

SCHEDULES

SCHEDULE 1

AMENDMENT OF CERTAIN ENACTMENTS RELATING TO MAINTENANCE ORDERS REGISTERED IN OR CONFIRMED BY MAGISTRATES' COURTS OR REGISTERED IN THE HIGH COURT

The Maintenance Orders Act 1958 (c. 39)

- 7 In section 2 of the Maintenance Orders Act 1958 (registration of orders), for subsection (6) (section 19(1) to (4) of Maintenance Orders Act 1950 to have effect for the purposes of Part I) there shall be substituted the following subsections—

“(6) Where a magistrates’ court order is registered under this Part of this Act in the High Court, then—

- (a) if payments under the magistrates’ court order are required to be made (otherwise than to the clerk of a magistrates’ court) by any method of payment falling within section 59(6) of the Magistrates’ Courts Act 1980 (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 magistrates’ court order are required to be paid to the clerk of a magistrates’ court (whether or not by any method of payment falling within section 59(6) of that Act) on behalf of the person entitled thereto shall cease to have effect.

(6ZA) Where a High Court or county court order is registered under this Part of this Act in a magistrates’ court, then—

- (a) if a means of payment order (within the meaning of section 1(7) of the Maintenance Enforcement Act 1991) has effect in relation to the order in question, it shall continue to have effect after registration; and
- (b) in any other case, the magistrates’ court shall order that all payments to be made under the order in question (including any arrears accrued before registration) shall be made to the clerk of the court or the clerk of any other magistrates’ court.

(6ZB) Any such order as to payment—

- (a) as is referred to in paragraph (a) of subsection (6) of this section may be revoked, suspended, revived or varied by an exercise of the powers conferred by section 4A of this Act; and
- (b) as is referred to in paragraph (a) or (b) of subsection (6ZA) of this section may be varied or revoked by an exercise of the powers conferred by section 3(2A) or (2B) or section 4(2A), (5A) or (5B) of this Act.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Enforcement Act 1991, Cross Heading: The Maintenance Orders Act 1958 (c. 39). (See end of Document for details)

(6ZC) Where by virtue of the provisions of this section or any order under subsection (6ZA)(b) of this section payments under an order cease to be or become payable to the clerk of a magistrates’ court, 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 (6ZA)(b) of this section of which he has received such notice.”

Commencement Information

I1 Sch. 1 para. 7 wholly in force at 1.4.1992 see s. 12(2) and S.I. 1992/455, art. 2

F18

Textual Amendments

F1 Sch. 1 paras. 8, 9 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 99 Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

I2 Sch. 1 para. 8 wholly in force at 1.4.1992 see s. 12(2) and S.I. 1992/455, art. 2

F19

Textual Amendments

F1 Sch. 1 paras. 8, 9 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 99 Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

I3 Sch. 1 para. 9 wholly in force at 1.4.1992 see s. 12(2) and S.I. 1992/455, art. 2

10 After section 4 of that Act (variation of orders registered in magistrates’ courts) there shall be inserted the following section—

“4A Variation etc. of orders registered in the High Court.

- (1) The provisions of this section shall have effect with respect to orders registered in the High Court other than maintenance orders deemed to be made by a magistrates’ court by virtue of section 1(4) of this Act, and the reference in subsection (2) of this section to a registered order shall be construed accordingly.
- (2) The High Court may exercise the same powers in relation to a registered order as are exercisable by the High Court under section 1 of the Maintenance Enforcement Act 1991 in relation to a qualifying periodical maintenance order (within the meaning of that section) which has been made by the High Court, including the power under subsection (7) of that section to revoke, suspend, revive or vary—

Changes to legislation: There are currently no known outstanding effects for the Maintenance Enforcement Act 1991, Cross Heading: The Maintenance Orders Act 1958 (c. 39). (See end of Document for details)

- (a) any such order as is referred to in paragraph (a) of section 2(6) of this Act which continues to have effect by virtue of that paragraph; and
- (b) any means of payment order (within the meaning of section 1(7) of that Act of 1991) made by virtue of the provisions of this section.”

Commencement Information

I4 Sch. 1 para. 10 wholly in force at 1.4.1992 see s. 12(2) and S.I. 1992/455, art. 2

11 In section 5 of that Act (cancellation of registration), for subsection (5) (effect of cancellation on order registered in magistrates' court) there shall be substituted the following subsections—

“(5) On the cancellation of the registration of a High Court or county court order—

- (a) any order which requires payments under the order in question to be made (otherwise than to the clerk of a magistrates' court) by any method of payment falling within section 59(6) of the ^{M1}Magistrates' Courts Act 1980 or section 1(5) of the Maintenance Enforcement Act 1991 (standing order, etc.) shall continue to have effect; and
- (b) any order made under section 2(6ZA)(b) of this Act or by virtue of the powers conferred by section 3(2A) or (2B) or section 4(2A), (5A) or (5B) of this Act and which requires payments under the order in question to be made to the clerk of a magistrates' court (whether or not by any method of payment falling within section 59(6) of the Magistrates' Courts Act 1980) shall cease to have effect;

but, in a case falling within paragraph (b) of this subsection, until the defendant receives the prescribed notice of the cancellation he shall be deemed to comply with the High Court or county court order if he makes payment in accordance with any such order as is referred to in paragraph (b) of this subsection which was in force immediately before the cancellation and of which he has notice.

(6) On the cancellation of the registration of a magistrates' court order—

- (a) any order which requires payments under the magistrates' court order to be made by any method of payment falling within section 59(6) of the Magistrates' Courts Act 1980 or section 1(5) of the Maintenance Enforcement Act 1991 (standing order, etc.) shall continue to have effect; and
- (b) in any other case, payments shall become payable to the clerk of the original court;

but, in a case falling within paragraph (b) of this subsection, until the defendant receives the prescribed notice of the cancellation he shall be deemed to comply with the magistrates' court order if he makes payments in accordance with any order which was in force immediately before the cancellation and of which he has notice.

(7) In subsections (5) and (6) of this section “High Court order” and “magistrates' court order” shall be construed in accordance with section 2(6A) of this Act.”

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ORDERS REGISTERED IN OR CONFIRMED BY MAGISTRATES’ COURTS OR REGISTERED IN
THE HIGH COURT

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Changes to legislation: There are currently no known outstanding effects for the Maintenance Enforcement Act 1991, Cross Heading: The Maintenance Orders Act 1958 (c. 39). (See end of Document for details)

Commencement Information

I5 Sch. 1 para.11 wholly in force at 1.4.1992 see s. 12(2) and S.I. 1992/455, **art. 2**

Marginal Citations

M1 1980 c. 43.

Changes to legislation:

There are currently no known outstanding effects for the Maintenance Enforcement Act 1991,
Cross Heading: The Maintenance Orders Act 1958 (c. 39).