



# Maintenance and Affiliation Orders Act (Northern Ireland) 1966

## 1966 CHAPTER 35

### PART II

#### REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

#### 11 Registration of orders.

- (1) A person entitled to receive payments under an order made by the High Court<sup>F1</sup> or a county court] may apply for the registration of the order to the original court, and the court may, if it thinks fit, grant the application.
- (2) Where an application for the registration of such an order is granted—
  - (a) no proceedings shall be begun, and no writ, warrant or other process shall be issued, for the enforcement of the order before the registration of the order or the expiration of the prescribed period from the grant of the application, whichever first occurs; and
  - (b) the original court shall, on being satisfied within the period aforesaid by the person who made the application that no such proceedings or process begun or issued before the grant of the application remain pending or in force, cause a certified copy of the order to be sent to the clerk of petty sessions<sup>F2</sup>...;but if at the expiration of the period aforesaid the original court has not been so satisfied, the grant of the application shall become void.
- (3) A person entitled to receive payments under an order made by a court of summary jurisdiction, who considers that the order could be more effectively enforced if it were registered, may apply for the registration of the order to the original court, and that court<sup>F3</sup> may if it thinks fit, grant the application].

<sup>F3</sup>(3A) Without prejudice to subsection (3), where an order made by a court of summary jurisdiction provides both for the payment of a lump sum and for the making of periodical payments, a person entitled to receive a lump sum under the order who

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*Changes to legislation: There are currently no known outstanding effects for the Maintenance and Affiliation Orders Act (Northern Ireland) 1966, Section 11. (See end of Document for details)*

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considers that, so far as it relates to that sum the order could be more effectively enforced if it were registered may apply to the original court for the registration of the order so far as it so relates, and the court may, if it thinks fit, grant the application.

(3B) Where an application under subsection (3A) is granted in the case of an order made by a court of summary jurisdiction, the provisions of this Part shall have effect in relation to that order as if so far as it relates to the payment of a lump sum it were a separate order.]

(4) Where an application for the registration of an order made by a court of summary jurisdiction is granted—

- (a) no proceedings for the enforcement of the order shall be begun before the registration takes place and no warrant or other process for the enforcement thereof shall be issued in consequence of any such proceedings begun before the grant of the application;
- (b) any warrant of commitment issued for the enforcement of the order shall cease to have effect when the person in possession of the warrant is informed of the grant of the application, unless the defendant has then already been detained in pursuance of the warrant; and
- (c) the original court shall, on being satisfied in the prescribed manner that no process for the enforcement of the order issued before the grant of the application remains in force, cause a certified copy of the order to be sent to the prescribed officer of the High Court.

(5) The officer or clerk of a court who receives a certified copy of an order sent to him under this section shall cause the order to be registered in that court.

[<sup>F4</sup>(5A) Where an order made by a court of summary jurisdiction is registered under this Part in the High Court, then—

- (a) if payments under the order of the court of summary jurisdiction are required to be made (otherwise than to the collecting officer) by any method of payment falling within Article 85(7) of the Magistrates' Courts (Northern Ireland) Order 1981 (standing order, etc.), any order requiring payment by that method shall continue to have effect after registration;
- (b) any order by virtue of which sums payable under the order of the court of summary jurisdiction are required to be paid to the collecting officer (whether or not by any method of payment falling within Article 85(7) of that Order) on behalf of the person entitled thereto shall cease to have effect.

(5B) Where an order made by the High Court or a county court is registered under this Part in a court of summary jurisdiction, then—

- (a) if a means of payment order (within the meaning of Article 96A(7) of the Judgments Enforcement (Northern Ireland) Order 1981) has effect in relation to the order in question, it shall continue to have effect after registration; and
- (b) in any other case, the court of summary jurisdiction shall order that all payments to be made under the order in question (including any arrears accrued before registration) shall be made to the collecting officer.

(5C) Any such order as to payment—

- (a) as is referred to in subsection (5A)(a) may be revoked, suspended, revived or varied by an exercise of the powers conferred by section 13A; and
- (b) as is referred to in subsection (5B)(a) or (b) may be varied or revoked by an exercise of the powers conferred by section 12(2) or section 13(2A) or (5A).

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(5D) Where by virtue of the provisions of this section or any order under subsection (5B) (b) payments under an order cease to be or become payable to the collecting officer, the person liable to make the payments shall, until he is given the prescribed notice to that effect, be deemed to comply with the order if he makes payments in accordance with the order and any order under subsection (5B)(b) of which he has received such notice.]

(6) In this section “certified copy” in relation to an order of a court means a copy certified by the proper officer of the court to be a true copy of the order or of the official record thereof.

**Annotations:**

**F1** 1989 NI 4

**F2** Words in s. 11(2)(b) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 59, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**F3** 1982 c. 27

**F4** 1993 NI 6

**Changes to legislation:**

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