



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Review of finding and sentence

70 Review by Admiralty of finding and sentence.

- (1) Any finding of guilty under this Part of this Act, and any sentence awarded in respect of such a finding [^{F1}or under section 38(3) of this Act][^{F2}and any finding by a court-martial under section 63(1) of this Act that a person is unfit to stand his trial or is not guilty by reason of insanity], may be reviewed by [^{F3}the Defence Council] at any time, and in the case of trial by court-martial shall be so reviewed as soon as practicable after [^{F3}the Defence Council] have received the record of the proceedings.
- (2) Without prejudice to the foregoing subsection, a person convicted under this Part of this Act by a court-martial [^{F2}[^{F4}sentenced under section 38(3) of this Act or found under section 63(1) of this Act] to be unfit to stand his trial or to be not guilty by reason of insanity] may at any time present a petition to [^{F3}the Defence Council] against the finding or sentence or both; and in any such case [^{F3}the Defence Council] shall, as soon as practicable after the presentation of the petition and after consideration of the matters alleged therein, review the finding or sentence or both, as the case may be.
- (3) If an application for leave to appeal against a conviction by court-martial under this Part of this Act [^{F2}or a finding of a court-martial under s. 63(1)][^{F5}or a sentence of a court-martial] is received by the registrar of the Courts-Martial Appeal Court, or if the said registrar receives particulars of such an application furnished in pursuance of [^{F6}section 9(4)(b) of the ^{M1}Courts-Martial (Appeals) Act 1968], so much of subsections (1) and (2) of this section as requires [^{F3}the Defence Council] to review the finding [^{F5}or sentence] of a court-martial shall cease to have effect in relation to that conviction [^{F2}or finding][^{F5}or sentence].
- [^{F7}(4) The functions of the Defence Council under this section and sections 71, 71A and 72 below may be discharged by the Admiralty Board or by any officer empowered in that

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Naval Discipline Act 1957 (repealed), Section 70 is up to date with all changes known to be in force on or before 14 June 2024.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)

behalf by that Board; and for the purposes of any enactment (including the provisions of this Act hereinbefore referred to) anything done, and any document purporting to be an order or direction made or given, by the Admiralty Board or by any such officer in or in connection with the discharge of any such functions shall be of the same effect as if done, or as if a document purporting to be an order or direction made or given, by the Defence Council.]

Textual Amendments

- F1 Words inserted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), [Sch. 1 para. 1\(3\)\(a\)](#)
- F2 Words inserted by [Criminal Procedure \(Insanity\) Act 1964 \(c. 84\)](#), [s. 8\(3\)](#) proviso (c), Sch. 2 Pt. II
- F3 Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)
- F4 Words substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), [Sch. 1 para. 1\(3\)\(b\)](#)
- F5 Words inserted by [Armed Forces Act 1971 \(c. 33\)](#), [Sch. 2 para. 3](#)
- F6 Words substituted by [Courts-Martial \(Appeals\) Act 1968 \(c. 20\)](#), [Sch. 4](#)
- F7 [S. 70\(4\)](#) added by [Armed Forces Act 1971 \(c. 33\)](#), [s. 51](#)

Modifications etc. (not altering text)

- C1 [S. 70](#) power to restrict conferred by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [s. 50\(4\)\(b\)](#)

Marginal Citations

- M1 [1968 c. 20](#).

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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