



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART III

FORFEITURES AND DEDUCTIONS AND ENFORCEMENT OF MAINTENANCE LIABILITIES

153 Service of process in maintenance proceedings.

- (1) Any process to be served on an officer, warrant officer, non-commissioned officer or soldier of the regular forces (hereinafter referred to as "the defendant") in connection with proceedings for any such order of a court in the United Kingdom as is mentioned in subsection (1) of section one hundred and fifty of this Act, or for the variation, revocation or revival of such an order, shall be deemed to be duly served on him if served ^{F1}on his commanding officer, and may, without prejudice to any other method of service, be so served by registered post.
- (2)
- ^{F2}(3) Where any such process as is mentioned in subsection (1) of this section is served in the United Kingdom and the defendant will be required to appear in person at the hearing, ^{F3}[the service of the process shall be of no effect] if his commanding officer certifies to the court by which the process was issued that the defendant is under orders for active service out of the United Kingdom and that in the commanding officer's opinion it would not be possible for the defendant to attend the hearing and return in time to embark for that service, ^{F4}.
- ^{F5}(3A) Where any such process as is mentioned in subsection (1) of this section is to be served in the United Kingdom or elsewhere and the defendant will be required to appear in person at the hearing, the service of the process shall be of no effect if his commanding officer certifies to the court by which the process was issued that the defendant is absent without leave or has deserted and remains in desertion.]
- ^{F6}(4) Nothing in this section shall be construed as enabling process to be served in connection with proceedings in a court of summary jurisdiction unless the defendant is within the United Kingdom.]

Status: Point in time view as at 03/03/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 153. (See end of Document for details)

Textual Amendments

- F1** Word substituted by [Armed Forces Act 1981 \(c. 55\), s. 18\(2\)\(a\)](#)
- F2** [Ss. 120\(8\), 152\(3\), and 153\(2\)](#) repealed by [Armed Forces Act 1971 \(c. 33\), Sch. 4 Pt. II](#)
- F3** Words substituted by [Armed Forces Act 1981 \(c. 55\), s. 18\(2\)\(b\)](#)
- F4** Words repealed by [Armed Forces Act 1981 \(c. 55\), Sch. 5 Pt. II](#)
- F5** [S. 153\(3A\)](#) inserted by [Armed Forces Act 1981 \(c. 55\), s. 18\(2\)\(c\)](#)
- F6** [S. 153\(4\)](#) added by [Armed Forces Act 1971 \(c. 33\), s. 62\(1\)\(b\)](#)

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](#)

Status:

Point in time view as at 03/03/2003. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 153.