



Naval Discipline Act 1957 (repealed)

CHAPTER 53

NAVAL DISCIPLINE ACT 1957 (REPEALED)

PART I

ARTICLES OF WAR

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- 1 Public worship to be performed.

Misconduct in action and other offences arising out of naval service

- 2 Misconduct in action.
- 3 Assisting the enemy.
- 4 Obstructing operations, giving false air signals, etc.
- 5 Looting.
- 6 Offences by or in relation to sentries, persons on watch etc.
- 7 Failure to attend for duty, neglect of duty etc.

Mutiny

- 8 Definition of “mutiny”.
- 9 Offences of mutiny.
- 10 Failure to suppress mutiny.

Insubordination and similar offences

- 11 Insubordinate behaviour.
- 12 Disobedience to lawful commands.
- 12A Failure to provide a sample for drug testing.
- 12B Failure to provide sample after serious incident
- 13 Fighting and quarrelling.

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- 14 Obstruction of provost officers.
- 14A Disobedience to standing orders.

Desertion and absence without leave

- 15 Definition of “desertion”.
- 16 Offences of desertion.
- 17 Absence without leave etc.
- 18 Failure to report deserters and absentees.

Navigation and flying offences

- 19 Loss or hazarding of ship or aircraft.
- 20 Dangerous flying, etc.
- 21 Low flying.
- 22 Annoyance by flying.

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- 23 Prize offences by commanding officers.
- 24 Other prize offences.

Other offences in respect of ships and aircraft

- 25 Inaccurate certification.
- 26

Malingering and drunkenness

- 27 Malingering.
- 28 Drunkenness.

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- 29 Damage to, and loss of, public or service property etc.
- 29A Damage to, and loss of, Her Majesty’s aircraft or aircraft material.
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- 30 Misapplication and waste of public or service property.
- 31 Offences relating to issues and decorations.

Offences relating to billeting and requisitioning of vehicles, etc.

- 32 Billeting offences.
- 33 Offences in relation to requisitioning of vehicles, etc.

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- 33A Permitting escape, and unlawful release of prisoners.
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- 33C Escape from confinement.

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- 34 Unauthorised disclosure of information.
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- 35 Falsification of documents.
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- 35B Offences against morale.
- 36 Cruelty or scandalous conduct by officers.
- 36A Ill-treatment of persons of inferior rank etc.
- 37 Disgraceful conduct.
- 38 Offences in relation to courts-martial.
- 39 Conduct to the prejudice of naval discipline.

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- 40 Attempt to commit naval offence.
- 41 Aiding and abetting etc., and inciting.

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- 42 Civil offences.

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- 47K Release from custody after charge or during proceedings.
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- 47N Custody rules.

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- 48 Jurisdiction of courts-martial.
- 49 Summary trial.
- 50 Disciplinary courts.

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- 51 Jurisdiction to try offenders no longer subject to this Act.
- 52 Limitation of time for trial.
- 52A Power to stay further proceedings.

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- 52B Investigation of charges by commanding officer
- 52C Powers of higher authority.
- 52D Summary trial.
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- 52FF The summary appeal court.
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- 52FJ Constitution of summary appeal court for appeals.
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- 52FP Rules of summary appeal court.
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- 52FR Privileges of witnesses and others.

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- 52G Disciplinary courts.

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- 52H The prosecuting authority.
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- 52II Referral of case to commanding officer
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- 53A Court administration officers.
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- 53C Ordering of courts-martial.
- 54 Composition of courts-martial
- 55 Officials of courts-martial.
- 56 Place and time of sittings of courts-martial.
- 56A Dissolution of courts-martial.
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- 59 Challenge by accused.

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- 60 Administration of oaths.
- 61 Courts-martial to sit in open court.
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- 64 Summoning of witnesses.
- 64A Rules of evidence
- 64B Proofs at courts-martial by written statement
- 64C Proof of service facts and records.
- 64D Privilege of witnesses and others at courts-martial
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- 65A Powers to compel attendance of witnesses
- 66 Record of proceedings of courts-martial.
- 66A Right of penalised parent or guardian to copy of record of court-martial proceedings.

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- 67 Power to convict of mitigated offence.
- 68 Power to convict of alternative offence.
- 69 Power to convict of attempt notwithstanding proof of completed offence.

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- 70 Review of findings and sentences of courts-martial.
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- 71A Power to authorise retrial.
- 71AB Scope of section 71AC
- 71AC Review of sentences by Courts-Martial Appeal Court
- 71B Review of summary findings and awards.
- 72 Power to remit or alter sentences.
- 73 Saving for functions of Judge Advocate General.

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- 74 Power to dispense with trial of persons confessing to desertion.
- 75 Forfeiture of pay and effects of certain absentees.
- 76 Restitution or compensation on conviction of larceny, etc.
- 77 Effect of appeal against conviction on order for restitution or compensation.

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- 78 Confirmation and authority for execution.

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- 79 Regulations as to execution.
- 80 Execution in civil prison in the United Kingdom.

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- 81 Place of imprisonment or detention.
- 82 Naval Detention Quarters Rules.
- 82A Country for service of sentence.
- 83 Service of sentence in civil prison in the United Kingdom.
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- 85 Commencement of sentences.
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- 86 Consecutive sentences.
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- 91B Activation of suspended sentence by commanding officer
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- 93 Spying in ships or in naval establishments abroad.
- 94 Seduction from duty in ships or in naval establishments abroad.
- 95 Arrest and jurisdiction.

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- 96 False pretence of desertion or absence without leave.
- 97 Procuring or assisting desertion or absence without leave.
- 98 Unlawful purchase of naval property.
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- 100 Jurisdiction and application of summary fines.

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- 101 Service of proceedings for maintenance, etc.
- 102 Exemption of naval property from execution.

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- 103 Arrest under warrants of naval authorities.
- 104 Arrest of persons unlawfully at large.
- 105 Arrest of deserters and absentees.
- 106 Arrest of persons suspected of offences punishable by civil courts.
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PART IV

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- 111 Naval forces, volunteers and trainees.
- 112 Marines.
- 113 Attached military and air forces.
- 114 Commonwealth forces.
- 115 Colonial naval forces.
- 116 Application to deserters, etc. from Commonwealth and colonial naval forces.
- 117 Application to passengers in H.M. ships.
- 118 Application to certain civilians.
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- 120 Attachment to military or air forces.
- 121 Attachment to commonwealth and other forces.
- 122 Powers of command of members of co-operating military or air forces.

Application to particular countries and territories

- 123 Scotland.
- 124 Northern Ireland.
- 125 Channel Islands and Isle of Man.
- 126 Colonies.
- 127 Protectorates, protected states, trust territories and federated territories.
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- 128A General provisions.
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Miscellaneous provisions

- 129 Jurisdiction of civil courts.
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- 129E Provision as to age.
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- 133 Definitions of officer, rating and superior officer.
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- 139 Short title and commencement.

SCHEDULES

FIRST SCHEDULE — Application of Act to Marine Forces

- 1 The following paragraph shall be substituted for paragraph (h) of...
- 2 For the references to disrating in subsection (4) of the...
- 3 Notwithstanding anything in section two hundred and one of the...
- 4 In subsection (2) of section fifty-two of this Act, for...

SECOND — Application of Act to attached Military and Air Forces SCHEDULE

- 1, 2 ...
- 3 The following paragraph shall be substituted for paragraph (h) of...
- 4 ...
- 5 For the references to disrating in subsection (4) of the...
- 6 Notwithstanding anything in section two hundred and one of the...
- 7 In subsection (1) of section 52G, the reference to an...
- 8 In relation to the trial of a member of the...
- 9 In subsection (2) of section fifty-two of this Act, for...
- 10 Any reference in this Act to the uniform of any...
- 11 ...

THIRD SCHEDULE — Persons subject to Act outside the United Kingdom

- 1 Persons serving Her Majesty, or otherwise employed, in such capacities...
- 2 Persons who are employed by, or in the service of,...
- 3 Persons belonging to or employed by any other organisation so...

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- 4 Persons who, for the purposes of their profession , business...
- 5 Persons forming part of the family of members of any...
- 6 Persons forming part of the family of persons falling within...
- 7 Persons employed by members of any of Her Majesty’s naval,...
- 8 Persons employed by persons falling within paragraphs 1 to 6...
- 9 Persons forming part of the family of persons falling within...

FOURTH SCHEDULE — Application of Act to Certain Civilians

- 1 In the application of any enactment contained in Part I...
- 2 . . .
- 3 Any person found committing an offence for which he is...
- 3A In relation to persons to whom Part II of this...
- 3B In relation to such persons— (a) section 47K(2)(b) of this...
- 4 In relation to a person liable to be tried as...
- 4A For the purposes of section 52(2) of this Act a...
- 4B
- 4C (1) Where the summary appeal court hears an appeal brought...
- 5 Section 129B above shall apply to a person to whom...

SCHEDULE 4A — Powers of Court on trial of Civilian

General

- 1 The powers conferred by this Schedule shall be exercisable on...
- 2 (1) In this Schedule— “community supervision order” has the meaning...

Absolute and conditional discharge

- 3 (1) The court by which a civilian is found guilty...

Community supervision orders

- 4 (1) Subject to sub-paragraph (4) below, where a civilian

Absolute and conditional discharge and community supervision orders—supplementary

- 5 (1) If upon finding a person guilty of an offence...

Reception orders and committal into care—general

- 6

Committal into care—England and Wales

- 7

Committal into care—transfer to Scotland

- 8

Committal into care—transfer to Northern Ireland

- 9

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Custodial orders

- 10 (1) Where a civilian who has attained the minimum age...

Compensation orders

- 11 (1) The court, on finding a civilian guilty of an...
12 (1) The operation of a compensation order made by a...

Imposition of fines on and making of compensation orders against parents and guardians

- 13 (1) Where— (a) a civilian under 17 years of age...

Orders requiring parents or guardians to enter into recognisance

- 14 (1) Subject to sub-paragraph (2) below, where a civilian under...

Scale of punishments and orders

- 15 (1) In their application to civilians, references in this Act...

Indemnity for persons carrying out orders under Schedule

- 16 No action shall lie in respect of anything done by...

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- 17 (1) The Secretary of State may by regulations make provision...

FIFTH SCHEDULE — Minor Amendments

SIXTH SCHEDULE — . . .

SEVENTH — . . .
SCHEDULE

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 34A words substituted by [2003 c. 44 Sch. 32 para. 157](#) (This amendment not applied to legislation.gov.uk. The affecting provision is repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(2), 383, Sch. 17; S.I. 2009/812, art. 3 (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4.)
- s. 38(3A) word substituted by [2000 c. 43 Sch. 7 para. 27](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43A(1) word substituted by [2000 c. 43 Sch. 7 para. 29\(1\)\(a\)](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43A(1A)-(1C) repealed by [2000 c. 43 Sch. 7 para. 29\(1\)\(b\)Sch. 8](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43A(1D) word substituted by [2000 c. 43 Sch. 7 para. 29\(1\)\(a\)](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43A(1D)(b) and word repealed by [2000 c. 43 Sch. 7 para. 29\(1\)\(c\)Sch. 8](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43A(1E)(b) and word repealed by [2000 c. 43 Sch. 7 para. 29\(1\)\(d\)Sch. 8](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43A(1E)(i) word substituted by [2000 c. 43 Sch. 7 para. 29\(1\)\(a\)](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43A(4) words substituted by [2000 c. 43 Sch. 7 para. 29\(1\)\(f\)](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43A(5) words repealed by [2000 c. 43 Sch. 7 para. 29\(1\)\(g\)](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43AA(1) words substituted by [2000 c. 43 Sch. 7 para. 30\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43AA(1)(a) substituted by [2000 c. 43 Sch. 7 para. 30\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43AA(1A) words repealed by [2000 c. 43 Sch. 7 para. 30\(b\)Sch. 8](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43AA(6)(a) words substituted by [2000 c. 43 Sch. 7 para. 30\(c\)](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43AA(6A) words substituted by [2000 c. 43 Sch. 7 para. 30\(d\)](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 43AB(1)(b) and word repealed by [2000 c. 43 Sch. 7 para. 31Sch. 8](#) (This amendment not applied to legislation.gov.uk. 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)

- s. 47J(2) words inserted by [2001 c. 19 Sch. 4 para. 8](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 47K(2A) inserted by [2001 c. 19 Sch. 4 para. 9](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 47L(3A) inserted by [2001 c. 19 Sch. 4 para. 10\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 47L(8)(b) words substituted by [2001 c. 19 Sch. 4 para. 10\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 47N(1)(d) inserted by [2001 c. 19 Sch. 4 para. 11](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 48(2) modified by [2009 c. 25 Sch. 22 para. 8\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 already repealed on 31.10.2009)
- s. 48(2) words inserted by [1998 c. 7 s. 12\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 65(1) modified by [2009 c. 25 Sch. 22 para. 20\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 already repealed on 31.10.2009)
- s. 96 words repealed by [2003 c. 44 Sch. 37 Pt. 9](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 99(3) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- s. 109(4) words inserted by [2003 c. 44 Sch. 3 para. 40](#) (This amendment not applied to [legislation.gov.uk](#). The affecting provision is repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(2), 383, Sch. 17; S.I. 2009/812, art. 3 (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4.)
- Sch. 4A excluded by [2009 c. 25 s. 158\(3\)\(e\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 already repealed on 31.10.2009)
- Sch. 4A para. 10(1)(a) substituted by [2000 c. 43 Sch. 7 para. 32\(2\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 10(1AA)(a) word substituted by [2000 c. 43 Sch. 7 para. 32\(2\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 10(6)(a) word substituted by [2000 c. 43 Sch. 7 para. 32\(2\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 10(6A)) word substituted by [2000 c. 43 Sch. 7 para. 32\(2\)\(e\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 15 word substituted by [2000 c. 43 Sch. 7 para. 32\(3\)\(b\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 10(1A) words repealed by [2000 c. 43 Sch. 7 para. 32\(2\)\(b\)Sch. 8](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 15 words repealed by [2000 c. 43 Sch. 7 para. 32\(3\)\(b\)\(iii\)Sch. 8](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)

- Sch. 4A para. 10(6A) words substituted by [1997 c. 43 Sch. 4 para. 3\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 10(1) words substituted by [2000 c. 43 Sch. 7 para. 32\(2\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 15 words substituted by [2000 c. 43 Sch. 7 para. 32\(3\)\(b\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 15 Note words substituted by [2000 c. 43 Sch. 7 para. 32\(3\)\(c\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)
- Sch. 4A para. 3(1) words substituted by [2001 c. 19 Sch. 3 para. 7](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 42(1)(ba) inserted by [2001 c. 19 Sch. 3 para. 5\(2\)\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 42(1A)-(1H) substituted for s. 42(1A) by [2001 c. 19 Sch. 3 para. 5\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 42(3) inserted by [2001 c. 19 Sch. 3 para. 5\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- s. 42A42B inserted by [2001 c. 19 Sch. 3 para. 6](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- Sch. 4A para. 3(1A) inserted by [2001 c. 19 Sch. 3 para. 7](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 repealed (31.10.2009) without ever being in force by 2006 c. 52, Sch. 17; S.I. 2009/1167, art. 4)
- Sch. 4A para. 15(3)(a)(b) words substituted by [2000 c. 43 Sch. 7 para. 32\(3\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). 1957 c. 53 repealed on 31.10.2009 before the amendment comes into force)

Commencement Orders yet to be applied to the Naval Discipline Act 1957 (repealed)
Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2010/145 art. 2](#)Sch. commences (2009 c. 25)
- [S.I. 2010/816 art. 2-6](#)Sch. commences (2009 c. 25)