



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART I

ARTICLES OF WAR

Punishments

[^{F1}43 Scale of punishments, and supplementary provisions.

- (1) The punishments which may be awarded to persons convicted of offences under this Part of this Act are, subject to the following provisions of this section [^{F2}and section 43A below], as follows:—
- (a) death,
 - (b) imprisonment,
 - [^{F3}(bb) detention by virtue of a custodial order made under section 43AA of this Act;]
 - (c) dismissal with disgrace from Her Majesty's service,
 - (d) dismissal from Her Majesty's service,
 - (e) detention for a term not exceeding two years,
 - (f) forfeiture of seniority for a specified term or otherwise,
 - (g) dismissal from the ship or naval establishment to which the offender belongs,
 - (h) disrating,
 - (i) fine,
 - (j) severe reprimand,
 - (k) reprimand,
 - (l) in the case of an offence which has occasioned any expense, loss or damage, stoppages, that is to say, the recovery, by deductions from the offender's pay, of a specified sum by way of compensation for the expense, loss or damage, and
 - (m) such minor punishments as may from time to time be authorised by the Defence Council;

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

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and references in this Act to any punishment authorised by this Act are, subject to the limitation imposed in any particular case by the addition of the word “less”, references to any one or more of the said punishments.

For the purposes of this Part of this Act a punishment specified in any of the above paragraphs shall be treated as less than the punishments specified in the paragraphs preceding that paragraph and greater than those specified in the paragraphs following it:

[^{F4}Provided that a punishment such as is mentioned in paragraph (e) of this subsection shall not be treated as a less punishment than a punishment such as is mentioned in paragraph (b) or (bb) if the term of detention is longer than the term of imprisonment or, as the case may be, than the term of detention by virtue of the custodial order.]

(2) Subsection (1) above shall have effect—

- (a) in relation to a convicted person who is an officer, with the omission of paragraphs (e), (h) and (m),
- (b) in relation to a convicted person who is a warrant officer, with the omission of paragraphs (f), (g) and (m), and
- (c) in relation to a convicted person who is a rating below the rate of warrant officer with the omission of paragraphs (f) and (g) and, if he is below the rate of leading seaman, of paragraphs (h), (j) and (k) also.

(3) A person [^{F5}who, otherwise than under section 38(3) of this Act, is] sentenced under this Act to imprisonment shall also be sentenced either to dismissal with disgrace from Her Majesty’s service or to dismissal from Her Majesty’s service:

Provided that, if the sentencing authority fail to give effect to this subsection, their sentence shall not be invalid, but shall be deemed to include a sentence of dismissal from Her Majesty’s service.

(4) A rating of the rate of leading seaman or above [^{F5}who, otherwise than under section 38(3) of this Act, is] sentenced under this Act to imprisonment, to dismissal from Her Majesty’s service (whether or not with disgrace), or to detention, shall also be sentenced to disrating:

Provided that, if the sentencing authority fail to give effect to this subsection, their sentence shall not be invalid, but shall be deemed to include a sentence of disrating

(5) A sentence of disrating awarded in compliance with subsection (4) above, or deemed to have been awarded by virtue of the proviso to that subsection, shall be one reducing the offender to such rate as may be prescribed in relation to persons of the class to which he belongs by regulations made by the Defence Council; and any other sentence of disrating under this Act may reduce the offender to any rate not lower than that so prescribed.

(6) The amount of a fine that may be awarded under this Act by way of punishment for an offence, except in the case of an offence under section 42 thereof, shall not exceed the amount of the offender’s pay for twenty-eight days or, where the offence was committed on active service, fifty-six days; and in the said excepted case—

- (a) the amount of a fine that may be so awarded by a court-martial—
 - (i) where the civil offence constituting the offence under that section is punishable by a civil court in England only on summary conviction, and is so punishable by a fine, shall not exceed the maximum amount of that fine, and

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- (ii) where the said civil offence is punishable by a civil court in England on indictment (whether or not it is also punishable on summary conviction) by a fine, shall not exceed the maximum amount of that fine;
- (b) the amount of a fine that may be so awarded where the offence is tried summarily—
 - (i) in any case shall not exceed the amount of the offender’s pay for twenty-eight days or, where the civil offence constituting the offence was committed on active service, fifty-six days, and
 - (ii) where the said civil offence is punishable by a civil court in England only on summary conviction, and is so punishable by a fine of a maximum amount less than the amount mentioned in subparagraph (i) above, shall not exceed that maximum, and
 - (iii) where the said civil offence is punishable by a civil court in England on indictment by a fine of a maximum amount less than the amount so mentioned (whether or not it is also punishable on summary conviction) shall not exceed that maximum;

and for the purposes of this subsection a day’s pay shall, as regards a person found guilty of an offence be deemed to be the gross pay that is, or would (apart from any forfeiture) be, issuable to that person in respect of the day on which punishment is awarded in respect of that offence.]

Textual Amendments

- F1** S. 43 substituted for ss. 43, 44 by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 38, 78(4)**
- F2** Words inserted by [Armed Forces Act 1976 \(c. 52\)](#), **s. 10(3)(d)**
- F3** S. 43(1)(bb) inserted by [Armed Forces Act 1981 \(c. 55\)](#), **s. 2(3)(b)**
- F4** Words substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), **Sch. 1 para. 4**
- F5** Words inserted (*retrospectively*) by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), **Sch. 1 para. 1(2)**

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

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