
STATUTORY INSTRUMENTS

2009 No. 1059

**The Armed Forces Act 2006
(Transitional Provisions etc) Order 2009**

PART 20

FORFEITURES AND DEDUCTIONS

Forfeitures and deductions permitted, ordered or authorised before commencement

198.—(1) Where, immediately before commencement, any sum is liable to be deducted from a person's pay by virtue of section 146 of AA 1955 or AFA 1955 or section 128B of NDA 1957 (deductions for payment of civil penalties), the sum may be deducted from his pay notwithstanding the repeal of that section by AFA 2006.

(2) Where, immediately before commencement, an order made against a person under section 147(2) of AA 1955 or AFA 1955 or section 128C(2) of NDA 1957 has effect (compensation for loss or damage), the sum specified in the order may be deducted from his pay, in so far as not otherwise paid by him, notwithstanding the repeal of that subsection by AFA 2006.

(3) Where, immediately before commencement, an order made under—

- (a) section 150(1), 150A(2), 150AA(2) or 151(1) of AA 1955 or AFA 1955 (maintenance etc), or
- (b) section 151A(1) of AA 1955 or AFA 1955, or section 128E(1) of NDA 1957 (judgment debts etc),

has effect, the order shall continue to have effect notwithstanding the repeal of that subsection by AFA 2006; but this is subject to paragraph (4).

(4) The Defence Council or an officer authorised by them—

- (a) may by order vary or revoke any order made under section 150(1), 151(1) or 151A(1) of AA 1955 or AFA 1955, or section 128E(1) of NDA 1957; and
- (b) may treat any order made under section 150(1), 151(1) or 151A(1) of AA 1955 or AFA 1955 as being in suspense at any time while the person against whom the order was made is absent without leave.

(5) Where, immediately before commencement, an authorisation of deductions from a person's pay by virtue of section 1(1) of the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947(1) has effect (deductions in respect of liabilities for maintenance etc), the authorisation shall continue to have effect notwithstanding the repeal of that subsection, and the amendment of section 3 of the Naval and Marine Pay and Pensions Act 1865(2), by AFA 2006.

(6) In subsection (3) of section 342 of AFA 2006 (power to remit forfeitures and deductions), the reference to a forfeiture or deduction imposed by virtue of subsection (1)(a), (b) or (c) of that section includes—

(1) 1947 c. 24.
(2) 1865 c. 73.

- (a) a forfeiture imposed by virtue of section 145 of AA 1955 or AFA 1955 or section 16(2), 17 or 75(1) of NDA 1957 (forfeiture of pay for absence from duty etc); and
- (b) a deduction imposed by virtue of this article or any provision mentioned in this article.