



# Merchant Shipping Act 1950

## 1950 CHAPTER 9

### 3 Review of punishments imposed by naval courts

- (1) Where a naval court summoned under Part VI of the principal Act imposes on any person any one or more of the following punishments, that is to say:—
- sentences him to imprisonment;
  - imposes on him any fine or forfeiture of wages ;
  - removes or discharges him from his ship ; or
  - in the case of a certificated officer, cancels or suspends his certificate;

the order of the court, so far as it imposes any such punishment, shall be subject to review by the senior naval or consular officer (hereafter in this section referred to as " the reviewing officer ") present at the place where the court is held :

Provided that, if the senior naval or consular officer present at the said place is a member of the naval court, the functions of the reviewing officer under this section shall be exercised in relation to that court by the naval commander-in-chief or the naval officer within whose command the said place is situated.

- (2) The reviewing officer may, in reviewing any such order, confirm or refuse to confirm the order so far as it imposes on any person any such punishment, or vary the order, as respects any such punishment imposed thereby, as follows:—
- in the case of imprisonment, reduce the term thereof or substitute a fine, forfeiture of wages or removal or discharge from his ship;
  - in the case of a fine or forfeiture of wages, reduce the amount thereof or substitute removal or discharge from his ship;
  - in the case of any other punishment, being a punishment imposed on a certificated officer, substitute any punishment which is lower in the following scale:—
    - cancellation of certificate,
    - suspension of certificate,
    - removal or discharge from his ship ; or
  - in the case of suspension of certificate, reduce the period thereof:

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*Status: This is the original version (as it was originally enacted).*

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Provided that the reviewing officer shall not substitute under this subsection any punishment which the naval court could not have imposed.

- (3) Where any such order imposes two or more such punishments as are referred to in subsection (1) of this section, whether of the same kind or different kinds, the reviewing officer may, in exercising his powers under the last foregoing subsection, deal separately with each such punishment.
- (4) Where any such naval court imposes a sentence of imprisonment and directs the offender to be sent to the United Kingdom or any other place under section sixty-seven of the Merchant Shipping Act, 1906, the reviewing officer may revoke that direction.
- (5) The place of imprisonment, whether on land or on board ship, of any person sentenced by any such naval court shall, unless he is sent to the United Kingdom or any other place under the said section sixty-seven, be a place approved in writing by the reviewing officer as a proper place for the purpose.
- (6) Where any order reviewed under this section requires the offender to pay the costs of the proceedings or any part thereof, the reviewing officer may also revoke that requirement or may vary it, but not so as to increase the amount payable by the offender in respect of those costs.
- (7) The reviewing officer shall, on reviewing an order under this section, record his decision in writing, and if he refuses to confirm the order (so far as it imposes any such punishment as aforesaid), the order shall to that extent cease to have effect and if he varies the order, it shall thereafter have effect as if it had been made by the court as so varied.
- (8) Proviso (i) to paragraph (h) of subsection (1) of section four hundred and eighty-three of the principal Act (which provides for the confirmation of sentences of imprisonment and the approval of the place of imprisonment) shall cease to have effect.