



# Naval Forces (Enforcement of Maintenance Liabilities) Act 1947

1947 CHAPTER 24 10 and 11 Geo 6

An Act to authorise deductions under the Naval and Marine Pay and Pensions Act, 1865, for the maintenance of wives and children; to restrict the discontinuance of allotments of pay; and for purposes connected with the matters aforesaid. [29th April 1947]

## Modifications etc. (not altering text)

- C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C2 Act extended by [Reserve Forces Act 1980 \(c. 9, SIF 7:2\), s. 59\(4\)](#)

## Commencement Information

- II Act not in force at Royal Assent see [s. 3\(2\)](#); Act wholly in force at 19.12.1947

## 1 Deductions from pay in respect of liabilities for maintenance, etc.

- (1) Section three of the <sup>M1</sup>Naval and Marine Pay and Pensions Act, 1865 (which provides that pay, pensions and certain other moneys payable in respect of service in His Majesty's naval or marine force shall be paid in such manner and subject to such restrictions, conditions and provisions as are from time to time directed by Order in Council) shall have effect as if the expression "restrictions", in relation to the pay of a person being an officer, seaman or marine, included deductions for the purpose of providing, to such extent and in such circumstances as may be specified in the Order in Council,—

- [<sup>F1</sup>(a) for the maintenance of the wife of that person;
- (aa) for the maintenance of any child of that person or his wife or of any other child who has been treated by them both as a child of their family;]
- [<sup>F2</sup>(aaa) for the payment of interest (by virtue of regulations made under section 41(3) of the Child Support Act 1991) with respect to arrears of child support maintenance payable in accordance with any maintenance assessment made under that Act;]

*Status: Point in time view as at 12/04/1993.*

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- [<sup>F3</sup>(aab) for the payment of interest (by virtue of regulations made under Article 38(3) of the Child Support (Northern Ireland) Order 1991) with respect to arrears of child support maintenance payable in accordance with any maintenance assessment made under that Order;]
- (b) for the payment of any sum adjudged as costs, or awarded as expenses, incurred in obtaining against that person an order or decree of any court in His Majesty’s dominions in respect of the maintenance of his wife [<sup>F4</sup>or any such child as is mentioned in paragraph (aa) above]:
- [<sup>F5</sup>(c) for the payment of any sum adjudged as costs, or awarded as expenses, incurred in proceedings on appeal against, or for the variation, revocation or revival of, any such order or decree.]
- (c) ..... <sup>F6</sup>  
..... <sup>F7</sup>

(2) No deduction from pay shall be made under the last foregoing subsection in liquidation of a sum adjudged to be paid by an order or decree of any court unless such authority as may be specified by Order in Council under section three of the said Act of 1865 is satisfied that the person against whom the order or decree was made has had a reasonable opportunity of appearing himself, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order or decree was made; and a certificate purporting to be a certificate of the commanding officer of the ship in which he was or is serving, or on the books of which he was or is borne, that the person has been prevented by the requirements of the service from attending at a hearing of any such case shall be evidence of the fact unless the contrary is proved.

[<sup>F8</sup>(2A) For the purposes of this section—

- (a) if, in proceedings in connection with the dissolution or annulment of a marriage, an order has been made for the payment of any periodical or other sum in respect of the maintenance of the person who, if the marriage had subsisted, would have been the wife of any such person as is mentioned in subsection (1) above, references in this section to that person’s wife include references to the person in whose favour the order was made;
- (b) any reference to an order or decree of any court in Her Majesty’s dominions includes a reference to an order registered in a court in the United Kingdom under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 or registered under Part I of the Civil Jurisdiction and Judgments Act 1982 in a court in any territory to which that Act for the time being extends; and
- (c) without prejudice to any enactment or rule of law relating to adoption or legitimation, references to a child of a person 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.

(2B) In relation to women members of Her Majesty’s naval forces, within the meaning of the Naval Discipline Act 1957, references in this section to a wife shall be construed as references to a husband.]

<sup>F9</sup>(3) .....

<sup>F10</sup>(4) .....

<sup>F11</sup>(5) .....

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#### Textual Amendments

- F1** S. 1(1)(a)(aa) substituted (01.01.1992) for para. (a) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 15\(2\)\(a\)](#); S.I. 1991/2719, [art. 2](#)
- F2** S. 1(1)(aaa) inserted (E.W.S.) (12.4.1993) by S.I. 1993/785, [arts. 1,4](#).
- F3** S. 1(1)(aab) inserted (12.4.1993) by S.R. 1993/157, [arts. 1,4](#).
- F4** Words in s. 1(1)(b) substituted (01.01.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 15\(2\)\(b\)](#); S.I. 1991/2719, [art. 2](#)
- F5** S. 1(1)(c) inserted (01.01.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 15\(2\)\(c\)](#); S.I. 1991/2719, [art. 2](#)
- F6** S. 1(1)(c) repealed (1.7.1972) by [Armed Forces Act 1971 \(c. 33\), ss. 61\(2\), 78\(5\), Sch. 4 Pt. II](#)
- F7** Proviso repealed (1.7.1972) by [Armed Forces Act 1971 \(c. 33\), ss. 61\(2\), 78\(5\), Sch. 4 Pt. II](#)
- F8** S. 1(2A)(2B) inserted (01.01.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 15\(3\)](#); S.I. 1991/2719, [art. 2](#)
- F9** S. 1(3) repealed (01.01.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), ss. 15\(4\), 26\(2\), Sch. 3](#), S.I. 1991/2719, art. 2, Sch.
- F10** S. 1(4) repealed by [Naval Discipline Act 1957 \(c. 53\), s. 138\(1\), Sch. 6](#)
- F11** S. 1(5) repealed (01.01.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), ss. 15\(4\), 26\(2\), Sch. 3](#), S.I. 1991/2719, art. 2, Sch.

#### Modifications etc. (not altering text)

- C3** S. 1(1) extended by [South Africa Act 1962 \(c. 23\), s. 2\(1\), Sch. 2 para. 3](#)
- C4** S. 1(1)(2) extended (1.4.1997) by [1996 c. 14, s. 7\(3\)](#) (with s. 72(5)); S.I. 1997/305, [art. 2](#)

#### Marginal Citations

- M1** 1865 c. 73.

**F12** .....

#### Textual Amendments

- F12** S. 2 repealed (01.01.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 26\(2\), Sch.3](#), S.I. 1991/2719, art.2, Sch.

### 3 Short title, construction and commencement.

(1) This Act may be cited as the Naval Forces (Enforcement of Maintenance Liabilities) Act, 1947, and shall be construed as one with the <sup>M2</sup>Naval and Marine Pay and Pensions Act, 1865.

(2) This Act shall come into operation on such date as the Admiralty may by order appoint.

#### Subordinate Legislation Made

- P1** S. 3(2) power exercised: 19.12.1947 appointed by S.R. & O. 1947/2728

#### Marginal Citations

- M2** 1865 c. 73.

**Status:**

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**Changes to legislation:**

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