

Navy Act, 1957

Section 93 - Power of Court-martial and Commanding Officers to Try Offences

(1) An offence triable under this Act may be tried and punished by court-martial.

(2) An offence not capital which is triable under this Act and which is committed by a person other than an officer (and in cases by this Act expressly provided for when committed by an officer), may, subject to regulations made under this Act be summarily tried and punished by the commanding officer of the ship to which the offender belongs at the time either of the commission or of the trial of the offence, subject to the restriction that the commanding officer shall not have power to award imprisonment or detention for more than three months, or to award dismissal with disgrace from the naval service:

Provided that no sentence of imprisonment or dismissal shall be carried into effect until approved by the prescribed authorities.

(3) The power by this section vested in a commanding officer of a ship may, subject to regulations made under this Act,--

(a) as respects ¹[sailors] on board a tender to the ship, be exercised in the case of a single tender absent from the ship, by the officer in command of such tender and in the case of two or more tenders absent from the ship in company or acting together, by the officer in immediate command of such tenders;

(b) as respects ¹[sailors] on board any boat belonging to the ship, be exercised when such boat is absent on detached service by the officer in command of the boat;

(c) as respects ¹[sailors] on detached service either on shore or otherwise, be exercised by the officer in immediate command of those persons;

(d) as respects ¹[sailors] quartered in naval barracks, be exercised by the officer in command of the barracks;

(e) as respects ¹[sailors] attached to or serving with any body of the regular Army or the Air Force under prescribed conditions be exercised by the commanding officer of any such body of the regular Army or the Air Force.

(4) The commanding officer of a ship or barracks may delegate the power of awarding punishments inferior in scale to dismissal, to other officers under his command in accordance with the regulations made under this Act.

1. Substituted for the word "seamen" and "seaman" by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 2 (16-12-1974).
