

# Maintenance Orders (Reciprocal Enforcement) Act 1972

### **CHAPTER 18**

# MAINTENANCE ORDERS (RECIPROCAL ENFORCEMENT) ACT 1972

# PART I

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS MADE IN UNITED KINGDOM OR RECIPROCATING COUNTRY

Designation of reciprocating countries

1 Orders in Council designating reciprocating countries

Orders made by courts in the United Kingdom

- 2 Transmission of maintenance order made in United Kingdom for enforcement in reciprocating country
- 3 Power of magistrates' court to make provisional maintenance order against person residing in reciprocating country
- 4 Power of sheriff to make provisional maintenance order against person residing in reciprocating country
- 5 Variation and revocation of maintenance order made in United Kingdom

Orders made by courts in reciprocating countries

- 6 Registration in United Kingdom court of maintenance order made in reciprocating country
- 7 Confirmation by United Kingdom court of provisional maintenance order made in reciprocating country
- 8 Enforcement of maintenance order registered in United Kingdom court

- 9 Variation and revocation of maintenance order registered in United Kingdom court
- 10 Cancellation of registration and transfer of order
- Steps to be taken by Secretary of State where payer under certain orders is not residing in the United Kingdom

### **Appeals**

12 Appeals

### Evidence

- 13 Admissibility of evidence given in reciprocating country
- 14 Obtaining of evidence needed for purpose of certain proceedings
- 15 Order, etc. made abroad need not be proved

# Supplemental

- 16 Payment of sums under orders made abroad: conversion of currency
- 17 Proceedings in magistrates' courts
- 18 Magistrates' courts rules
- 19 Rules for sheriff court
- 20 Restriction on enforcement of arrears under maintenance order registered in Scotland
- 21 Interpretation of Part I

# Amendments, repeals and transitional provisions

- 22 Amendments and repeals
- 23 Maintenance order registered in High Court under the Maintenance Orders etc. Act 1920
- 24 Application of Part I to certain orders and proceedings under the Maintenance Orders etc. Act 1920

### **PART II**

## RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

# Convention countries

25 Convention countries

Application by person in the United Kingdom for recovery, etc. of maintenance in convention country

26 Application by person in United Kingdom for recovery, etc. of maintenance in convention country

Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland

- 27 General provisions relating to application for recovery of maintenance in England, etc.
- 28 Complaint by spouse in convention country for recovery in England and Wales of maintenance from other spouse
- 29 Complaint by woman in convention country for recovery in Northern Ireland of maintenance from her husband

Further provisions relating to recovery in England, Wales and Northern Ireland of maintenance for children

Application by person in convention country for recovery of maintenance in Scotland

31 Application by person in convention country for recovery of maintenance in Scotland

Transfer, enforcement, variation and revocation of registered orders

- 32 Transfer of orders
- 33 Enforcement of orders
- 34 Variation and revocation of orders
- Further provisions with respect to variation, etc. of orders by magistrates' courts

# Supplemental

- 36 Admissibility of evidence given in convention country
- 37 Obtaining of evidence for purpose of proceedings in United Kingdom court
- 38 Taking of evidence at request of court in convention country
- 39 Interpretation of Part II

### PART III

### MISCELLANEOUS AND SUPPLEMENTAL

Further provisions relating to enforcement of maintenance orders and to applications for recovery of maintenance

40 Power to apply Act to maintenance orders and applications for recovery of maintenance made in certain countries

Provisions with respect to certain orders of magistrates' courts

- Complaint for variation, etc. of certain orders by or against persons outside England and Wales
- 42 Provisional order for maintenance of party to marriage made by magistrates' court to cease to have effect on remarriage of party

# Supplemental provisions

- 43 Extension of legal aid
- 44 Exclusion of certain enactments relating to evidence
- 45 Orders in Council
- 46 Financial provisions
- 47 Interpretation: general
- 48 Special provisions relating to Northern Ireland
- 49 Short title and commencement

SCHEDULE — Consequential and Minor Amendments

# The Magistrates' Courts Act 1952

1 In section 57(4) of the Magistrates' Courts Act 1952 (proceedings...

The Army Act 1955 and the Air Force Act 1955

2 Section 150 of the Army Act 1955 and section 150...

The Naval Discipline Act 1957

3 In section 101 of the Naval Discipline Act 1957 (service...

The Maintenance Orders Act 1958

4 At the end of section 1 of the Maintenance Orders...

The Maintenance and Affiliation Orders Act (Northern Ireland) 1966

5 In section 10 of the Maintenance and Affiliation Orders Act...

The Administration of Justice Act 1970

6 At the end of Schedule 8 to the Administration of...

The Attachment of Earnings Act 1971

7 At the end of Schedule 1 to the Attachment of...