



# Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

## PART II

TRIAL AND PUNISHMENT OF OFFENCES

### *Proceedings of courts-martial*

#### [<sup>F1</sup>58] Rules.

- (1) The Secretary of State may make rules with respect to—
  - (a) the investigation, prosecution and trial of, and the awarding of punishment for, offences cognizable by courts-martial;
  - (b) the review of findings and sentences of courts-martial.
- (2) Rules under this section may in particular make provision with respect to—
  - (a) proceedings preliminary to trials by courts-martial;
  - (b) the appointment of a judge advocate for any preliminary proceedings;
  - (c) the delegation by court administration officers of any of their functions;
  - (d) the ordering and composition of courts-martial;
  - (e) the sittings, adjournment and dissolution of courts-martial;
  - (f) the procedure to be followed in trials by courts-martial;
  - (g) the functions of the clerk of the court and the exercise by him of those functions;
  - (h) the representation of the accused at trials by courts-martial and any preliminary proceedings;
  - (i) procuring the attendance of witnesses at such trials and any preliminary proceedings;
  - (j) enabling a court-martial, in such cases and to such extent as may be prescribed by the rules, to amend a charge which is being tried by the court;
  - (k) enabling a court-martial, where the particulars proved or admitted at the trial differ from those alleged in the charge but are sufficient to support a finding of guilty of the like offence as that charged, to make a finding of guilty subject

*Status: Point in time view as at 01/04/1997. This version of this provision has been superseded.*

*Changes to legislation: Naval Discipline Act 1957 (repealed), Section 58 is up to date with all changes known to be in force on or before 20 June 2024.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)*

- to exceptions or variations specified in the finding if it appears to the court that the difference is not so material as to have prejudiced the accused in his defence;
- (l) directing that the powers conferred by section 7 of the <sup>M1</sup>Bankers' Books Evidence Act 1879 (which enables orders to be made for the inspection of bankers' books for the purposes of legal proceedings) may be exercised for the purposes of a court-martial (whether within or without the United Kingdom) by the commanding officer of the accused or a judge advocate, as well as by the court or a judge within the meaning of that Act;
  - (m) the forms of orders and other documents to be made for the purposes of any provision of this Act or of rules under this section;
  - (n) the cases in which, and extent to which, offences may be taken into consideration by a court-martial and the powers of the court in relation to any offences taken into consideration;
  - (o) the recording of the proceedings of a court-martial;
  - (p) the procedure to be followed on review of findings and sentences of courts-martial.
- (3) Rules made by virtue of paragraph (j) of subsection (2) above shall secure that the power to amend charges is not exercisable in circumstances substantially different from those in which indictments are amendable by a civil court in England, or otherwise than subject to the like conditions, as nearly as circumstances admit, as those subject to which indictments are so amendable.
  - (4) Rules under this section which are inconsistent with the provisions of this Act shall to the extent of the inconsistency be void.
  - (5) Rules under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F1** S. 58 substituted (1.4.1997 with savings) by 1996 c. 46, s. 5, **Sch. 1 Pt. III para. 57**; S.I. 1997.304, art. 2 (with art. 3)

#### Marginal Citations

**M1** 1879 c. 11.

#### 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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