



Armed Forces Act 1991

1991 CHAPTER 62

PART II

AMENDMENTS RELATING TO THE ARMED FORCES AND OTHER PERSONS SUBJECT TO PROVISIONS OF THE SERVICES ACTS

Deduction of maintenance payments etc. from pay

14 Deductions from pay in respect of liabilities for maintenance: the 1955 Acts.

- (1) Section 150 of each of the 1955 Acts (enforcement of maintenance and affiliation orders by deduction from pay) shall be amended in accordance with subsections (2) to (4) below.
- (2) In subsection (1), in paragraph (a) the words “or child ” shall be omitted and after that paragraph there shall be inserted the following paragraph—
 - “(aa) the maintenance of any child of his or his wife or of any other child who has been treated by them both as a child of their family; or”.
- (3) After subsection (1) there shall be inserted the following subsection—
 - “(1A) Without prejudice to any enactment or rule of law relating to adoption or legitimation, in subsection (1)(aa) above any reference to a child of the defendant or his wife shall be construed without regard to whether or not the father and mother of the child have or had been married to each other at any time.”
- (4) In subsection (5)—
 - (a) in the paragraph beginning “references to a wife ” the words “or child ”, in both places where they occur, shall be omitted; and
 - (b) the paragraph beginning “references to a child ” shall be omitted.
- (5) At the end of section 151 of each of the 1955 Acts (deductions from pay for maintenance of wife or child) there shall be added, and be deemed always to have been added, the following subsection—

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“(6) Without prejudice to any enactment or rule of law relating to adoption or legitimation, references in this section to a child of any person shall be construed without regard to whether the father and mother of the child have or had been married to each other at any time.”

- (6) The amendments made by the preceding provisions of this section do not affect the operation,—
- (a) in England and Wales, of section 1 of the ^{M1}Family Law Reform Act 1987; or
 - (b) in Scotland, of section 1 of the ^{M2}Law Reform (Parent and Child) (Scotland) Act 1986.

Commencement Information

II S. 14 wholly in force at 01.01.1992 see s. 27(2) and S.I. 1991/2719, art. 2

Marginal Citations

M1 1987 c. 42.
M2 1986 c. 9.

15 Deductions from naval and marine pay in respect of liabilities for maintenance.

(1) In the ^{M3}Naval Forces (Enforcement of Maintenance Liabilities) Act 1947, section 1 (deductions from pay in respect of liabilities for maintenance etc.) shall be amended in accordance with subsections (2) to (4) below.

(2) In subsection (1)—

- (a) for paragraph (a) there shall be substituted the following paragraphs—
 - “(a) for the maintenance of the wife of that person;
 - (aa) for the maintenance of any child of that person or his wife or of any other child who has been treated by them both as a child of their family;”;
- (b) in paragraph (b) for the words from “and any such children ” onwards there shall be substituted “or any such child as is mentioned in paragraph (aa) above ”; and
- (c) after paragraph (b) there shall be added the following paragraph—
 - “(c) for the payment of any sum adjudged as costs, or awarded as expenses, incurred in proceedings on appeal against, or for the variation, revocation or revival of, any such order or decree.”

(3) After subsection (2) there shall be inserted the following subsections—

“(2A) For the purposes of this section—

- (a) if, in proceedings in connection with the dissolution or annulment of a marriage, an order has been made for the payment of any periodical or other sum in respect of the maintenance of the person who, if the marriage had subsisted, would have been the wife of any such person as is mentioned in subsection (1) above, references in this section to that person’s wife include references to the person in whose favour the order was made;

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- (b) any reference to an order or decree of any court in Her Majesty’s dominions includes a reference to an order registered in a court in the United Kingdom under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 or registered under Part I of the Civil Jurisdiction and Judgments Act 1982 in a court in any territory to which that Act for the time being extends; and
 - (c) without prejudice to any enactment or rule of law relating to adoption or legitimation, references to a child of a person or his wife shall be construed without regard to whether or not the father and mother of the child have or had been married to each other at any time.
- (2B) In relation to women members of Her Majesty’s naval forces, within the meaning of the Naval Discipline Act 1957, references in this section to a wife shall be construed as references to a husband.”
- (4) Subsections (3) and (5) shall be omitted.
- (5) In section 101 of the 1957 Act (service of proceedings for maintenance etc.), in subsection (5) (definition of “maintenance order”) for paragraphs (a) and (b) there shall be substituted the following paragraphs—
- “(a) the maintenance of the wife of the person against whom the order is made; or
 - (b) the maintenance of any child of that person or his wife or of any other child who has been treated by them both as a child of their family; or”.
- (6) After subsection (5) of section 101 of the 1957 Act there shall be inserted the following subsections—
- “(5A) In subsection (5) above—
- (a) references to the wife of a person include, in relation to an order made in proceedings in connection with the dissolution or annulment of a marriage, references to a person who would have been his wife if the marriage had subsisted; and
 - (b) without prejudice to any enactment or rule of law relating to adoption or legitimation, references to a child of a person or his wife shall be construed without regard to whether or not the father and mother of the child have or had been married to each other at any time.
- (5B) In relation to women members of Her Majesty’s naval forces, references in this section to a wife shall be construed as references to a husband.”
- (7) The amendments made by the preceding provisions of this section do not affect the operation,—
- (a) in England and Wales, of section 1 of the ^{M4}Family Law Reform Act 1987; or
 - (b) in Scotland, of section 1 of the ^{M5}Law Reform (Parent and Child) (Scotland) Act 1986.

Commencement Information

I2 S. 15 wholly in force at 01.01.1992 see s. 27(2) and S.I. 1991/2719, art. 2

Marginal Citations

M3 1947 c. 24.

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M4 1987 c. 42.

M5 1986 c. 9.

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