

SCHEDULES

SCHEDULE 6

Section 37.

TRANSITIONAL PROVISIONS.

- 1 Regulations made under or in pursuance of an enactment repealed by this Act which are in force at the commencement of section 2 of this Act shall, in so far as they could be made under that section, have effect as if so made.
- 2 Any approval given under paragraph 4(3) of Schedule 7 to the Army Act 1955 before the time when paragraph 1 of Schedule 3 to this Act comes into operation shall have effect as if it were approval given under paragraph 4(2) of the said Schedule 7 set out in the said Schedule 3.
- 3
 - (1) In relation to a sentence of a court-martial under the Army Act 1955 or the Air Force Act 1955 announced before the date of commencement of a section to which this paragraph applies, but falling to be dealt with under section 110 of either of the said Acts on or after that date, subsection (3) of the said section 110 shall have effect as if the reference to any punishment or punishments which could have been awarded by the court referred to any punishment or punishments which could have been so awarded had the said section to which this paragraph applies been in operation when the sentence was announced.
 - (2) In relation to a finding or sentence of such a court-martial announced before the date aforesaid but falling to be reviewed on or after that date under section 113 of either of the said Acts, subsection 5(c) of that section shall have effect as if the reference to power conferred by the said subsection (3) referred to power conferred by that subsection as amended by this paragraph.
 - (3) In relation to a finding of such a court-martial that a person is not guilty of an offence by reason of insanity, being a finding announced before the date of commencement of a section to which this paragraph applies but falling on or after that date to be dealt with under section 110 of either of the said Acts or reviewed under section 113 thereof, section 116(6) of each of the said Acts shall have effect as if the reference therein to the powers of sentencing which the court would have had referred to the powers which the court would have had if the said section to which this paragraph applies had been in operation when the finding was announced.
 - (4) This paragraph applies to sections 21 and 22 of this Act.
- 4 In relation to an award made before the date of commencement of section 21 of this Act in consequence of a charge's having been dealt with summarily under either of the said Acts but falling to be reviewed under section 115 of either of the said Acts on or after that date, subsections (3a) and (4) of the said section 115 shall have effect as if the reference to a punishment or punishments which could have been included in the original award referred to a punishment or punishments which could have been so included had the said section 21 been in operation when the award was made.

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

- 5 (1) In relation to a sentence awarded in respect of a finding of guilty under Part II of the Naval Discipline Act 1957 before the date of commencement of section 32 of this Act, but falling to be dealt with under section 72 of the said Act of 1957 on or after that date, subsection (1)(d) of the said section 72 shall have effect as if the reference to a sentence which could lawfully have been awarded referred to a sentence which could lawfully have been awarded had the said section 32 been in operation when the sentence was announced.
- (2) In relation to a finding under Part II of the said Act of 1957 that a person is not guilty of an offence by reason of insanity, being a finding announced before the date of commencement of the said section 32 but falling on or after that date to be reviewed under section 70(1) of the said Act of 1957, section 71(5) of that Act shall have effect as if the reference to the powers of sentencing which the court would have had referred to the powers the court would have had if the said section 32 had been in operation when the finding was announced.
- 6 If a person is, at the coming into force of section 4 of this Act, retained in service in the Royal Navy by virtue of section 1 of the Naval Enlistment Act 1835 or section 9 of the Naval Enlistment Act 1853, the repeal of those sections shall not, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, operate so as to put an end to his being retained by virtue of that section or to affect the period for which he is liable thereunder so to be retained.
- 7 If paragraph 1 of Schedule 3 to this Act comes into force during the prolongation of service of a person in the Royal Marines by virtue of paragraph 4(2) or (4) of Schedule 7 to the Army Act 1955, the repeal of those paragraphs by this Act shall not, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, operate so as to put an end to the prolongation or to affect the period thereof.
- 8 If the amendment to section 14(1)(b) of the Army Act 1955 made by Schedule 4 to this Act comes into force during the prolongation of a service of a person by virtue of section 10 of the Army Act 1955, then, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, the said section 14(1)(b) shall have effect as if the reference therein to an order under section 10 of the Army Act 1955 included a reference to a proclamation thereunder.
- 9 If the amendment to section 14(1)(b) of the Air Force Act 1955 made by Schedule 4 to this Act comes into force during the prolongation of a service of a person by virtue of section 10 of the Air Force Act 1955, then, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, the said section 14(1)(b) shall have effect as if the reference therein to an order under section 10 of the Air Force Act 1955 included a reference to a proclamation thereunder.