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FRIDAY, 31ST JULY 1959

STATE INTELLIGENCE

PRIVY COUNCIL OFFICE

At the Court of Saint James, the 28th day of July, 1959

PRESENT,

Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Alexandra of Kent
Lord President Mr. Brooke
Earl of Selkirk Mr. Aubrey Jones

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Alexandra of Kent, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by sections 3 and 11 of the Naval and Marine Pay and Pensions Act, 1865 (28 & 29 Vict. c. 73), and by section 1 of the Naval Forces (Enforcement of Maintenance Liabilities) Act, 1947 (10 & 11 Geo. 6. c. 24), do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf direct, and it is hereby directed, as follows:—

1. Subject to the provisions of section 1 of the said Act of 1947, if an order or decree of any court in Her Majesty's dominions requiring an officer, seaman or marine to make payments for the maintenance of his wife and children (legitimate or illegitimate) or any of them is in force, then—

(a) the Admiralty may cause deductions to be made from the pay of such officer, seaman or marine to provide for such payments, and for the payment of any sum adjudged as costs, or awarded as expenses, incurred in obtaining against him such order or decree, and

(b) when the officer, seaman or marine is in a place where process cannot be served on him in connection with proceedings for the variation of such order or decree, and the Admiralty are satisfied that the officer, seaman or marine is neglecting without reasonable cause to make provision, additional to that required by such order or decree, for his wife and children, they may cause such further deductions to be made from his pay to provide for such maintenance as they may think fit.

2. The authority for the purposes of subsection (2) of section 1 of the said Act of 1947 (which provides that no deduction shall be made 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 is satisfied that the person against whom the order or decree was made has had a reasonable opportunity of appearing to defend the case) shall be the Admiralty.

3.—(1) Subject to the provisions of subsection (1) of section 1 of the said Act of 1947, if no such order or decree as is mentioned in Article 1 is in force and the Admiralty are satisfied that an officer, seaman or marine is neglecting without reasonable cause to maintain his wife or any legitimate child of his, they may cause such deductions to be made from his pay to provide for such maintenance as they may think fit.

(2) Deductions from pay shall not be made under this Article in respect of the maintenance of a child who has attained the age of sixteen years unless he is under twenty-one years and is engaged for the time being in a course of education or training, nor shall deductions from pay in respect of the maintenance of such a child be made for a period exceeding two years without the direction of the Admiralty.

4. The Interpretation Act, 1889 (52 & 53 Vict. c. 63) applies for the purposes of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

5. The Order in Council of the 19th day of December, 1947, authorising deductions from the pay of officers, seamen and marines for maintenance of their wives and children is hereby revoked, but nothing in this revocation shall affect any deduction made or anything done under that Order, and any such deduction being made at the date of this Order may continue to be made as if made under this Order.

6. This Order may be cited as the Naval and Marine Pay and Pensions (Deductions for Maintenance) Order, 1959.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, made under sections 3 and 11 of the Naval and Marine Pay and Pensions Act, 1865, as