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For Table of Contents see last page

TUESDAY, 23 DECEMBER, 1947

At the Court at *Buckingham Palace*, the 19th day of *December*, 1947.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 29th day of November, 1947 (N. 7615/47) in the words following, viz:—

"Whereas by Section 1 (1) of the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947 it is enacted that Section 3 of the Naval and Marine Pay and Pensions Act, 1865 (which provides that pay, pensions and certain other monies payable in respect of service in Your 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 by Your Majesty's Order in Council:—

(a) for the maintenance of the wife and children (whether legitimate or illegitimate) of that person:

(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 Your Majesty's dominions in respect of the maintenance of his wife and any such children of his as aforesaid:

provided that no deduction from pay shall be made under the said Section 1 (1) greater than will leave to the person from whose pay the deduction is made (subject, however, to the making of any other deduction authorised by or under any Act) not less than four-sevenths of his pay if he is an officer and otherwise not less than one-third of his pay if he is not below the rank of petty officer, or if a marine the rank of sergeant, and otherwise not less than one-fourth of his pay.

"We beg leave humbly to recommend that Your Majesty may be graciously pleased by Your Order in Council to sanction the proposals set forth hereunder.

"The Lords Commissioners of Your Majesty's Treasury have signified their concurrence in these proposals.

1. Deductions from the pay of a person being an officer, seaman or marine not exceeding the sums stated in Part I of the Schedule hereto may be made in the circumstances set out in Part II of the Schedule hereto for the purposes aforesaid, and the deductions may be made by the Admiralty or by such person as may be deputed by them for the purpose.

2. When under Section 2 (1) of the Naval Forces (Enforcement of Maintenance Liabilities) Act, 1947, an allotment from pay has been continued, or under Clause (b) of Part II of the Schedule hereto deductions from pay have been made and the Admiralty see cause to permit the discontinuance of the allotment or to stop the deductions, the Admiralty may at their discretion direct that the amount in whole or in part of pay compulsorily allotted or deducted as the case may be for maintenance shall be refunded to the officer, seaman or marine.

" SCHEDULE.

" Part I.

(a) *When the officer, seaman or marine is eligible for marriage allowance in respect of the person or persons whose maintenance is being enforced:*

The sum prescribed by the Admiralty for maintenance of wife or children as a qualification for the issue of marriage allowance under the regulations in force at the time unless such sum, together with such sum as may be in issue as marriage allowance, be insufficient for the purposes aforesaid when, subject to the proviso in Section 1 (1) of the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947, a further sum as necessary may be deducted from the remainder of his pay.

(b) *When the officer, seaman or marine is not eligible for marriage allowance in respect of the person or persons whose maintenance is being enforced:*

Subject to the proviso in Section 1 (1) of the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947, the sum required to comply with an order or decree for maintenance.

" Part II.

Subject to the provisions of Section 1 (2) of the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947, deductions from the pay of an officer, seaman or marine for the purposes aforesaid may be made in the following circumstances:—

(a) When an order or decree has been made by any court in Your Majesty's dominions against the officer, seaman or marine for the maintenance by him of his wife or any of his children (whether legitimate or illegitimate) or for the payment by him of any sum adjudged as costs or awarded as expenses in obtaining such order or decree.

(b) When it appears to the satisfaction of the Admiralty or such person as they may depute for the purpose that the officer, seaman or marine has failed to maintain his wife or any of his legitimate children under sixteen years of age."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed.