

SCHEDULES

SCHEDULE 6

MISCELLANEOUS AMENDMENTS

PART 4

AMENDMENTS CONSEQUENTIAL ON SECTION 21(5) OF HUMAN RIGHTS ACT 1998

Naval Discipline Act 1957 (c. 53)

22 For subsection (7) of section 52B of that Act (investigation of charges by commanding officer) there is substituted—

“(7) For the purposes of this Act, a charge is capable of being tried summarily if it is for an offence triable by court-martial under this Act, other than—

- (a) an offence listed in subsection (8) below (offences which, before the passing of the Human Rights Act 1998, were punishable by sentence of death), or
- (b) an offence under section 42 of this Act where the civil offence is one for which the sentence is fixed by law as life imprisonment.

(8) The offences are—

- (a) an offence under section 2 of this Act, if it consists in an act or omission falling within subsection (1) or (2)(a) of that section and it is charged that it was committed with intent to assist the enemy;
- (b) an offence under section 3 of this Act, if it consists in an act or omission falling within subsection (1)(a), (b), (c), (d) or (f) of that section and it is charged that it was committed with intent to assist the enemy;
- (c) an offence under section 4 of this Act, if it is charged that it was committed with intent to assist the enemy;
- (d) an offence under section 9 of this Act, if it is charged that the mutiny had as its object or one of its objects the refusal or avoidance of any duty or service against or in connection with operations against the enemy, or the impeding of the performance of any such duty or service;
- (e) an offence under section 10 of this Act, if it is charged that it was committed with intent to assist the enemy;
- (f) an offence under section 42 of this Act, where the civil offence is treason.”