or air-force establishment within the meaning of Part II of the Army Act, 1955, or Part II of the Air Force Act, 1955 ;
 - (c) in any civil prison in any part of Her Majesty's dominions;
 - (d) in any other establishment in which persons may be required to serve sentences of imprisonment passed under the Army Act, 1955, or the Air Force Act, 1955.

- (2) Any person sentenced under this Act to detention may be confined during the term of the sentence—
- (a) in any naval detention quarters ;
 - (b) in any such military or air-force establishment as afore said, not being a military or air-force prison ;

and may, in such cases and subject to such conditions as may be specified by or under regulations made by the Admiralty, be temporarily detained in a military or air-force prison or a civil prison for any period not exceeding seven days.

- (3) Subject to the foregoing provisions of this section, the place to which a person sentenced under this Act to imprisonment or detention is to be committed may be determined by any of the following authorities, that is to say:—
- (a) in any case, the Admiralty or the Commander-in-Chief;
 - (b) where the offender is tried on any foreign station, the senior naval officer present at the place where he is tried;
 - (c) where the offender is tried by court-martial, the officer who ordered the court-martial;
 - (d) where the offender is summarily tried under section forty-nine of this Act, the officer by whom he is so tried or the officer in command of the ship or naval establishment to which the offender belongs;

and a committal order made by any such authority shall be sufficient warrant for sending the offender to such place as may be specified therein, there to undergo his sentence according to law, and for detaining him in custody until he reaches that place.

82 Naval Detention Quarters Rules

- (1) The Admiralty may set apart any premises or vessels under the control of the Admiralty, or any parts of such premises or vessels, as naval detention quarters, and may make rules (in this Part of this Act referred to as Naval Detention Quarters Rules) with respect to all or any of the following matters, that is to say—
- (a) the provision, classification, regulation and management of naval detention quarters ;
 - (b) the classification, regulation, employment, discipline and control of persons serving sentences of imprisonment or detention passed under this Act in naval detention quarters or otherwise in naval custody ;

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- (c) the removal of such persons from such quarters or custody as aforesaid, either temporarily or by way of transfer to another establishment or form of custody, and their release on the expiration or determination of their term of imprisonment or detention ;
- (d) the temporary release of such persons on compassionate grounds, the cases in which, periods for which and conditions subject to which they may be allowed out of such quarters or custody as aforesaid, and the remission of part of their sentences for good conduct and industry;
- (e) the appointment, powers and duties of inspectors and visitors and of officers and other members of the staff, of naval detention quarters ;

and such rules may apply the provisions of the Coroners Acts, 1887 to 1926, to naval detention quarters as those provisions apply in relation to prisons.

- (2) Naval Detention Quarters Rules shall not authorise the infliction of corporal punishment.
- (3) Naval Detention Quarters Rules may apply with the necessary modifications all or any of the provisions of sections thirty-nine to forty-two of the Prison Act, 1952 (which relate to offences by persons other than prisoners).
- (4) Naval Detention Quarters Rules may, to such extent as may be provided by the Rules, be made so as to apply to persons detained in naval detention quarters while serving sentences of imprisonment or detention awarded under the Army Act, 1955, or the Air Force Act, 1955, notwithstanding that such persons are not for the time being subject to this Act.
- (5) Naval Detention Quarters Rules may contain such incidental and supplementary provisions as are necessary for the purposes of the Rules.
- (6) The Admiralty may, in respect of any foreign station on which persons subject to this Act are on active service, delegate the power to make Naval Detention Quarters Rules to the Commander-in-Chief or flag officer commanding the station, subject to such restrictions, reservations, exceptions and conditions as the Admiralty may think fit.
- (7) Naval Detention Quarters Rules made by the Admiralty under this section shall be made by statutory instrument; and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

83 Service of sentence in civil prison in the United Kingdom

The provisions of any enactment, rule or regulation with respect to the confinement, removal and treatment of persons committed to civil prisons in any part of the United Kingdom (including provisions relating to release, discharge and remission) shall apply to any person sentenced under this Act to imprisonment and committed or transferred to any such prison as they apply to a person committed to that prison under a like sentence of a civil court.

84 Removal of certain prisoners

- (1) Subject to the provisions of this section, the Admiralty, the Commander-in-Chief or the senior naval officer present may by order give directions, in the case of any person subject to this Act who is serving a sentence of imprisonment or detention in a civil prison or a military or air-force establishment.—

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- (a) for the transfer of that person to any other prison or establishment to which he could have been committed under this Act, there to undergo the remainder of his sentence according to law ; or
- (b) for the production of that person for the purpose of attending any proceedings under this Act, whether as a witness or for trial or otherwise, or for any other purpose specified in the order,

and any such order may give directions as to the custody of the person to whom it relates and, in the case of an order under paragraph (b) of this subsection, for his return or transfer to the place from which he is removed or to any other place in which his sentence may be required to be served.

- (2) An order under this section shall be a sufficient warrant for the removal of the person to whom it relates from the prison or establishment in which he is serving his sentence, for his reception in the prison or establishment to which he is transferred or returned in pursuance of the order, and for his detention in custody pending such reception.
- (3) Where the attendance of any such person as aforesaid is required for the purposes of a court-martial under this Act, the power to make an order under paragraph (b) of subsection (1) of this section may be exercised by the Commander-in-Chief or senior naval officer present at the place where that person is confined or where the court-martial is or is to be held.
- (4) Any time during which a person removed in pursuance of an order under this section is in naval, military, air force or civil custody, or is serving any sentence of imprisonment or detention passed on him while so removed, shall be reckoned as part of the sentence current when the order was made.
- (5) The provisions of this section shall be without prejudice to any enactment, rule or regulation authorising the removal of persons from civil prisons or military or air force establishments ; but no order shall be made under this section for the transfer of a person confined in a civil prison within the United Kingdom to any other such prison to which he could be removed under the Prison Act, 1952, the Prisons (Scotland) Act, 1952, or the Prison Act (Northern Ireland), 1953.

Commencement and duration of sentences of imprisonment and detention

85 Commencement of sentences

- (1) Except as otherwise provided by the following provisions of this Part of this Act, and by subsection (7) of section four of the Courts-Martial (Appeals) Act, 1951 (which empowers the court in certain cases to direct that a sentence shall begin to run from the day upon which an application for leave to appeal is dismissed), any term of imprisonment or detention under a sentence awarded under this Act shall begin to run from the beginning of the day on which the sentence is awarded.
- (2) For the purposes of the foregoing subsection a sentence awarded to a person tried summarily under section forty-nine of this Act shall be taken to be awarded on the day on which the warrant specifying the sentence, as approved in accordance with regulations made by the Admiralty, is read to the offender or, if the offender has been detained in custody since the signature of that warrant by the officer by whom he was tried, on the first day on which he was so detained.
- (3) A committal order under section eighty-one of this Act may, if no place in which the sentence may be served is available where the offender is tried, direct that the term of

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the sentence shall begin to run on the date on which he reaches the place specified in the order; and in any such case the sentence shall be served accordingly notwithstanding that the offender may have previously returned to his duty or become entitled to his discharge, but the term shall be reduced by any period for which he has been kept in confinement in respect of the sentence during the interval.

86 Consecutive sentences

- (1) Where any person who is serving a sentence of imprisonment, whether passed under this Act or otherwise, is sentenced to imprisonment under this Part of this Act, or where a person sentenced to imprisonment under this Part of this Act is further sentenced to imprisonment under subsection (3) of section thirty-eight of this Act, the court or officer by whom the subsequent or further sentence is awarded may order that that sentence shall begin to run from the expiration of the first-mentioned sentence.
- (2) Where any person who is serving a sentence of detention passed on him under this Act or under the Army Act, 1955, or the Air Force Act, 1955, is found guilty under this Act of another offence for which he is sentenced to detention, or where a person sentenced to detention under this Act is further sentenced to detention under subsection (3) of section thirty-eight of this Act, the court or officer by whom the subsequent or further sentence is awarded may order that that sentence shall begin to run from the expiration of the first-mentioned sentence.

87 Periods of compassionate release

Where any person detained in naval detention quarters or in a military or air-force establishment in pursuance of a sentence of imprisonment or detention passed on him under this Part of this Act is released on compassionate grounds in pursuance of Naval Detention Quarters Rules, or Imprisonment and Detention Rules made under the Army Act, 1955, or the Air Force Act, 1955, as the case may be, no account shall be taken, in calculating the period for which he is liable to be detained under his sentence, of the period beginning with the day after that on which he is so released and ending with the day on which he is required to return to custody.

88 Periods of unlawful absence

- (1) Where any person sentenced under this Part of this Act to imprisonment or detention becomes unlawfully at large during the currency of the sentence, no account shall be taken, in calculating the period for which he is liable to be detained under his sentence, of the period beginning with the day on which he becomes unlawfully at large and ending with the day on which he is taken into naval, military or air force custody or the custody of a civil authority, as being a person unlawfully at large, or, not having been taken into such custody, returns to the place in which he was imprisoned or detained before he became unlawfully at large:

Provided that if it appears to the Admiralty that during any part of that period he was in the custody of a civil authority or of any naval, military or air force authority specified in Imprisonment and Detention Rules made for the purpose of paragraph (b) of the proviso to subsection (2) of section one hundred and nineteen of the Army Act, 1955, or the Air Force Act, 1955, that part of the period shall be disregarded for the purposes of this subsection.

- (2) For the purposes of this section a person temporarily released from custody in pursuance of the appropriate rules or otherwise allowed out of naval, military, air force or civil custody for any period or subject to any condition, shall be treated as unlawfully at large if he fails to return at the expiration of the period, or to comply with the condition, as the case may be, or if an order recalling him has been made in pursuance of the said rules.
- (3) In this section " the appropriate rules " means—
- (a) in relation to a person serving a sentence in naval detention quarters, Naval Detention Quarters Rules;
 - (b) in relation to a person serving a sentence in military or air-force custody, Imprisonment and Detention Rules made under the Army Act, 1955, or the Air Force Act, 1955, as the case may be ;
 - (c) in relation to a person serving a sentence in civil custody, rules made under subsection (5) of section forty-seven of the Prison Act, 1952, subsection (6) of section thirty-five of the Prisons (Scotland) Act, 1952, or paragraph (c) of subsection (1) of section thirteen of the Prison Act (Northern Ireland), 1953, or (in the case of a person serving a sentence outside the United Kingdom) any corresponding provision of the law of the country or territory in which he is serving his sentence;
- and " civil authority " means a civil authority (whether of the United Kingdom or of any country or territory outside the United Kingdom) authorised by law to detain persons, and includes a constable.
- (4) In relation to any person committed or transferred to a civil prison in the United Kingdom, this section shall have effect in substitution for section forty-nine of the Prison Act, 1952, section thirty-seven of the Prisons (Scotland) Act, 1952, or section thirty-eight of the Prison Act (Northern Ireland), 1953, as the case may be.

89 Limitation of total period of sentences of detention

- (1) Notwithstanding anything in this Part of this Act, no offender shall be kept continuously in detention for a period exceeding two years in pursuance of two or more sentences of detention.
- (2) The foregoing subsection shall not affect the validity of any order or direction under this Part of this Act that a sentence of detention shall begin to run from the expiration of another such sentence; but so much of any term of detention to which any such order or direction relates as would prolong the total term of detention beyond two years shall be remitted by virtue of the order or direction.
- (3) Where any person sentenced to detention under this Act, the Army Act, 1955, or the Air Force Act, 1955, is subsequently sentenced to imprisonment under this Act, any part of the sentence of detention which has not been served shall be remitted by virtue of the sentence of imprisonment, whether or not that sentence is suspended.

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

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order may, in lieu of issuing such an order, order that the sentence be suspended; and in any such case the sentence shall not begin to run until a committal order is issued under section ninety-one of this Act.

- (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 the Admiralty or by any officer holding such command as may be prescribed by regulations made by the Admiralty ;
- (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 a further committal order is issued in respect of that sentence under section ninety-one of this Act.

- (3) Where a sentence is suspended under this section, the Admiralty or, subject to any regulations or directions made or given by the Admiralty, 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.

91 Committal or re-committal of persons under suspended sentence

- (1) Where a sentence of imprisonment or detention is suspended under section ninety of this Act, a committal order may at any time be issued in respect of the sentence—

- (a) in any case, by the Admiralty or by any officer holding such command as may be prescribed by regulations made by the Admiralty ;
- (b) where a committal order under section eighty-one of this Act had been issued before the suspension of the sentence by an officer not holding such command, by that officer.

- (2) In relation to a sentence in respect of which a committal order has been issued under this section, subsection (2) of section ninety of this Act and subsection (1) of this section shall apply as if for any reference to a committal order under section eighty-one of this Act there were substituted a reference to the committal order under this section.

- (3) Where any person whose sentence is suspended under the said section ninety is, during the suspension, found guilty under this Act of another offence for which he is sentenced to imprisonment or detention, then, subject to any recommendation to the contrary made by the court or officer by whom he is so sentenced, and subject to the provisions of subsection (3) of section eighty-nine of this Act.—

- (a) the authority by whom a committal order under subsection (1) of this section is issued in respect of the suspended sentence, or
- (b) the authority by whom a committal order under section eighty-one of this Act or under subsection (1) of this section is issued in respect of the further sentence

may direct that the sentence in respect of which the order is issued shall begin to run from the expiration of the other sentence.

92 Reconsideration of sentences

- (1) Where any person has been sentenced under this Act to imprisonment or detention and the sentence is not for the time being suspended under section ninety of this Act, the unexpired portion of the sentence may be remitted by an order made—
 - (a) in any case, by the Admiralty or by any officer holding such command as may be prescribed by regulations made by the Admiralty ;
 - (b) where the committal order or last committal order under section eighty-one or section ninety-one of this Act was issued by an officer not holding such command, by that officer,and in any such case the offender shall be discharged from custody.
- (2) Any sentence of imprisonment or detention which is for the time being suspended under the said section ninety may at any time be reconsidered by the Admiralty or any other authority by whom the sentence was or could have been suspended, and shall be so reconsidered at intervals of not more than three months; and if on any such reconsideration it appears that the conduct of the offender since his conviction has been such as to justify remission of the sentence, whether in whole or in part, it shall be remitted accordingly.