



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

[^{F1} Custody]

[^{F1}47L Arrest during proceedings.

(1) Except where subsection (3) below applies, the commanding officer of a person subject to this Act (“the accused”) who—

- (a) has been charged with, or is awaiting sentence for, an offence under any provision of Part I of this Act, and
- (b) is not in naval custody,

may, if satisfied that taking the accused into naval custody is justified, give orders for his arrest.

(2) Subject to subsection (4) below, subsection (3) below applies between the commencement of the trial of the accused by court-martial and the announcement of the court-martial’s finding on the charge or every charge against the accused.

(3) Where this subsection applies, the judge advocate, if satisfied that taking the accused into naval custody is justified, may direct the arrest of the accused; and any person with power to arrest the accused for an offence under Part I of this Act shall have the same power, exercisable in the same way, to arrest him pursuant to a direction under this subsection.

[Where on an adjournment of the court-martial the judge advocate has ordered that ^{F2}(3A) during the adjournment matters relating to custody are to be dealt with by a judicial officer, the reference in subsection (3) above to the judge advocate shall have effect as a reference to a judicial officer.]

(4) Subsection (3) above shall cease to apply (but without prejudice to any direction already given by virtue of that subsection) if the court-martial is dissolved.

Status: Point in time view as at 25/08/2006. This version of this provision has been superseded.

Changes to legislation: Naval Discipline Act 1957 (repealed), Section 47L is up to date with all changes known to be in force on or before 03 July 2024.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)

- (5) For the purposes of this section, taking the accused into naval custody is justified if there are substantial grounds for believing that, if not taken into naval custody, he would—
- (a) fail to attend any hearing in the proceedings against him,
 - (b) commit an offence,
 - (c) injure himself, or
 - (d) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person.
- (6) Taking the accused into naval custody is also justified for the purposes of this section if—
- (a) the accused is a person to whom section 51 of this Act applies, and
 - (b) he has failed to attend any hearing in the proceedings against him.
- (7) A person arrested under subsection (1) above, if kept in naval custody—
- (a) shall be treated as being in naval custody under an order under section 47G(2) of this Act, and
 - (b) shall be brought as soon as practicable before a judicial officer to be dealt with as on a review under section 47H(1) of this Act.
- (8) A person arrested under subsection (3) above—
- (a) shall be treated as being in naval custody under an order under section 47G(2) of this Act, and
 - (b) shall be brought as soon as practicable before the judge advocate on whose direction the arrest was made [^{F3}or any judicial officer (unless already before the judge advocate or a judicial officer)], and shall be dealt with by him as on a review under section 47H(1) of this Act.]

Textual Amendments

- F1** S. 47L inserted (2.10.2000) by 2000 c. 4, s. 6(3); S.I. 2000/2366, art. 2 (with Sch. para. 15)
- F2** S. 47L(3A) inserted (25.8.2006) by 2001 c. 19, ss. 29, 39(2), Sch. 4 para. 10(2); S.I. 2006/2309, art. 2(a)
- F3** Words in s. 47L(8)(b) substituted (25.8.2006) by 2001 c. 19, ss. 29, 39(2), Sch. 4 para. 10(3); S.I. 2006/2309, art. 2

Modifications etc. (not altering text)

- C1** S. 47L(1)(7) modified (4.9.2000) by S.I. 2000/2366, art. 3, Sch. para. 7 (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:

Point in time view as at 25/08/2006. This version of this provision has been superseded.

Changes to legislation:

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