



Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

PART III

FORFEITURES AND DEDUCTIONS AND ENFORCEMENT OF MAINTENANCE LIABILITIES

144 Forfeitures and deductions: general provisions.

- (1) No forfeiture of the pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force shall be imposed unless authorised by this or some other Act, and no deduction from such pay shall be made unless so authorised or authorised by an order under section two of the ^{M1}Air Force (Constitution) Act 1917.
- (2) An order under section two of the ^{M2}Air Force (Constitution) Act 1917, shall not authorise the making of any penal deduction [^{F1}from such pay], that is to say a deduction to be made by reason of the commission of any offence or other wrongful act or in consequence of any negligence.
- (3) The foregoing provisions of this section shall not prevent the making, by such an order or by any regulation, order or instruction of [^{F2}the Defence Council] of provision for the imposition of any forfeiture authorised by Act or the making of any deduction so authorised, or for the time at which and manner in which sums may be deducted from pay to give effect to authorised deductions or in which amounts may be so deducted in order to recover any fine imposed in pursuance of this Act, or as to the appropriation of any such sum or amount when deducted, or of provision for the determination of questions relating to forfeitures or deductions.
- (4) Subsection (2) of this section shall not prevent the making by an order under section two of the ^{M3}Air Force (Constitution) Act 1917, of provision for the deduction from a person's pay as an officer, warrant officer, non-commissioned officer or airman of the regular air force of any sum which has become recoverable from him (whether by deduction from pay or otherwise) under the enactments relating to any of the reserve or auxiliary forces.
- (5) Notwithstanding any deduction from the pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force he shall (subject to any

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forfeiture) remain in receipt of pay at not less than such minimum rate as may be prescribed by order of [^{F2}the Defence Council].

- (6) Notwithstanding that forfeiture of a person's pay for any period has been ordered in pursuance of this Act, he may remain in receipt of pay at such minimum rate as aforesaid; but the amount received for that period may be recovered from him by deduction from pay.
- (7) Any amount authorised to be deducted from the pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force may be deducted from any balance (whether or not representing pay) which may be due to him, and references in this Act to the making of deductions from pay shall be construed accordingly . . . ^{F3}

Textual Amendments

- F1** Words inserted by [Armed Forces Act 1976 \(c. 52\), s. 19](#)
F2 Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
F3 Words repealed by [Armed Forces Act 1966 c. 45, Sch. 5](#)

Modifications etc. (not altering text)

- C1** [S. 144\(2\)](#) excluded by [Armed Forces Act 1976 \(c. 52\), s. 19](#)

Marginal Citations

- M1** [1917 c. 51.](#)
M2 [1917 c. 51.](#)
M3 [1917 c. 51.](#)

145 Forfeiture of pay for absence from duty.

- (1) The pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force may be forfeited:—
- (a) for any day of absence in such circumstances as to constitute an offence under section thirty-seven or thirty-eight of this Act or, if [^{F4}the Defence Council] or an officer authorised by them so direct, of other absence without leave;
 - (b) for any day of imprisonment, [^{F5}or detention] awarded under this Act, [^{F6}the ^{M4}Naval Discipline Act 1957] or the ^{M5}Army Act 1955, by a court-martial or commanding officer, or of imprisonment, corrective training, preventive detention, detention in a [^{F7}youth custody centre] or detention of any other description to which he is liable in consequence of an order or sentence of a civil court or an order of recall made by the Prison Commissioners, the Secretary of State or the Ministry of Home Affairs for Northern Ireland;
 - (c) where he is found guilty (whether by court-martial, the appropriate superior authority or his commanding officer) of an offence under this Act, [^{F6}the ^{M6}Naval Discipline Act 1957] or the ^{M7}Army Act 1955, for any day (whether before or after he is found guilty) on which he is in hospital on account of sickness or injury certified by the proper medical officer to have been occasioned by the offence.
- (2) The pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force may be forfeited for any day of absence by reason of his having been made a prisoner of war if [^{F4}the Defence Council] or an officer authorised by them are satisfied—

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- (a) that he was made a prisoner of war through . . . ^{F8}wilful neglect of his duty; or
- (b) that having been made a prisoner of war he failed to take any reasonable steps available to him to rejoin Her Majesty's service; or
- (c) that having been made a prisoner of war he served with or aided the enemy in the prosecution of hostilities or measures calculated to influence morale or in any other manner whatsoever not authorised by international usage,
- and nothing in paragraph (a) of the last foregoing subsection shall apply to absence by reason of having been made a prisoner of war.
- (3) Regulations or orders of [^{F4}the Defence Council] may make provision as to the computation of time for the purposes of this section and in particular as to the counting or disregarding of parts of days.

Textual Amendments

- F4** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F5** Words substituted by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\), Sch. 1 para. 1\(7\)](#)
- F6** Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\), s. 137\(2\)](#)
- F7** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 58, Sch. 8 para. 6](#)
- F8** Words repealed by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\), Sch. 4 Pt. I](#)

Modifications etc. (not altering text)

- C2** Certain functions of Ministry of Home Affairs for Northern Ireland now exercisable by Department of Finance for Northern Ireland; [S.R. & O. \(N.I.\) 1973/504, art. 5\(d\)](#)

Marginal Citations

- M4** [1957 c. 53.](#)
- M5** [1955 c. 18.](#)
- M6** [1957 c. 53.](#)
- M7** [1955 c. 18.](#)

[^{F9}146 Deduction for payment of civil penalties.

Where a person sentenced or ordered by a civil court (whether within or without Her Majesty's dominions) to pay a sum by way of fine, penalty, damages, compensation or costs in consequence of being charged before the court with an offence is at the time of the sentence or order, or subsequently becomes, a member of the regular air force, then if the whole or any part of that sum is met by a payment made by or on behalf of any air-force authority, the amount of the payment may be deducted from his pay].

Textual Amendments

- F9** [S. 146](#) substituted by [Army and Air Force Act 1961 \(c. 52\), s. 27](#)

147 Compensation for loss occasioned by wrongful act or negligence.

- (1) Without prejudice to the provisions of this Act as to the imposition of stoppages as a punishment, the following provisions shall have effect where, after such investigation as may be prescribed by regulations of [^{F10}the Defence Council], it appears to [^{F10}the Defence Council] or an officer authorised by them that any loss of, or damage to,

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public or service property has been occasioned by any wrongful act or negligence of an officer, warrant officer, non-commissioned officer or airman of the regular air force (hereinafter referred to as “the person responsible”).

- (2) [^{F10}The Defence Council] or authorised officer, as the case may be, may order the person responsible [^{F11}(whether or not he is a member of the regular forces at the time when the order is made)] to pay, as or towards compensation for the loss or damage, such sum as may be specified in the order; and any such sum, in so far as not otherwise paid by the person responsible, may be deducted from his pay.
- (3) No order shall be made under the last foregoing subsection if, in proceedings (whether under this Act, [^{F12}the ^{M8}Naval Discipline Act 1957] or the ^{M9}Army Act 1955) before a court-martial, the appropriate superior authority or the commanding officer of the person responsible, that person—
- (a) has been acquitted in circumstances involving a finding that he was not guilty of the wrongful act or negligence in question, or
 - (b) has been awarded stoppages in respect of the same loss or damage;
- but save as aforesaid, the fact that any such proceedings have been brought in respect of the wrongful act or negligence in question shall not prevent the making of an order or deductions under the last foregoing subsection.

Textual Amendments

F10 Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

F11 Words inserted by [Army and Air Force Act 1961 \(c. 52\), s. 28](#)

F12 Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\), s. 137\(2\)](#)

Marginal Citations

M8 [1957 c. 53.](#)

M9 [1955 c. 18.](#)

148 Deductions for barrack damage.

- (1) Where damage occurs to any premises in which one or more units of the regular air force or parts of such units are quartered or billeted, or any fixtures, furniture or effects in or belonging to such premises are damaged or lost, then if it appears, on investigation in accordance with the provisions of Queen’s Regulations, that the damage or loss was occasioned by the wrongful act or negligence of persons belonging to any of the units or parts of units in occupation of the premises and was so occasioned at a time when they were in occupation thereof, but that the said persons cannot be identified, any person belonging to any of the said units or parts of units may be required to contribute towards compensation for the damage or loss such amount as may in accordance with Queen’s Regulations be determined to be just, and the amount may be deducted from his pay.
- (2) The last foregoing subsection shall extend to ships, trains and aircraft in which units or parts of units of the regular air force are being transported, and references to premises, quartering and occupation shall be construed accordingly.

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Modifications etc. (not altering text)

C3 S. 148(2) extended by S.I. 1972/971, art. 4, Sch.1

149 Remission of forfeitures and deductions.

Any forfeiture or deduction imposed under the four last foregoing sections or under an order under section two of the ^{M10}Air Force (Constitution) Act 1917, may be remitted by [^{F13}the Defence Council] or in such manner and by such authority as may be provided by the order.

Textual Amendments

F13 Words substituted by S.I. 1964/488, Sch. 1 Pt. I

Marginal Citations

M10 1917 c. 51.

150 Enforcement of maintenance and affiliation orders by deduction from pay.

- (1) Where any court in the United Kingdom has made an order against any person (hereinafter referred to as “the defendant”) for the payment of any periodical or other sum specified in the order for or in respect of—
 - (a) the maintenance of his wife or child . . . ^{F14}; or
 - (b) any costs incurred in obtaining the order; or
 - (c) any costs incurred in proceedings on appeal against, or for the variation, revocation or revival of, any such order,
 - (d) ^{F15}

and the defendant is an officer, warrant officer, non-commissioned officer or airman of the regular air force, then (whether or not he was a member of that force when the said order was made) [^{F16}the Defence Council] or an officer authorised by them may order such sum to be deducted from the pay of the defendant and appropriated in or towards satisfaction of the payment due under the order of the court as [^{F16}the Defence Council] or officer think fit.

- (2) Where to the knowledge of the court making any such order as aforesaid, or an order varying, revoking or reviving any such order, the defendant is an officer, warrant officer, non-commissioned officer or airman of the regular air force, the court shall send a copy of the order to [^{F16}the Defence Council] or an officer authorised by them.
- (3) Where such an order as is mentioned in subsection (1) of this section has been made by a court in Her Majesty’s dominions outside the United Kingdom, and [^{F16}the Defence Council] or an officer authorised by them are satisfied that the defendant has had a reasonable opportunity of appearing in person, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order was made, [^{F16}the Defence Council] or officer shall have the like power under subsection (1) of this section as if the order had been made by such a court as is mentioned in that subsection:

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Provided that this subsection shall not apply to [^{F17}an order adjudging a man to be the father of an illegitimate child, and ordering him to pay a sum of money for or in respect of the maintenance of that child or any order varying or reviving such an order, or any order] for the payment of costs incurred in obtaining such an order or in proceedings on appeal against, or for the variation, revocation or revival of, such an order.

- (4) [^{F16}The Defence Council] or an officer authorised by them may by order vary or revoke any order previously made under this section, and may treat any order made under this section as being in suspense at any time while the person against whom the order was made is absent as mentioned in paragraph (a) of subsection (1) of section one hundred and forty-five of this Act.
- (5) In this section— references to an order made by a court in the United Kingdom include references to an order registered in or confirmed by such a court under the provisions of the ^{M11}Maintenance Orders (Facilities for Enforcement) Act 1920 [^{F18}and to an order registered in such a court under Part I of the ^{M12}Maintenance Orders (Reciprocal Enforcement) Act 1972][^{F19}or Part I of the Civil Jurisdiction and Judgments Act 1982]; references to a wife or child 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 the wife or child of the defendant if the marriage had subsisted; [^{F20}references to a child of a person include references to a child of his wife, and to an illegitimate . . . ^{F21} child of that person or of his wife, . . . ^{F21}.]; [^{F22}references to a sum ordered to be paid for or in respect of the maintenance of an illegitimate child include references to any sum ordered to be paid by an order under [^{F23}section four of the ^{M13}Affiliation Proceedings Act 1957].]

Textual Amendments

- F14** Words repealed by [Army and Air Force Act 1961 \(c. 52\), s. 29\(2\)\(a\)](#)
- F15** [S. 150\(1\)\(d\)](#) repealed by [Armed Forces Act 1971 \(c. 33\), Sch. 4 Pt. II](#)
- F16** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F17** Words substituted by [Army and Air Force Act 1961 \(c. 52\), s. 29\(2\)\(a\)](#)
- F18** Words inserted by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\), Sch. para. 2](#)
- F19** Words inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\), ss. 15\(4\), 23\(2\), 36\(6\), Sch. 12 Pt. I para. 1](#)
- F20** Words inserted by [Army and Air Force Act 1961 \(c. 52\), s. 29\(1\)](#)
- F21** Words repealed by [S.I. 1987/2203 \(N.I. 22\), art. 72\(3\), Sch. 5 Pt. I](#)
- F22** Words repealed (E.W.) by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\), s. 33\(4\), Sch. 4](#)
- F23** Words substituted by virtue of [Affiliation Proceedings Act 1957 \(c. 55\), s. 12\(3\)](#)

Modifications etc. (not altering text)

- C4** Reference to enactment of the Parliament of Northern Ireland includes reference to Measure of Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\), Sch. 5 para. 1](#)

Marginal Citations

- M11** [1920 c. 33.](#)
- M12** [1972 c. 18.](#)
- M13** [1957 c. 55.](#)

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VALID FROM 12/04/1993

[^{F24}150A Enforcement of maintenance assessment by deductions from pay.

- (1) Subsection (2) applies where any officer, warrant officer, non-commissioned officer or airman of the regular air force (“the liable person”) is required to make periodical payments in respect of any child in accordance with a maintenance assessment made under the Child Support Act 1991.
- (2) The Defence Council or an officer authorised by them may order such sum to be deducted from the pay of the liable person and appropriated in or towards satisfaction of any obligation of his—
 - (a) to make periodical payments in accordance with the maintenance assessment; or
 - (b) to pay interest (by virtue of regulations made under section 41(3) of the Act of 1991) with respect of arrears of child support maintenance payable in accordance with the assessment,as they, or the authorised officer, thinks fit.
- (3) Where a child support officer—
 - (a) makes or cancels a maintenance assessment or a fresh maintenance assessment; and
 - (b) has reason to believe that the person against whom the assessment is, or was, made is an officer, warrant officer, non-commissioned officer or airman of the regular air force,the Secretary of State shall inform the Defence Council or an officer authorised by them of the terms of the assessment or (as the case may be) that it has been cancelled.
- (4) This section applies whether or not the liable person was a member of the regular air force when the maintenance assessment was made.]

Textual Amendments

F24 S. 150A inserted (E.W.S.) (12.4.1993) by S.I. 1993/785, art. 3(1)

VALID FROM 12/04/1993

[^{F25}150A Enforcement of maintenance assessment by deductions from pay.

- (1) Subsection (2) applies where any officer, warrant officer, non-commissioned officer or airman of the regular air force (“the liable person”) is required to make periodical payments in respect of any child in accordance with a maintenance assessment made under the Child Support (Northern Ireland) Order 1991.
- (2) The Defence Council or an officer authorised by them may order such sum to be deducted from the pay of the liable person and appropriated in or towards satisfaction of any obligation of his—
 - (a) to make periodical payments in accordance with the maintenance assessment; or

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- (b) to pay interest (by virtue of regulations made under Article 38(3) of the Order of 1991) with respect to arrears of child support maintenance payable in accordance with the assessment, as they, or the authorised officer, thinks fit.
- (3) Where a child support officer—
- (a) makes or cancels a maintenance assessment or a fresh maintenance assessment; and
- (b) has reason to believe that the person against whom the assessment is, or was, made is an officer, warrant officer, non-commissioned officer or airman of the regular air force,
- the Department of Health and Social Services for Northern Ireland shall inform the Defence Council or an officer authorised by them of the terms of the assessment or (as the case may be) that it has been cancelled.
- (4) This section applies whether or not the liable person was a member of the regular air force when the maintenance assessment was made.]

Textual Amendments

F25 S. 150AA inserted (N.I.) (12.4.1993) by S.R. 1993/157, art. 2(2)

151 Deductions from pay for maintenance of wife or child.

- (1) Where [^{F26}the Defence Council] or an officer authorised by them are satisfied that an officer, warrant officer, non-commissioned officer or airman of the regular air force is neglecting, without reasonable cause, to maintain his wife or any child of his under the age of [^{F27}seventeen][^{F28}or that such a child of his is in care][^{F26}the Defence Council] or officer may order such sum to be deducted from his pay and appropriated towards the maintenance of his wife or child as [^{F26}the Defence Council] or officer think fit.
- [^{F29}(1A) A child is in care for the purposes of this section at any time when by virtue of any enactment (including an enactment of the Parliament of Northern Ireland or a Measure of the Northern Ireland Assembly)—
- (a) he is [^{F30}being looked after by a local authority in England or Wales (within the meaning of the Children Act 1989)]; or
- (b) he is subject to a supervision requirement to which Part VI of the ^{M14}Social Work (Scotland) Act 1968 applies; or
- (c) he is in the care—
- (i) of the managers of a training school in Northern Ireland, or
- (ii) of a fit person in Northern Ireland, or
- (iii) of the Department of Health and Social Services for Northern Ireland.]
- (2) On an application made to [^{F26}the Defence Council] or an officer authorised by them for an order under [^{F31}subsection (1) of this section][^{F26}the Defence Council] or officer, if satisfied that a prima facie case has been made out for the making of such an order, may make an interim order for such deduction and appropriation as is mentioned in [^{F32}subsection (1) of this section] to take effect pending the further examination of the case.

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- (3) Where an order is in force under subsection (1) or subsection (3) of the last foregoing section for the making of deductions in favour of any person from the pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force, no deductions from his pay in favour of the same person shall be ordered under the foregoing provisions of this section unless the officer, warrant officer, non-commissioned officer or airman is in a place where process cannot be served on him in connection with proceedings for the variation of the order of the court in consequence of which the order under the last foregoing section was made.
- (4) [^{F26}The Defence Council] or an officer authorised by them may by order vary or revoke any order previously made under this section, and may treat any order made under this section as being in suspense at any time while the person against whom the order was made is absent as mentioned in paragraph (a) of subsection (1) of section one hundred and forty-five of this Act.
- (5) The power to make an order under this section for the deduction of any sum and its appropriation towards the maintenance of a child shall include power—
- (a) subject to the provisions of subsection (3) of this section, to make such an order after the child has attained the age of [^{F27}seventeen], if an order in favour of the child is in force under subsection (1) or subsection (3) of the last foregoing section; or
 - (b) to make such an order after the child has attained the age of [^{F27}seventeen] if—
 - (i) such an order of the court as is mentioned in subsection (1) of the last foregoing section was in force in favour of the child at the time when the child attained that age, and
 - (ii) the person from whose pay the deductions are ordered is in such a place as is mentioned in subsection (3) of this section, and
 - (iii) the child is for the time being engaged in a course of education or training; or
 - (c) to continue such an order from time to time after the child has attained the age of [^{F27}seventeen], if the child is for the time being engaged in a course of education or training;
- but no order so made or continued shall remain in force after the child attains the age of twenty-one or shall, unless continued under paragraph (c) of this subsection, remain in force for more than two years.
- [^{F33}(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.]

Textual Amendments

- F26** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F27** Words substituted by [Armed Forces Act 1976 \(c. 52\), s. 18\(1\)](#)
- F28** Words inserted by [Armed Forces Act 1976 \(c. 52\), s. 18\(2\)](#)
- F29** [S. 151\(1A\)](#) added by [Armed Forces Act 1976 \(c. 52\), s. 18\(3\)](#)
- F30** Words in [s. 151\(1A\)\(a\)](#) substituted (*14.10.1991*) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(4\), Sch. 12 para. 9; S.I. 1991/828, art. 3\(2\)](#)
- F31** Words substituted by [Armed Forces Act 1981 \(c. 55\), Sch. 2 para. 8](#)
- F32** Words substituted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\), s. 11, Sch. 2 para. 8](#)

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F33 S. 151(6) inserted (retrospectively) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\)](#), **s. 14(5)(6)**, 27(2); S.I. 1991/2719, **art. 2**

Marginal Citations

M14 1968 c. 49.

[^{F34}151A Deductions from pay in respect of judgment debts etc.

(1) Where by any judgment or order enforceable by a court in the United Kingdom any sum is required to be paid by a person who is a member of the regular air force, the Defence Council or an officer authorised by them may, whether or not that person was a member of the regular air force at the time when the judgment or order was given or made, order such amount or amounts as the Council or officer think fit to be deducted from the pay of that person, and appropriated in or towards satisfaction of that sum:

Provided that this subsection shall not apply to any such sum as is mentioned in section 146 of this Act, to any sum in respect of which deductions may be ordered under section 150 of this Act, or to any sum in respect of which deductions may be made by virtue of section 32(2)(b) of the ^{M15}Courts-Martial (Appeals) Act 1968.

(2) The Defence Council or an officer authorised by them may by order vary or revoke any order previously made under this section, and may treat any order made under this section as being in suspense at any time while the person against whom the order was made is absent as mentioned in section 145(1)(a) of this Act.]

Textual Amendments

F34 S. 151A inserted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 59(1)**, 78(5)

Marginal Citations

M15 1968 c. 20.

152 Limit of deductions under ss. 150 and 151 and effect on forfeiture.

[^{F35}(1) The sums deducted from a person’s pay under sections 150, 151 and 151A above shall not together exceed such proportion of his pay as the Defence Council may determine.]

(2) Where any deductions have been ordered [^{F36}under section 150, 151 or 151A above] from a person’s pay and (whether before or after the deductions have been ordered) he incurs a forfeiture of pay . . . ^{F37}in consequence of the finding or sentence of a court-martial or the finding or award of the appropriate superior authority or his commanding officer, it shall apply only to so much of his pay as remains after the deductions have been made.

(3) ^{F38}

Textual Amendments

F35 S. 152(1) substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 59(2)**, 78(5)

F36 Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 59(2)**, 78(5)

F37 Words repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 4 Pt. I**

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F38 Ss. 120(8), 152(3), 153(2) repealed by Armed Forces Act 1971 (c. 33), **Sch. 4 Pt. II**

153 Service of process in maintenance proceedings.

(1) Any process to be served on an officer, warrant officer, non-commissioned officer or airman of the regular air force (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 [F39on] his commanding officer, and may, without prejudice to any other method of service, be so served by registered post.

(2) F40

(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, [F41the 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, . . . F42

[F43(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.]

[F44(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.]

Textual Amendments

- F39** Word substituted by [Armed Forces Act 1981 \(c. 55\), s. 18\(2\)\(a\)](#)
- F40** Ss. 120(8), 152(3), 153(2) repealed by [Armed Forces Act 1971 \(c. 33\), Sch. 4 Pt. II](#)
- F41** Words substituted by [Armed Forces Act 1981 \(c. 55\), s. 18\(2\)\(b\)](#)
- F42** Word repealed by [Armed Forces Act 1981 \(c. 55\), Sch. 5 Pt. II](#)
- F43** [S. 153\(3A\)](#) inserted by [Armed Forces Act 1981 \(c. 55\), s. 18\(2\)\(c\)](#)
- F44** [S. 153\(4\)](#) added by [Armed Forces Act 1971 \(c. 33\), s. 62\(1\)\(b\)](#)

Status:

Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Part III.