



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Suspension and reconsideration of sentences of imprisonment and detention

[^{F1}91B Activation of suspended sentence by commanding officer

- (1) Where, while a sentence of detention is suspended under section 90 of this Act—
 - (a) an officer finds the offender guilty on summary trial of an offence committed since the sentence was suspended, or
 - (b) the offender is convicted of an offence in the British Islands committed since the sentence was suspended and subsequently appears before the officer in command of the ship or naval establishment to which he belongs,the officer may make an order determining the suspension of the sentence (whether or not he also makes a committal order under section 81(3) of this Act, in a case in which he is not prohibited by section 81(4) from doing so).
- (2) Subsections (3) to (8) apply where an officer makes an order under subsection (1).
- (3) If the sentence is for a term of more than 90 days, the order has effect as if the sentence were for a term of 90 days; but this is subject to section 91C of this Act (partial activation by commanding officer of suspended sentence for more than 90 days).
- (4) The sentence in respect of which the order is made is to be treated for the purposes of section 85A of this Act (commencement of sentence of detention awarded on summary trial) as a sentence awarded on summary trial at the time at which the order is made.
- (5) The reference in subsection (3) of that section to the signature of the warrant by the officer by whom the offender was tried is to be read, in relation to the sentence in respect of which the order is made, as a reference to the making, in accordance with regulations made under section 52F of this Act, of an application to higher authority for permission to make the order.

Status: Point in time view as at 18/07/2008. This version of this provision has been superseded.

Changes to legislation: Naval Discipline Act 1957 (repealed), Section 91B is up to date with all changes known to be in force on or before 18 May 2024.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)

- (6) The officer may direct that the sentence in respect of which the order is made (“the subsequent sentence”) shall begin to run from the end of another sentence of detention (“the current sentence”) which—
- (a) has been passed on the offender on a previous occasion; or
 - (b) where the order is made by virtue of subsection (1)(a), the officer passes on him on the same occasion.
- (7) Subsection (6) is subject to section 89 of this Act (limitation of total period of sentences of detention), as modified by section 91C of this Act in a case where that section applies.
- (8) Where the officer gives a direction under subsection (6)—
- (a) section 85A of this Act applies to the subsequent sentence as if the reference in subsection (2) of that section to the day on which the sentence is awarded were to the expiry of the current sentence, and subsection (3) of that section were omitted; and
 - (b) where the suspension of the subsequent sentence by virtue of subsection (4) or (5) of that section would end before the expiry of the current sentence, the subsequent sentence shall run from the expiry of the current sentence.]

Textual Amendments

- F1** Ss. 91-91D substituted for s. 91 (18.7.2008) by [The Armed Forces \(Alignment of Service Discipline Acts\) Order 2008 \(S.I. 2008/1694\)](#), **art. 31** (with Sch. para. 10)

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 18/07/2008. This version of this provision has been superseded.

Changes to legislation:

Naval Discipline Act 1957 (repealed), Section 91B is up to date with all changes known to be in force on or before 18 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.