



Naval Discipline Act 1957

1957 CHAPTER 53

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Suspension and reconsideration of sentences of imprisonment and detention

90 Suspension of sentences

- (1) Where any person has been sentenced under this Act to imprisonment or detention, the authority having power under section eighty-one of this Act to issue a committal order may, in lieu of issuing such an order, order that the sentence be suspended; and in any such case the sentence shall not begin to run until a committal order is issued under section ninety-one of this Act.
- (2) Where any person has been sentenced under this Act to imprisonment or detention and a committal order in respect of that sentence has been issued under the said section eighty-one, the sentence may be suspended by an order made—
 - (a) in any case, by the Admiralty or by any officer holding such command as may be prescribed by regulations made by the Admiralty ;
 - (b) where the committal order was issued by an officer not holding such command, by that officer;and in any such case the offender shall be released and the currency of the sentence suspended until a further committal order is issued in respect of that sentence under section ninety-one of this Act.
- (3) Where a sentence is suspended under this section, the Admiralty or, subject to any regulations or directions made or given by the Admiralty, any other authority by whom the sentence is suspended, may direct that any other punishment which the suspended sentence involves shall be suspended or remitted; but except as aforesaid the suspension of a sentence under this section shall not affect any such other punishment.

Status: This is the original version (as it was originally enacted).

91 Committal or re-committal of persons under suspended sentence

- (1) Where a sentence of imprisonment or detention is suspended under section ninety of this Act, a committal order may at any time be issued in respect of the sentence—
 - (a) in any case, by the Admiralty or by any officer holding such command as may be prescribed by regulations made by the Admiralty ;
 - (b) where a committal order under section eighty-one of this Act had been issued before the suspension of the sentence by an officer not holding such command, by that officer.
- (2) In relation to a sentence in respect of which a committal order has been issued under this section, subsection (2) of section ninety of this Act and subsection (1) of this section shall apply as if for any reference to a committal order under section eighty-one of this Act there were substituted a reference to the committal order under this section.
- (3) Where any person whose sentence is suspended under the said section ninety is, during the suspension, found guilty under this Act of another offence for which he is sentenced to imprisonment or detention, then, subject to any recommendation to the contrary made by the court or officer by whom he is so sentenced, and subject to the provisions of subsection (3) of section eighty-nine of this Act.—
 - (a) the authority by whom a committal order under subsection (1) of this section is issued in respect of the suspended sentence, or
 - (b) the authority by whom a committal order under section eighty-one of this Act or under subsection (1) of this section is issued in respect of the further sentence

may direct that the sentence in respect of which the order is issued shall begin to run from the expiration of the other sentence.

92 Reconsideration of sentences

- (1) Where any person has been sentenced under this Act to imprisonment or detention and the sentence is not for the time being suspended under section ninety of this Act, the unexpired portion of the sentence may be remitted by an order made—
 - (a) in any case, by the Admiralty or by any officer holding such command as may be prescribed by regulations made by the Admiralty ;
 - (b) where the committal order or last committal order under section eighty-one or section ninety-one of this Act was issued by an officer not holding such command, by that officer,and in any such case the offender shall be discharged from custody.
- (2) Any sentence of imprisonment or detention which is for the time being suspended under the said section ninety may at any time be reconsidered by the Admiralty or any other authority by whom the sentence was or could have been suspended, and shall be so reconsidered at intervals of not more than three months; and if on any such reconsideration it appears that the conduct of the offender since his conviction has been such as to justify remission of the sentence, whether in whole or in part, it shall be remitted accordingly.