

SCHEDULES

SEVENTH SCHEDULE

Section 137.

TRANSITIONAL PROVISIONS

- 1 In relation to an offence against any section in Part I or Part II of the Naval Discipline Act, the provisions of sections forty-three and forty-four of this Act and of Part II of this Act and any orders and regulations made under those provisions shall, so far as applicable, apply as if the said section had been contained in Part I of this Act and this Act had been in force when the offence was committed, and as if any finding or punishment having effect before the date of the commencement of this Act, and anything done before that date by virtue of or in relation to such a finding or sentence, had been come to, awarded or done under this Act.

Provided that nothing in this paragraph shall render an offence capable of being tried under this Act, if by reason of the time or place of the commission of the offence it could not have been so tried or dealt with under the Naval Discipline Act; and no greater punishment shall be imposed in respect of an offence committed before the said date than could have been imposed under the law in force when it was committed.
- 2 Notwithstanding anything in paragraph 1 of this Schedule, where any proceedings for such an offence as aforesaid have been begun before the date of the commencement of this Act, any step in the proceedings taken after that date shall be deemed to be validly taken if taken in accordance with the Naval Discipline Act and the orders and regulations made thereunder.
- 3 Notwithstanding anything in paragraph 1 of this schedule, the provisions of the Naval Discipline Act with respect to the constitution of a court-martial and the summoning of witnesses thereto shall apply in relation to a court-martial ordered before the commencement of this Act as if this Act had not been enacted.
- 4 Where after the date of the commencement of this Act a person is alleged—
 - (a) to have committed an offence continuing over a period beginning before that date and ending thereon or thereafter ; or
 - (b) to have committed an offence between two dates falling within such a period,and the offence would be an offence against this Act if this Act had been in force at all material times, he may be proceeded against as if this Act had so been in force.
- 5 Any commission issued before the date of commencement of this Act which authorises the ordering of courts-martial shall, if in force immediately before that date, continue in force thereafter as if issued under this Act, and may be varied or revoked accordingly.
- 6 Any Order in Council, general orders or regulations made under any enactment of the Naval Discipline Act specified in the first column of the following Table which is in force at the commencement of this Act shall continue in force and have effect as if made under and for the purposes of the enactment of this Act specified

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in relation thereto in the second column of the said Table and may be varied or revoked accordingly.

TABLE

<i>Naval Discipline Act</i>	<i>This Act</i>
Sections 22 and 23	Section 17 (1).
Section 56 (2)	Section 49.
Section 57A (4)	Section 50.
Section 65	Section 58.
Section 74A	The corresponding provision of section 90, 91 or 92.
Section 81 (2)	Section 82.
section 89	Section 117.

- 7 In so far as general orders under subsection (4) of section 57A of the Naval Discipline Act apply to disciplinary courts any provisions of that Act, those orders shall continue in force and have effect as aforesaid as if they applied the corresponding provisions of this Act.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short title	Session and chapter
Naval Enlistment Act. 1853	16 & 17 Vict. c. 69.
Naval Volunteers Act. 1853	16 & 17 Vict. c. 73.
Naval Prize Act, 1864	27 & 28 Vict. c. 25.
Naval Discipline Act	29 & 30 Vict. c. 109.
Capital Punishment Amendment Act. 1868	31 & 32 Vict. c. 24.
Bankers' Books Evidence Act, 1879	42 & 43 Vict. c. 11.
Interpretation Act. 1889	52 & 53 Vict. c. 63.
Affiliation Orders Act, 1914	4 & 5 Geo. 5. c. 6.
Naval Billeting &c. Act. 1914	4 & 5 Geo. 5. c. 70.
Larceny Act, 1916	6 & 7 Geo. 5. c. 50.
Maintenance Orders (Facilities for Enforcement) Act, 1920	10 & 11 Geo. 5. c. 33.
Coastguard Act, 1925	15 & 16 Geo. 5. c. 88.
Colonial Naval Defence Act, 1931	21 & 22 Geo. 5. c. 9.
Visiting Forces (British Commonwealth) Act, 1933	23 & 24 Geo. 5. c. 6.
Ireland Act, 1949	12, 13 & 14 Geo. 6. c. 41.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.

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Short title	Session and chapter
Courts Martial (Appeals) Act, 1951	14 & 15 Geo. 6. c. 46.
Prison Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.
Magistrates Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Prisons (Scotland) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Homicide Act, 1957	5 & 6 Eliz. 2. c. 11.