ROYAL NAVY

1958 No. 1952 (C. 12)

The Naval Discipline Act, 1957 (Commencement) Order, 1958

Made - - - - 21*st November*, 1958

At the Court at Buckingham Palace, the 21st day of November, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (2) of section 139 of the Naval Discipline Act, 1957(a), it is provided that that Act shall come into force on such date as Her Majesty may by Order in Council appoint:

Now, therefore, Her Majesty, in pursuance of the said subsection (2) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The Naval Discipline Act, 1957, shall come into force on the first day of January, nineteen hundred and fifty-nine.

2. This Order may be cited as the Naval Discipline Act, 1957 (Commencement) Order, 1958.

W. G. Agnew.

1958 No. 562

The Naval Disciplinary Courts (Procedure) Orders, 1958

Made - - - - 26*th March*, 1958
Coming into Operation 1*st January*, 1959

The Admiralty, in exercise of the powers conferred on them by subsection (5) of section 50 of the Naval Discipline Act, 1957(a), and of all other powers enabling them in that behalf, hereby make the following orders.

1. These orders may be cited as the Naval Disciplinary Courts (Procedure) Orders, 1958, and shall come into operation on such date as may be appointed for the coming into force of the Naval Discipline Act, 1957.

2. The Interpretation Act, 1889(b), shall apply to the interpretation of these orders as it applies to the interpretation of an Act of Parliament.

(a) 5 & 6 Eliz. 2. c. 53. (b) 52 & 53 Vict. c. 63.

3. The following provisions of the Naval Discipline Act, 1957, shall apply to disciplinary courts as they apply to courts-martial, that is to say subsection 3 of section 54, sections 55, 56, 59, 60, 61, subsections (1) to (3) inclusive of section 62, sections 63, 64, 66, 70, 71 and 72.

4. Section 57 of the Naval Discipline Act, 1957, shall apply to disciplinary courts as it applies to courts-martial with the substitution of the word " two " for the word " four " in subsection (2) thereof.

5. The Naval Courts-Martial (Procedure) Order, 1957(a), except such provisions thereof as:—

(*a*) refer exclusively to the trial of ratings;

(*b*) refer exclusively to the trial of offences which cannot be tried by disciplinary court;

(*c*) refer to sentences which cannot be imposed by disciplinary court;

shall apply in relation to disciplinary courts as it applies in relation to courts-martial.

6. The Regulations for Disciplinary Courts dated May, 1916(b), made by the Admiralty under section 57A of the Naval Discipline Act, 1866(c), are hereby revoked.

Dated this twenty-sixth day of March, 1958.

D. E. Holland-Martin,
John G. Lang,
Two of the Commissioners for executing the office of Lord High Admiral.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

These Orders made by the Admiralty under section 50 (5) of the Naval Discipline Act, 1957, supersede General Orders made under section 57A (4) of the Naval Discipline Act, 1866.

The jurisdiction of disciplinary courts is limited to offences committed in time of war by officers below the rank of Commander, which appear to the convening authority not to be of such a nature as to necessitate trial by court-martial. A disciplinary court may consist of fewer officers than a court-martial and the range of offences which it can try is more limited. Subject to these differences, the Orders apply the new court-martial procedure to disciplinary courts as far as possible.

The Orders will come into operation on the date appointed for the commencement of the Naval Discipline Act, 1957.

(a) S.I. 1957/2225 (1957 II, p. 2198).
(b) S.R. & O. 1916/401 (Rev. XVI p. 732: 1916 III, p. 38). (c) 29 & 30 Vict. c. 109.