



Army and Air Force Act 1961

1961 CHAPTER 52

Other Amendments applicable alike to Army Act, 1955, and Air Force Act, 1955

27 Deduction from pay of civil penalties

- (1) For section one hundred and forty-six of the Army Act, 1955 (which authorises deduction from pay of any payment made by a military authority towards meeting the whole or part of any fine, penalty, damages, compensation or costs awarded by a sentence or order of a civil court against a person who at the time of the sentence or order is a member of the regular forces) there shall be substituted the following section:—

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 forces, then if the whole or any part of that sum is met by a payment made by or on behalf of any military authority, the amount of the payment may be deducted from his pay.”.

- (2) For section one hundred and forty-six of the Air Force Act, 1955 (which makes provision corresponding to that of section one hundred and forty-six of the Army Act, 1955) there shall be substituted a section in other respects similar to that set out in the foregoing subsection but modified by the substitution, for the words " regular forces " , of the words " regular air force " and, for the words " military authority " , of the words " air-force authority " .

28 Extension of power to order compensation for loss occasioned by wrongful act or negligence

- (1) An order may be made under subsection (2) of section one hundred and forty-seven of the Army Act, 1955 (which empowers the Army Council or an officer authorised by them, where it appears to them or him that loss of, or damage to, public or service property has been occasioned by a person while a member of the regular forces, to order that person to pay compensation for the loss or damage), notwithstanding

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that that person is at the time when the order is made no longer a member of the regular forces, and accordingly in the said subsection (2) after the words " the person responsible " (where first occurring) there shall be inserted the words " (whether or not he is a member of the regular forces at the time when the order is made) ".

- (2) The reference in the foregoing subsection to the Army Act, 1955, shall be deemed to include a reference to the Air Force Act, 1955, but that subsection shall, in its application to the last-mentioned Act, have effect with the substitution, for the words " Army Council " , of the words " Air Council", and, for the words " regular forces ", in each place where they occur, of the words " regular air force ".

29 Extension of power of enforcement of maintenance order by deduction from pay

- (1) Section one hundred and fifty of the Army Act, 1955, and section one hundred and fifty of the Air Force Act, 1955 (which authorise deduction from pay of sums payable by a person under an order of a civil court for the maintenance Of a child of his), shall each be amended by the insertion, in subsection (5), after the second paragraph, of the following paragraph:—

“references to a child of a person include references to a child of his wife, and to an illegitimate or adopted child of that person or of his wife, and in this paragraph ' adopted child' means a child adopted (whether alone or jointly)' in pursuance of an adoption order made under the Adoption Act, 1958, or any enactment repealed by that Act or by the Adoption Act, 1950, or under any corresponding enactment of the Parliament of Northern Ireland ;”.

- (2) Accordingly.—

- (a) in each of those sections, in subsection (1), in paragraph (a), the words " or of any illegitimate child of whom-he is the putative father " shall be omitted ; and in subsection (3), in the proviso, for the words " an order for payment of a sum for or in respect of the maintenance of an illegitimate child or " there shall be substituted the words " 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 ";
- (b) in subsection (8) of section two hundred and fourteen of the Army Act, 1955, and in subsection (8) of section two hundred and twelve of the Air Force Act, 1955, the words from the beginning to " the father; and shall be omitted.

30 Persons whose duty it is to sign certificates of arrest or surrender of deserters and absentees

Subsection (1) of section one hundred and eighty-nine of the Army Act, 1955, and subsection (1) of section one hundred and eighty-nine of the Air Force Act, 1955 (which require certificates of arrest of deserters and absentees brought before a court of summary jurisdiction to be signed by a justice of the peace), shall, as regards certificates issued after the coming into operation of this section, have effect—

- (a) in their application to England and Wales, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court;
- (b) in their application to Scotland, with the substitution, for references to a justice of the peace, of references, to the clerk of the court;

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- (c) in their application to Northern Ireland, with the substitution, for references to a justice of the peace, of references to a resident magistrate or the clerk of petty sessions for the petty sessions district in which the court sat;
- (d) in their application to the Isle of Man, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court;
- (e) in their application to the islands of Jersey and Guernsey, with the substitution, for references to a justice of the peace, of references to a magistrate or a person for the time being authorised to act as a magistrate;
- (f) in their application to Alderney, with the substitution, for references to a justice of the peace, of references to the chairman of the Court of Alderney or the person for the time being authorised to act as chairman of that Court;
- (g) in their application to Sark, with the substitution, for references to a justice of the peace, of references to the Seneschal or the Deputy Seneschal;
- (h) in their application to a colony, a territory under Her Majesty's protection or a territory for the time being administered by Her Majesty's government in the United Kingdom under the trusteeship system of the United Nations, with the substitution, for references to a justice of the peace, of references to a magistrate or the official (by whatever designation known) who exercises in the court functions similar to those exercised in England by the clerk of a court of summary jurisdiction.