



# Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

## PART I

### ARTICLES OF WAR

#### *Civil offences*

#### 42 Civil offences.

(1) [<sup>F1</sup>Subject to section 43A below] every person subject to this Act who is guilty of any civil offence (that is to say any act or omission which is punishable by the law of England or would be so punishable if committed in England) shall <sup>F2</sup> . . . on conviction under this Act—

<sup>F3</sup>(a) . . . . .

[<sup>F4</sup>(b) in the case of an offence constituted by a civil offence the sentence for which is fixed by law as life imprisonment, be sentenced to imprisonment for life;]

[<sup>F5</sup>(c) in the case of any other offence, [<sup>F6</sup>be liable] to such punishment or punishments (being a punishment or punishments authorised by this Act) as could be imposed <sup>F7</sup> . . . on conviction by a civil court of the like offence committed in England, or to any punishment so authorised which is less than the maximum punishment which could be so imposed.]

[<sup>F8</sup>(1A) Where the corresponding civil offence is one to which [<sup>F9</sup>section 109, 110 or 111 of the Powers of Criminal Courts (Sentencing) Act 2000] would apply, the court-martial shall impose the sentence required by subsection (2) of that section unless it is of the opinion that there are exceptional circumstances which justify its not doing so.]

(2) A person subject to this Act may be charged with an offence under this section notwithstanding that he could on the same facts be charged with an offence under any other provision of this Part of this Act.

[<sup>F10</sup>(2A) For the purpose of determining under this section whether an attempt to commit an offence is a civil offence, subsection (4) of section 1 of the <sup>M1</sup>Criminal Attempts Act 1981 (which relates to the offence of attempt) shall have effect as if for the words

*Status: Point in time view as at 03/11/2008. This version of this provision has been superseded.*

*Changes to legislation: Naval Discipline Act 1957 (repealed), Section 42 is up to date with all changes known to be in force on or before 15 May 2024.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)*

“offence which, if it were completed, would be triable in England and Wales as an indictable offence” there were substituted the words “civil offence consisting of an act punishable by the law of England and Wales as an indictable offence or an act which, if committed in England or Wales, would be so punishable by that law”.]

#### Textual Amendments

- F1** Words in s. 42(1) inserted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 6 para. 34(2)**; S.I. 2001/3234, **art. 2** (subject to transitional provisions in art. 3)
- F2** Words in s. 42(1) repealed (1.10.2001) by 2001 c. 19, ss. 34, 38, **Sch. 6 Pt. 6 para. 34(2)**, **Sch. 7 Pt. 7**; S.I. 2001/3234, **art. 2** (subject to transitional provisions in art. 3)
- F3** S. 42(1)(a) repealed (11.5.2001) by 2001 c. 19, ss. 38, 39(3)(g), **Sch. 7 Pt. 4**
- F4** S. 42(1)(b) substituted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 6 para. 34(3)**; S.I. 2001/3234, **art. 2** (subject to transitional provisions in art. 3)
- F5** S. 42(1)(c) substituted by **Armed Forces Act 1971** (c. 33), **ss. 34(3)**, 78(4)
- F6** Words in s. 42(1)(c) inserted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 6 para. 34(4)**; S.I. 2001/3234, **art. 2** (subject to transitional provisions in art. 3)
- F7** Words repealed by **Armed Forces Act 1986** (c. 21, SIF 7:1), s. 16(1)(2), Sch. 1 para. 3, **Sch. 2**
- F8** S. 42(1A) inserted (1.10.1997) by 1997 c. 43, s. 55, **Sch. 4 para. 3(1)**; S.I. 1997/2200, **art. 2**
- F9** Words in s. 42(1A) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 18**
- F10** S. 42(2A) inserted by **Criminal Attempts Act 1981** (c. 47), **s. 7(1)**

#### Modifications etc. (not altering text)

- C1** S. 42 modified (1.10.1997) by 1997 c. 43, **s. 7(1)**; S.I. 1997/2200, **art. 2(1)**

#### Marginal Citations

- M1** 1981 c. 47.

#### 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

**Status:**

Point in time view as at 03/11/2008. This version of this provision has been superseded.

**Changes to legislation:**

Naval Discipline Act 1957 (repealed), Section 42 is up to date with all changes known to be in force on or before 15 May 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.