

Status: Point in time view as at 03/03/2003.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), FOURTH SCHEDULE. (See end of Document for details)

SCHEDULES

FOURTH SCHEDULE

Sections 168, 172.

SUPPLEMENTARY PROVISIONS AS TO PAYMENT FOR REQUISITIONED VEHICLES

Textual Amendments applied to the whole legislation

F1 Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of 1996 c. 46, s. 15; S.I. 1997/304, arts. 2, 3, Sch. 2

- 1 (1) Subject to the provisions of this Schedule, any payment under subsection (1) of section one hundred and sixty-eight of this Act shall (without prejudice to any agreement as to payment on account) become due on the expiration of the period for which possession of the vehicle in question is retained.
- (2) Subject to the provisions of this Schedule, any payment under subsection (2) of section one hundred and sixty-eight of this Act shall become due on the furnishing of the vehicle.
- (3) Any payment under paragraph (b) of subsection (3) of the said section one hundred and sixty-eight shall become due on the furnishing of the vehicle.
- 2 (1) As soon as may be after the furnishing of a vehicle there shall be given or sent to the person by whom it was furnished, by such person and in such form and manner as may be specified by instructions of [^{F1}the Defence Council], a receipt for the vehicle specifying what payment, at what rate or of what amount, is offered in respect of the furnishing thereof under paragraph (a) of subsection (1), or as the case may be under subsection (2), of section one hundred and sixty-eight of this Act.
- (2) As soon as may be after the end of the period for which possession of a vehicle is retained, there shall be given or sent to the person by whom the vehicle was furnished, by such person and in such form and manner as aforesaid, a notice stating whether any, and if so what, damage to the vehicle has occurred during the period for which possession of the vehicle was retained, other than damage which has been made good by a person acting on behalf of Her Majesty, or that the total loss of the vehicle has occurred, and specifying what payment is offered in respect of the damage or loss under paragraph (b) or (c) of subsection (1) of section one hundred and sixty-eight of this Act.

Textual Amendments

F1 Words substituted by S.I. 1964/488, Sch. 1 Pt. I

- 3 (1) A person to whom a receipt or notice under the last foregoing paragraph has been given or sent (hereinafter referred to as “the claimant”) shall be deemed to have accepted the offer contained therein unless within three weeks from the time at which

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he received the receipt or notice he gives notice to the person by whom the receipt or notice was given or sent that he claims some specified greater amount or rate.

- (2) Where a notice under the last foregoing paragraph has been given or sent stating that no damage has occurred to a vehicle during the period for which possession of the vehicle is retained, the claimant shall be deemed to have agreed that no damage has so occurred unless within three weeks from the time at which he received the notice he gives notice to the person by whom the notice was given or sent claiming that damage has so occurred and stating what payment he claims under subsection (1) of section one hundred and sixty-eight of this Act in respect of the damage.
- (3) On the making of a claim under either of the two last foregoing sub-paragraphs [^{F2}the Defence Council] may notify the claimant either that they do not propose to make any further offer or that they make a specified further offer.

Textual Amendments

F2 Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

- 4 (1) Subject to the provisions of the last foregoing paragraph and to the following provisions of this paragraph, a county court shall have jurisdiction to determine any dispute—
- (a) as to the amount of any payment due under subsection (1) or (2) of section one hundred and sixty-eight of this Act, or whether any payment is due under any provision of the said subsection (1), or
- (b) as to the amount of any payment due under paragraph (b) of subsection (3) of that section,
- irrespective of the amount in dispute.
- (2) An application to the county court for the determination of any such dispute as is mentioned in head (a) of the last foregoing sub-paragraph shall not be made before the expiration of three weeks from the making of the claim under sub-paragraph (1) or (2) of the last foregoing paragraph unless a notification has been given to the applicant under sub-paragraph (3) of the last foregoing paragraph; and where such a notification contains a further offer by [^{F3}the Defence Council], the person to whom it is given shall be deemed to have accepted the offer unless he makes such an application within three weeks from receipt of the notification.

Textual Amendments

F3 Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

- 5 The instructions of [^{F4}the Defence Council] referred to in paragraph 2 of this Schedule shall secure that any receipt or notice under that paragraph, or any notification under sub-paragraph (2) of the last foregoing paragraph, contains a statement of the effect of paragraph 3 of this Schedule or, as the case may be, of sub-paragraph (2) of the last foregoing paragraph.

Textual Amendments

F4 Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

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6 In the foregoing provisions of this Schedule the expression “damage” does not include damage resulting in a total loss, or damage attributable to fairwear and tear.

7 Nothing in the foregoing provisions of this Schedule shall apply to a case falling within subsection(4) of section one hundred and sixty-eight or the proviso to subsection (2) of section one hundred and seventy-two of this Act, and any sum payable by virtue of that subsection or proviso shall become due on the making, by the person by whom the vehicle is required to be furnished, of a claim therefor to such authority as may have been specified in that behalf in the direction requiring the furnishing of the vehicle (or if no such authority was specified, to [F5 the Defence Council]):

Provided that before making any such payment the said authority or [F5 the Defence Council] as the case may be, may require reasonable particulars of the damage in question and of the circumstances in which it occurred and may require a reasonable opportunity to be afforded to a person authorised by them to inspect the vehicle in question.

Textual Amendments

F5 Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

8 A county court shall have jurisdiction to deal with any claim arising under subsection (4) or subsection(5) of section one hundred and sixty-eight of this Act, or under the proviso to subsection (2) of section one hundred and seventy-two thereof, irrespective of the amount of the claim.

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