



Naval Discipline Act 1957

1957 CHAPTER 53

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, may be reviewed by the Admiralty at any time, and in the case of trial by court-martial shall be so reviewed as soon as practicable after the Admiralty 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 may at any time present a petition to the Admiralty against the finding or sentence or both; and in any such case the Admiralty 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 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 paragraph (b) of subsection (3) of section four of the Courts-Martial (Appeals) Act, 1951, so much of subsections (1) and (2) of this section as requires the Admiralty to review the finding of a court-martial shall cease to have effect in relation to that conviction.

71 Power to quash or alter findings

- (1) On the review of a finding under section seventy of this Act the Admiralty may—
 - (a) in any case, quash the finding ;
 - (b) where some other finding of guilty could lawfully have been made by the court or officer before whom the trial took place, and it appears to the Admiralty

Status: This is the original version (as it was originally enacted).

that that court or officer must have been satisfied of facts necessary to justify that other finding, substitute that other finding.

- (2) Where a finding is quashed by the Admiralty under this section, then—
- (a) if the sentence passed in respect of that finding relates to that finding only, the sentence shall be quashed;
 - (b) if the sentence relates to that and any other finding or findings, the Admiralty may substitute such sentence authorised by this Act in respect of the other finding or findings as they think proper, not being a sentence of greater severity.
- (3) Where a finding is substituted by the Admiralty under this section, the Admiralty may substitute for the sentence passed in respect of the original finding such sentence authorised by this Act in respect of the substituted finding as they think proper, not being a sentence of greater severity.
- (4) Any finding or sentence substituted under this section shall be treated for all purposes as the finding or sentence of the court or officer before whom the trial took place.

72 Power to remit or alter sentences

- (1) On the review of a sentence under section seventy of this Act the Admiralty may, subject to the provisions of this section.—
- (a) annul the sentence ;
 - (b) remit the sentence in whole or in part;
 - (c) commute the sentence for a sentence of a punishment provided by this Act less than the punishment or the greatest of the punishments imposed by the sentence commuted;
 - (d) if the sentence is for any reason invalid, substitute such sentence as they think proper, being a sentence which could lawfully have been awarded in respect of the relevant finding or findings, not being a sentence of greater severity.
- (2) In relation to a sentence passed upon summary trial, the powers of the Admiralty under the last foregoing subsection may be exercised, to such extent and subject to such limitations as may be prescribed by regulations made by the Admiralty, by an officer not below the rank of commodore authorised in that behalf by the Admiralty.
- (3) Any sentence having effect after remission or commutation under this section, or substituted under this section, shall be treated for all purposes as the sentence of the court or officer before whom the trial took place.
- (4) Nothing in this section shall enable the Admiralty to annul, remit or commute a sentence of death passed on a person found guilty under this Act of treason or murder.

73 Saving for functions of Judge Advocate of Her Majesty's Fleet

Nothing in this Part of this Act shall prejudice the exercise by the Judge Advocate of Her Majesty's Fleet of his functions of considering and reporting on the proceedings of courts-martial and disciplinary courts, or any other of his functions in relation to such courts.