



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Constitution of courts-martial

^{F1}53C Ordering of courts-martial.

- (1) On being notified by the prosecuting authority of the charge preferred, a court administration officer shall order a court-martial.
- (2) The order assembling the court-martial shall specify—
 - (a) the date, time and place at which the court-martial is to sit;
 - (b) the officers who are to be members of the court-martial;
 - (c) which of those officers is to be president of the court-martial;
 - ^{F2}(cc) any warrant officers who are to be members of the court-martial;]
 - (d) any other officers [^{F3}or warrant officers] appointed for the purpose of filling vacancies,and shall state that a judge advocate appointed by or on behalf of the [^{F4}Judge Advocate General] is to be a member of the court-martial.
- (3) At any time before the commencement of the trial, the court administration officer may, in accordance with rules under section 58 of this Act, amend or withdraw the order assembling the court-martial.
- (4) The following shall not be eligible to be members of a court-martial for the trial of a charge—
 - (a) the court administration officer;
 - (b) an officer who at any time between the date on which the preliminary charge was reported to the commanding officer of the accused and the date of the trial has been the commanding officer of the accused;

Status: Point in time view as at 01/01/2008. This version of this provision has been superseded.

Changes to legislation: Naval Discipline Act 1957 (repealed), Section 53C is up to date with all changes known to be in force on or before 08 August 2024.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)

- (c) the higher authority to whom the preliminary charge against the accused was referred;
 - (d) any other officer who has investigated the subject matter of the charge against the accused;
 - (e) any other officer [^{F5}or warrant officer] who under this Act has held, or has acted as one of the persons holding, an inquiry into matters relating to the subject matter of the charge against the accused.
- (5) In subsection (4) above “the preliminary charge” means the charge referred to higher authority by the commanding officer of the accused.

Textual Amendments

- F1** Ss. 53A, 53B and 53C inserted (1.4.1997 with savings) by 1996 c. 46, s. 5, **Sch. 1 Pt. III para. 51**; S.I. 1997/304, **art. 2** (with **art. 3**)
- F2** S. 53C(2)(cc) inserted (28.2.2002) by 2001 c. 19, s. 19, **Sch. 2 para. 15(2)(a)**; S.I. 2002/345, **art. 2** (subject to **art. 3**)
- F3** Words in s. 53C(2)(d) inserted (28.2.2002) by 2001 c. 19, s. 19, **Sch. 2 para. 15(2)(b)**; S.I. 2002/345, **art. 2** (subject to **art. 3**)
- F4** Words in s. 53C(2) substituted (1.1.2008) by **Armed Forces Act 2006 (c. 52)**, ss. 378, 383, **Sch. 16 para. 32**; S.I. 2007/2913, **art. 3**
- F5** Words in s. 53C(4)(e) inserted (28.2.2002) by 2001 c. 19, s. 19, **Sch. 2 para. 15(3)**; S.I. 2002/345, **art. 2** (subject to **art. 3**)

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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Changes to legislation:

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