



Naval Discipline Act 1860

1860 CHAPTER 123

PART III

REGULATIONS AS TO PUNISHMENTS

XLVI Regulations as to Punishments.

The following Regulations are hereby made with respect to the Infliction of Punishments in Her Majesty's Navy:

- (1) The Admiralty may, except in case of Sentence of Death, which shall only be remitted by Her Majesty, suspend, annul, or modify any Sentence passed on any Person subject to this Act:
- (2) Judgment of Death shall not be passed on any Prisoner unless Four at least of the Officers present at the Court-martial, where the Number does not exceed Five, and in other Cases a Majority of not less than Two Thirds of the Officers present, concur in the Sentence :
- (3) The Punishment of Death shall not be inflicted on any Prisoner until the Sentence has been confirmed by the Admiralty or by the Commander-in-Chief on a Foreign Station:
- (4) The Punishment of Penal Servitude may be inflicted for the Term of Life, or for any other Term of not less than Four Years :
- (5) The Punishment of Penal Servitude shall in all Cases involve Dismissal with Disgrace from Her Majesty's Service :
- (6) Dismissal with Disgrace shall involve in all Cases a Forfeiture of all Pay, Head Money, Bounty, Salvage, Prize Money, and Allowances that have been earned by, and of all Annuities, Pensions, Gratuities, Medals, and Decorations that may have been granted to the Offender, and an Incapacity to serve Her Majesty again in any Military, Naval, or Civil Service; and may also in all Cases be accompanied by a Sentence of Imprisonment, with or without Solitary Confinement not exceeding the Periods herein-after mentioned, and with or without Hard Labour for all or any Part of the Term of Imprisonment, and with or without Corporal Punishment:

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- (7) The Punishment of Imprisonment may be inflicted for any Term not exceeding Two Years; it may be accompanied with a Direction that the Prisoner shall be kept in Solitary Confinement for any Period of such Term not exceeding Fourteen Days at any One Time, and not exceeding Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than the Periods of Solitary Confinement, and when the Imprisonment awarded exceeds Eighty-four Days, the Solitary Confinement shall not exceed Seven Days in any Twenty-eight Days of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods, or the Punishment of Imprisonment may be accompanied with a Direction that the Prisoner shall be kept to Hard Labour for all or any Part of the Term of Imprisonment; and Corporal Punishment may be awarded in addition to any Sentence of Imprisonment: In any Case of Corporal Punishment, not more than Forty-eight Lashes shall be inflicted:
- (8) No Officer shall be subject to Corporal Punishment: no Petty or Non-commissioned Officer shall be subject to Corporal Punishment, except in case of Mutiny:

All other Punishments authorized by this Act may be inflicted in the Manner heretofore in use in the Navy.