



# Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

## PART II

TRIAL AND PUNISHMENT OF OFFENCES

[<sup>F1</sup> *Custody*]

### [<sup>F1</sup>47G **Custody after charge.**

- (1) Where a person subject to this Act (“the accused”) is kept in naval custody after being charged with an offence under any provision of Part I of this Act, he shall be brought before a judicial officer as soon as practicable.
- (2) Where the accused is brought before a judicial officer in accordance with subsection (1) above, the judicial officer may by order authorise the keeping of the accused in naval custody, but only if—
  - (a) the judicial officer is satisfied that there are substantial grounds for believing that the accused, if released from naval custody, would—
    - (i) fail to attend any hearing in the proceedings against him,
    - (ii) commit an offence while released, or
    - (iii) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person;
  - (b) the judicial officer is satisfied that the accused should be kept in naval custody for his own protection or, if he is under 17 years of age, for his own welfare;
  - (c) the judicial officer is satisfied that it has not been practicable to obtain sufficient information for the purpose of taking the decisions required by this subsection for want of time since the accused was charged with the offence; or
  - (d) the accused, having been released from naval custody after being charged with the offence, has deserted or absented himself without leave.
- (3) In taking the decision required by subsection (2)(a) above, the judicial officer shall have regard to such of the following considerations as appear to him to be relevant—

*Status: Point in time view as at 11/01/2001. This version of this provision has been superseded.*

**Changes to legislation:** Naval Discipline Act 1957 (repealed), Section 47G is up to date with all changes known to be in force on or before 14 June 2024.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)

- (a) the nature and seriousness of the alleged offence (and the probable method of dealing with the accused for it),
  - (b) the character, antecedents, associations and social ties of the accused,
  - (c) the accused's behaviour on previous occasions while charged with an offence and released from naval custody or while on bail in criminal proceedings,
  - (d) the strength of the evidence that the accused committed the offence,
- as well as to any others which appear to be relevant.
- (4) If—
- (a) the accused is charged with an offence to which this subsection applies;
  - (b) representations are made as to any of the matters mentioned in subsection (2) (a) above; and
  - (c) the judicial officer decides not to authorise the keeping of the accused in naval custody,
- the judicial officer shall state the reasons for his decision and shall cause those reasons to be included in the record of the proceedings.
- (5) Subsection (4) above applies to any offence under section 42 of this Act where the civil offence constituting the offence is—
- (a) murder;
  - (b) manslaughter;
  - (c) rape;
  - (d) attempted murder; or
  - (e) attempted rape.
- (6) The period for which a judicial officer may, by an order under subsection (2) above, authorise the keeping of the accused in naval custody shall be such period, ending (subject to section 47H(7) of this Act) not later than 8 days after the day on which the order is made, as he thinks fit having regard to the evidence before him.
- (7) An order under subsection (2) above does not authorise the keeping of the accused in naval custody—
- (a) if the accused is subsequently released from naval custody, at any time after his release; or
  - (b) at any time after the award of punishment on summary trial of the charge or any amended or substituted charge.
- (8) Subsection (1) above does not apply where the accused is charged at a time when he is kept in naval custody by reason of an award or sentence under this Act or of an order under subsection (2) above, unless that reason ceases to apply.]

#### Textual Amendments

**F1** S. 47G inserted (2.10.2000) by [2000 c. 4, s. 2\(3\)](#); S.I. 2000/2366, [art. 2](#) (with [Sch. para. 15](#))

#### 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:**

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