



Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

PART III

FORFEITURES AND DEDUCTIONS AND ENFORCEMENT OF MAINTENANCE LIABILITIES

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 ^{F1} ^{F2}, or
- [^{F3}(aa) the maintenance of any child of his or his wife or of any other child who has been treated by them both as a child of their family; 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) ^{F4}

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) [^{F5}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 [^{F5}the Defence Council] or officer think fit.

[^{F6}(1A) Without prejudice to any enactment or rule of law relating to adoption or legitimation, in subsection (1)(aa) above any reference to a child of the defendant or his wife shall be construed without regard to whether or not the father and mother of the child have or had been married to each other at any time.]

(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 [^{F5}the Defence Council] or an officer authorised by them.

Status: Point in time view as at 01/04/1997. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 150. (See end of Document for details)

- (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 [^{F5}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, [^{F5}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:

Provided that this subsection shall not apply to [^{F7}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) [^{F5}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 ^{M1}Maintenance Orders (Facilities for Enforcement) Act 1920 [^{F8}and to an order registered in such a court under Part I of the ^{M2}Maintenance Orders (Reciprocal Enforcement) Act 1972][^{F9}or Part I of the Civil Jurisdiction and Judgments Act 1982]; references to a wife ^{F10} . . . 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 ^{F10} . . . of the defendant if the marriage had subsisted;^{F11}
. . . ^{F12F13} . . .

Textual Amendments

- F1** Words in s. 150(1)(a) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), ss. 14(2)(6), 26(2), **Sch. 3**; S.I. 1991/2719, art. 2, **Sch.**
- F2** Words repealed by Army and Air Force Act 1961 (c. 52), s. 29(2)(a)
- F3** S. 150(1)(aa) inserted (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), s. 14(2)(6); S.I. 1991/2719, art. 2
- F4** S. 150(1)(d) repealed by Armed Forces Act 1971 (c. 33), **Sch. 4 Pt. II**
- F5** Words substituted by S.I. 1964/488, **Sch. 1 Pt. I**
- F6** S. 150(1A) inserted (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), s. 14(3)(6); S.I. 1991/2719, art. 2
- F7** Words substituted by Army and Air Force Act 1961 (c. 52), s. 29(2)(a)
- F8** Words inserted by Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18), **Sch. para. 2**
- F9** 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**
- F10** Words in s. 150(5) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), ss. 14(4)(a)(6), 26(2), **Sch. 3**; S.I. 1991/2719, art. 2, **Sch.**
- F11** Paragraph in s. 150(5) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), ss. 14(4)(b), 26(2), **Sch. 3**; S.I. 1991/2719, art. 2, **Sch.**
- F12** Words in s. 150(5) repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), **Sch. 10**; S.R. 1996/297, art. 2(2)
- F13** Words repealed (E.W.) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(4), **Sch. 4**

Status: Point in time view as at 01/04/1997. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 150. (See end of Document for details)

Modifications etc. (not altering text)

- C1** 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

- M1** 1920 c. 33.
M2 1972 c. 18.

Textual Amendments applied to the whole legislation

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of [1996 c. 46, s. 15](#); [S.I. 1997/304](#), arts. 2, 3, **Sch. 2**

Status:

Point in time view as at 01/04/1997. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 150.