



Naval Discipline Act 1957

1957 CHAPTER 53

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Commencement and duration of sentences of imprisonment and detention

85 Commencement of sentences

- (1) Except as otherwise provided by the following provisions of this Part of this Act, and by subsection (7) of section four of the Courts-Martial (Appeals) Act, 1951 (which empowers the court in certain cases to direct that a sentence shall begin to run from the day upon which an application for leave to appeal is dismissed), any term of imprisonment or detention under a sentence awarded under this Act shall begin to run from the beginning of the day on which the sentence is awarded.
- (2) For the purposes of the foregoing subsection a sentence awarded to a person tried summarily under section forty-nine of this Act shall be taken to be awarded on the day on which the warrant specifying the sentence, as approved in accordance with regulations made by the Admiralty, is read to the offender or, if the offender has been detained in custody since the signature of that warrant by the officer by whom he was tried, on the first day on which he was so detained.
- (3) A committal order under section eighty-one of this Act may, if no place in which the sentence may be served is available where the offender is tried, direct that the term of the sentence shall begin to run on the date on which he reaches the place specified in the order; and in any such case the sentence shall be served accordingly notwithstanding that the offender may have previously returned to his duty or become entitled to his discharge, but the term shall be reduced by any period for which he has been kept in confinement in respect of the sentence during the interval.

Status: This is the original version (as it was originally enacted).

86 Consecutive sentences

- (1) Where any person who is serving a sentence of imprisonment, whether passed under this Act or otherwise, is sentenced to imprisonment under this Part of this Act, or where a person sentenced to imprisonment under this Part of this Act is further sentenced to imprisonment under subsection (3) of section thirty-eight of this Act, the court or officer by whom the subsequent or further sentence is awarded may order that that sentence shall begin to run from the expiration of the first-mentioned sentence.
- (2) Where any person who is serving a sentence of detention passed on him under this Act or under the Army Act, 1955, or the Air Force Act, 1955, is found guilty under this Act of another offence for which he is sentenced to detention, or where a person sentenced to detention under this Act is further sentenced to detention under subsection (3) of section thirty-eight of this Act, the court or officer by whom the subsequent or further sentence is awarded may order that that sentence shall begin to run from the expiration of the first-mentioned sentence.

87 Periods of compassionate release

Where any person detained in naval detention quarters or in a military or air-force establishment in pursuance of a sentence of imprisonment or detention passed on him under this Part of this Act is released on compassionate grounds in pursuance of Naval Detention Quarters Rules, or Imprisonment and Detention Rules made under the Army Act, 1955, or the Air Force Act, 1955, as the case may be, no account shall be taken, in calculating the period for which he is liable to be detained under his sentence, of the period beginning with the day after that on which he is so released and ending with the day on which he is required to return to custody.

88 Periods of unlawful absence

- (1) Where any person sentenced under this Part of this Act to imprisonment or detention becomes unlawfully at large during the currency of the sentence, no account shall be taken, in calculating the period for which he is liable to be detained under his sentence, of the period beginning with the day on which he becomes unlawfully at large and ending with the day on which he is taken into naval, military or air force custody or the custody of a civil authority, as being a person unlawfully at large, or, not having been taken into such custody, returns to the place in which he was imprisoned or detained before he became unlawfully at large:

Provided that if it appears to the Admiralty that during any part of that period he was in the custody of a civil authority or of any naval, military or air force authority specified in Imprisonment and Detention Rules made for the purpose of paragraph (b) of the proviso to subsection (2) of section one hundred and nineteen of the Army Act, 1955, or the Air Force Act, 1955, that part of the period shall be disregarded for the purposes of this subsection.

- (2) For the purposes of this section a person temporarily released from custody in pursuance of the appropriate rules or otherwise allowed out of naval, military, air force or civil custody for any period or subject to any condition, shall be treated as unlawfully at large if he fails to return at the expiration of the period, or to comply with the condition, as the case may be, or if an order recalling him has been made in pursuance of the said rules.
- (3) In this section " the appropriate rules " means—

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- (a) in relation to a person serving a sentence in naval detention quarters, Naval Detention Quarters Rules;
- (b) in relation to a person serving a sentence in military or air-force custody, Imprisonment and Detention Rules made under the Army Act, 1955, or the Air Force Act, 1955, as the case may be ;
- (c) in relation to a person serving a sentence in civil custody, rules made under subsection (5) of section forty-seven of the Prison Act, 1952, subsection (6) of section thirty-five of the Prisons (Scotland) Act, 1952, or paragraph (c) of subsection (1) of section thirteen of the Prison Act (Northern Ireland), 1953, or (in the case of a person serving a sentence outside the United Kingdom) any corresponding provision of the law of the country or territory in which he is serving his sentence;

and " civil authority " means a civil authority (whether of the United Kingdom or of any country or territory outside the United Kingdom) authorised by law to detain persons, and includes a constable.

- (4) In relation to any person committed or transferred to a civil prison in the United Kingdom, this section shall have effect in substitution for section forty-nine of the Prison Act, 1952, section thirty-seven of the Prisons (Scotland) Act, 1952, or section thirty-eight of the Prison Act (Northern Ireland), 1953, as the case may be.

89 Limitation of total period of sentences of detention

- (1) Notwithstanding anything in this Part of this Act, no offender shall be kept continuously in detention for a period exceeding two years in pursuance of two or more sentences of detention.
- (2) The foregoing subsection shall not affect the validity of any order or direction under this Part of this Act that a sentence of detention shall begin to run from the expiration of another such sentence; but so much of any term of detention to which any such order or direction relates as would prolong the total term of detention beyond two years shall be remitted by virtue of the order or direction.
- (3) Where any person sentenced to detention under this Act, the Army Act, 1955, or the Air Force Act, 1955, is subsequently sentenced to imprisonment under this Act, any part of the sentence of detention which has not been served shall be remitted by virtue of the sentence of imprisonment, whether or not that sentence is suspended.