

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in relation to the service of process in connection with proceedings for a maintenance order or for ancillary proceedings in connection with such an order when the person to be served is a “relevant person” within the meaning of section 355(3)(a) of the Armed Forces Act 2006. Regulation 3 provides that service may be effected by serving the process on the commanding officer of the relevant person.

Regulation 4 provides for the circumstances in which the commanding officer may certify to the court that service is of no effect: when the relevant person is on or under orders for active service and the commanding officer considers that it would not be reasonably practicable for the relevant person to comply with the requirements set out in the process or when the relevant person is absent without leave.

Regulation 5 provides that when proceedings for a maintenance order or ancillary proceedings in connection with such an order are in a court of summary jurisdiction service of such process may only be effected if the relevant person is within the United Kingdom.

Regulation 6 provides for transitional provisions.

**Changes to legislation:**

There are currently no known outstanding effects for the The Armed Forces (Service of Process in Maintenance Proceedings) Regulations 2009.