



# Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

## PART II

TRIAL AND PUNISHMENT OF OFFENCES

*[<sup>F1</sup> The summary appeal court]*

### **[<sup>F1</sup>52FMPowers of court.**

- (1) On an appeal against a finding of guilt, the summary appeal court—
  - (a) may confirm or quash the finding, or
  - (b) in a case where the officer who conducted the summary trial could validly have recorded a finding that another charge had been proved, may substitute for the finding a finding that that other charge has been proved.
- (2) Where the court quashes a finding—
  - (a) the court shall quash any punishment which relates only to that finding (or to that and one or more other findings which are also quashed), and
  - (b) the court may vary any punishment which relates both to that and one or more other findings so as to award any punishment which—
    - (i) it would have been within the powers of the officer who conducted the summary trial to award, and
    - (ii) in the opinion of the court, is no more severe than the punishment originally awarded.
- (3) Where, on an appeal against a finding of guilt, the court confirms the finding or substitutes for it a finding that another charge has been proved, the court may vary the punishment awarded at the summary trial so as to award any punishment which—
  - (a) it would have been within the powers of the officer who conducted the summary trial to award, and
  - (b) in the opinion of the court, is no more severe than that originally awarded.
- (4) On an appeal against the punishment awarded, the court—

*Status: Point in time view as at 02/10/2000. This version of this provision has been superseded.*

**Changes to legislation:** Naval Discipline Act 1957 (repealed), Section 52FM is up to date with all changes known to be in force on or before 17 July 2024.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)

- (a) may confirm the punishment awarded at the summary trial, or
- (b) may substitute any other punishment which—
  - (i) it would have been within the powers of the officer who conducted the summary trial to award, and
  - (ii) in the opinion of the court, is no more severe than that originally awarded.
- (5) Any punishment awarded by the court shall have effect as if awarded on the day on which the original punishment was awarded on summary trial of the charge.
- (6) Any finding substituted or sentence awarded by the court shall be treated for all purposes as having been awarded or made by the officer who conducted the summary trial.]

#### Textual Amendments

**F1** S. 52FM inserted (2.10.2000) by 2000 c. 4, s. 20(2); S.I. 2000/2366, art. 2 (with Sch. para. 15)

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

**C1** S. 52FM(1)(b) modified (2.10.2000) by S.I. 2000/2370, rule 46(4)

#### 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 02/10/2000. This version of this provision has been superseded.

**Changes to legislation:**

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