



# Maintenance Orders (Reciprocal Enforcement) Act 1972

## 1972 CHAPTER 18

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Provisions with respect to certain orders of magistrates' courts*

- 41 Complaint for variation, etc. of certain orders by or against persons outside England and Wales**
- (1) The jurisdiction to revoke, revive or vary an order for the periodical payment of money conferred on magistrates' courts by section 53 of the Magistrates' Courts Act 1952 shall, in the case of—
- (a) an affiliation order, or
  - (b) an order under section 9, 10 or 11 of the Guardianship of Minors Act 1971 for the payment of sums towards the maintenance of a minor,
- be exercisable notwithstanding that the proceedings for the revocation, revival or variation, as the case may be, of the order are brought by or against a person residing outside England and Wales.
- (2) Subsections (2) to (5) of section 9 of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 (which relates to the procedure to be followed in the case of a complaint by or against a person outside England and Wales for variation, etc., of an order made under that Act) shall, for the purposes of subsection (1) above, apply in respect of any such order as is mentioned in paragraph (a) or (b) of that subsection as they apply in respect of a matrimonial or interim order, but with the substitution of references to section 53 of the said Act of 1952 for references to section 8 of the said Act of 1960.
- (3) In section 15(1) of the Maintenance Orders Act 1950 (service of process on a person residing in Scotland or Northern Ireland), after the words " Act 1971 " there

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*Status: This is the original version (as it was originally enacted).*

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shall be inserted the words " or section 41 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 ".

- (4) Section 3(3) of the said Act of 1950 (jurisdiction in proceedings by or against a person residing in Scotland or Northern Ireland for the revocation, etc., of an affiliation order) is hereby repealed.

**42 Provisional order for maintenance of party to marriage made by magistrates' court to cease to have effect on remarriage of party**

- (1) Where a magistrates' court has, by virtue of section 3 of this Act, made a provisional maintenance order consisting of, or including, a provision such as is mentioned in section 2(1)(b) or (c) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 (payment of weekly sums by husband or wife) and the order has been confirmed by a competent court in a reciprocating country, then, if after the making of that order the marriage of the parties to the proceedings in which the order was made is dissolved or annulled but the order continues in force, that order or, as the case may be, that provision thereof shall cease to have effect on the remarriage of the party in whose favour it was made, except in relation to any arrears due under it on the date of such remarriage and shall not be capable of being revived.
- (2) For the avoidance of doubt it is hereby declared that references in this section to remarriage include references to a marriage which is by law void or voidable.
- (3) In section 30(2) of the Matrimonial Proceedings and Property Act 1970 (which makes, in relation to such an order as is referred to in subsection (1) above which was confirmed in accordance with section 3 of the Maintenance Orders (Facilities for Enforcement) Act 1920, provision to the like effect as that subsection) the words from " but with the modification " to the end are hereby repealed.