



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Proceedings of courts-martial

65 Contempt of court-martial by civilians.

- (1) Subject to the provisions of this section, if any person not subject to this Act (whether within the United Kingdom or elsewhere)—
- having been duly summoned to attend as a witness before a court-martial, fails to comply with the summons;
 - is guilty in relation to a court-martial of any such act or default as is described in paragraphs (b) to (f) of subsection (1) of section thirty-eight of this Act; or
 - does any other act in relation to a court-martial which, if the court were a court of law having power to commit for contempt, would be punishable as contempt of that court,

the president of the court-martial may certify the offence to any court of law having jurisdiction in the place where it is alleged to have been committed or in the place where the offender is to be found, being a court having power to commit as aforesaid.

- (2) The court to which an offence is certified under this section may inquire into the alleged offence and, after hearing any witnesses who may be produced against or on behalf of the person charged therewith, and after hearing any statement that may be offered in defence, deal with him in any manner in which the court could deal with him if he had committed the like offence in or in relation to that court.
- (3) A person shall not be dealt with under this section in respect of failure to comply with a summons requiring him to attend as a witness before a court-martial unless any expenses to which he is entitled under this Act in respect of his attendance have been paid or tendered:

Provided that for the purposes of this subsection—

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Naval Discipline Act 1957 (repealed), Section 65 is up to date with all changes known to be in force on or before 08 May 2024.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 tender of a warrant or voucher entitling any person to travel free of charge shall be deemed to constitute tender of his expenses in respect of any travelling authorised by the warrant or voucher; and
 - (b) the tender of a written undertaking on behalf of [^{F1}the Defence Council] to defray at the trial any other expenses to which such a person may be entitled under this Act in respect of his attendance shall be deemed to constitute tender of those expenses.
- (4) Without prejudice to the provisions of subsection (5) of section fifty of this Act, this section applies in relation to a disciplinary court as it applies in relation to a court-martial.

Textual Amendments

F1 Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

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 01/02/1991. This version of this provision has been superseded.

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