

“Maintenance order” includes a maintenance order as defined in the Destitute Persons Act, 1910, and a maintenance order as defined in the Maintenance Orders (Facilities for Enforcement) Act, 1921 :

Amended
Serial No.
1944/32

“Military service” means continuous whole-time service rendered as a member of any military Force embodied under the Defence Act, 1909, other than a Permanent Force embodied under Part II of that Act :

“Soldier’s maintenance order” means a maintenance order as herein defined under which moneys are payable by a person rendering or having rendered military service at any time whilst the order is in force.

4. Unless a Magistrate otherwise directs, no proceedings shall be taken or continued to enforce payment of or in consequence of the non-payment of any moneys payable under a soldier’s maintenance order so far as such moneys became due and payable before the coming into force of these regulations and during a period when the person liable for payment thereof was rendering military service.

5. Unless a Magistrate otherwise directs, every soldier’s maintenance order shall be suspended for any period during which the person liable for payment thereunder is rendering military service.

6. The effect of suspension of a soldier’s maintenance order under these regulations shall be that notwithstanding the terms of the order no liability shall during the period of suspension or afterwards exist to make any of the payments required by the order to be made during the said period of suspension.

7. Notwithstanding Regulation 5 hereof, a Magistrate may direct that a soldier’s maintenance order be not suspended so far as the periodical payments to be made thereunder exceed the periodical payments of dependants’ allowances and allotments of pay to or for the benefit of the persons for whose benefit the maintenance order was made, and any such direction may apply to payments falling due at any time whether before or after the date when the direction is given and whether before or after the coming into force of these regulations.

8. Where a soldier’s maintenance order is in arrears at the commencement of his military service, all excess allocations shall be deemed to be received and to have been received in reduction of such arrears, but no excess allocations shall be deemed to be or to have been payment in advance on account of any maintenance order.

9. Any suspension of a maintenance order shall be without prejudice to the power of a Magistrate at any time to make an order cancelling or varying the maintenance order.

10. Any direction given by a Magistrate under these regulations shall be given by order made in like manner as an order varying a maintenance order may be made under the Destitute Persons Act, 1910, and may be revoked or varied by the Magistrate who gave the direction or by any other Magistrate.

11. No action by way of civil proceedings arising out of—

- (a) The enforcement or attempted or purported enforcement of a maintenance order for the non-payment of moneys referred to in Regulation 4 hereof ; or
- (b) The enforcement or attempted or purported enforcement of a maintenance order for the non-payment of any moneys required by the order to be paid during a period of suspension thereof ; or
- (c) Any proceedings taken in consequence of non-payment of any such moneys as are referred to in paragraphs (a) and (b) of this regulation—

shall lie against any person acting in good faith and without knowledge of the facts justifying such non-payment.

12. In case of conflict between these regulations and the Arrest (Armed Forces) Emergency Regulations 1940,* the last-named regulations shall prevail.

C. A. JEFFERY,
Clerk of the Executive Council.

* Statutory Regulations 1940, Serial number 1940/204.