

ARMED FORCES ACT 2006

EXPLANATORY NOTES

SECOND GROUP OF PARTS – MISCELLANEOUS MATTERS

Part 15 – Forfeitures and Deductions

Section 341: Forfeitures and deductions: general provisions

684. This section provides that there shall be no forfeiture of the pay of a person subject to service law unless authorised by or under the Act or under any other Act (subsection (1)).
685. Subsection (2) provides that there shall be no deduction from the pay of a person subject to service law unless authorised by and under the Act or any other Act.
686. A Royal Warrant, or a regulation, order or instruction by the Defence Council, may provide for the imposition of any forfeiture and the making of any deductions authorised under an Act and for prescribed matters concerning such forfeitures and deductions (subsection (3)).
687. A person subject to service law shall (subject to any forfeiture) remain in receipt of a minimum rate of pay (as may be prescribed by regulations of the Defence Council) notwithstanding that deductions are made from his pay (subsection (4)).
688. Where there is forfeiture of pay for a period and a person receives a minimum rate of pay for that period, the amount received may be recovered by deduction from pay (subsection (5)).
689. Any amount authorised to be deducted from pay may be deducted from any pay, bounty, allowance or grant due to the relevant person, and this applies wherever deductions are referred to in section 342 (subsection (6)).

Section 342: Permitted forfeitures and deductions

690. This section provides a power for the Secretary of State to make provision to enable the Defence Council or authorised officers to make orders:
- authorising forfeiture of pay of a relevant person for a period of prescribed absence from duty;
 - authorising deductions from the pay of a relevant person –
 - to satisfy any amount paid by or on behalf of a service authority to meet a sum ordered to be paid by him by a civilian court anywhere;
 - to compensate for loss of, or damage to, public or service property which a prescribed person is satisfied the relevant person caused by a wrongful act or negligence;
 - to satisfy a financial penalty which requires him to make payment;

*These notes refer to the Armed Forces Act 2006 (c.52)
which received Royal Assent on 8 November 2006*

- to satisfy a prescribed payment which he is required to make under a prescribed maintenance order, or an obligation on his part to make payments in accordance with a prescribed maintenance assessment or calculation;
 - to be appropriated towards the maintenance of a spouse (or former spouse), civil partner (or former civil partner) child or prescribed person;
 - to satisfy an amount required to be paid by him as a result of any judgment or order enforceable by a court in the UK.
691. Subsection (2) provides a list of provisions that may in particular be made by regulations under the section.
692. Under subsection (3) the Defence Council or authorised persons may remit certain forfeitures or deductions.
693. Subsection (4) defines “financial penalty”, “prescribed”, “public property”, “relevant person” and “service property”.
694. Subsection (5) makes it clear that the reference in this section to a judgment or order enforceable by a court in the UK includes a judgment enforceable by the Enforcement of Judgments Office.