

SCHEDULES

SCHEDULE 1

AMENDMENTS RELATING TO MAINTENANCE ORDERS REGISTERED IN OR CONFIRMED BY COURTS OF SUMMARY JURISDICTION OR REGISTERED IN THE HIGH COURT

The Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35)

4.—(1) In section 13 (variation of orders registered in courts of summary jurisdiction)—

(a) after subsection (2) insert—

“(2A) The power of a court of summary jurisdiction to vary a registered order under subsection (2) shall include power, if the court is satisfied that payment has not been made in accordance with the order, to vary the order by exercising one of its powers under sub-paragraphs (a) to (d) of Article 85(3) of the Magistrates' Courts (Northern Ireland) Order 1981.

(2B) Paragraph (5) of Article 85 of that Order shall apply for the purposes of subsection (2A) as it applies for the purposes of that Article.

(2C) In deciding which of the powers under sub-paragraphs (a) to (d) of Article 85(3) of that Order it is to exercise, the court shall have regard to any representations made by the debtor and the creditor (within the meaning of Article 85 of that Order).”;

(b) after subsection (5) insert—

“(5A) Subject to the following provisions of this section, paragraphs (4) to (11) of Article 86 of the Magistrates' Courts (Northern Ireland) Order 1981 (power of clerk and court to vary maintenance orders) shall apply in relation to a registered order as they apply in relation to a maintenance order made by a court of summary jurisdiction (disregarding Article 25(2) of the Domestic Proceedings (Northern Ireland) Order 1980) but—

(a) as if in paragraph (8) after the words “the court which may” there were inserted “subject to paragraph (10)”; and

(b) as if for paragraphs (9) and (10) there were substituted the following paragraphs—

“(9) Paragraph (5) of Article 85 shall apply for the purposes of paragraph (8) as it applies for the purposes of that Article.

(10) In deciding which of the powers under sub-paragraphs (a) to (d) of Article 85(3) it is to exercise, the court shall have regard to any representations made by the debtor and the creditor”.