



Maintenance Orders (Reciprocal Enforcement) Act 1972

1972 CHAPTER 18

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental provisions

43 Extension of legal aid

- (1) At the end of paragraph 3 of Part I of Schedule 1 to the Legal Aid and Advice Act 1949 (which specifies the proceedings in a magistrates' court or the Crown Court for which legal aid may be given under section 1 of that Act) there shall be inserted the following sub-paragraph:—
 - “(d) proceedings under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 relating to a maintenance order made by a court of a country outside the United Kingdom.”
- (2) At the end of paragraph 3 of Part I of Schedule 1 to the Legal Aid and Advice Act (Northern Ireland) 1965 (which specifies the proceedings in a magistrates' court in Northern Ireland for which legal aid may be given under section 1 of that Act) there shall be inserted the following sub-paragraph:—
 - “(d) proceedings under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 relating to a maintenance order made by a court of a country outside the United Kingdom, and any such proceedings as are referred to in sub-paragraph (a) above brought by virtue of Part II of the said Act of 1972”.
- (3) The amendment made by subsection (2) above shall have effect notwithstanding anything in paragraph (b) of section 1(6) of the said Act of 1965.

44 Exclusion of certain enactments relating to evidence

- (1) Section 20 of the Family Law Reform Act 1969 (power of court hearing certain proceedings to require use of blood tests to determine paternity) and any corresponding enactment of the Parliament of Northern Ireland shall not apply to any proceedings under this Act, but the foregoing provision is without prejudice to the power of a court to allow the report of any person who has carried out such tests to be given in evidence in those proceedings.
- (2) The Foreign Tribunals Evidence Act 1856 (which relates to the taking of evidence in the United Kingdom for the purpose of proceedings before a foreign tribunal) and the Evidence by Commission Act 1859 (which relates to the taking of evidence in the United Kingdom for the purpose of proceedings before a court in Her Majesty's dominions) shall not apply to the taking of evidence in the United Kingdom for the taking of which section 14 or section 38 of this Act provides.

45 Orders in Council

- (1) An Order in Council under section 1, section 25 or section 40 of this Act may be varied or revoked by a subsequent Order in Council thereunder, and an Order made by virtue of this section may contain such incidental, consequential and transitional provisions as Her Majesty considers expedient for the purposes of that section.
- (2) An Order in Council made under the said section 1 or the said section 40 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

46 Financial provisions

There shall be paid out of moneys provided by Parliament—

- (a) any sums ordered by a court under section 14(2) or 38(3) of this Act to be paid out of moneys so provided ; and
- (b) any increase attributable to the provisions of this Act in the sums payable under the Legal Aid and Advice Act 1949 or the Legal Aid (Scotland) Act 1967 out of moneys so provided.

47 Interpretation: general

- (1) In this Act—
 - " enactment " includes an enactment of the Parliament of Northern Ireland;
 - " magistrates' court ", in relation to Northern Ireland, means a court of summary jurisdiction within the meaning of section 1(1) of the Magistrates' Courts Act (Northern Ireland) 1964.
- (2) References in this Act to a part of the United Kingdom are references to England and Wales, to Scotland, or to Northern Ireland.
- (3) Any reference in this Act to the jurisdiction of a court, where the reference is to a person residing, or having ceased to reside, within the jurisdiction of a court, shall be construed in relation to a magistrates' court in England and Wales as a reference to the petty sessions area, and in relation to a magistrates' court in Northern Ireland as a reference to the petty sessions district, for which the court acts.
- (4) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment.

48 Special provisions relating to Northern Ireland

- (1) Nothing in this Act shall authorise any Department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.
- (2) For the purposes of section 6 of the Government of Ireland Act 1920 (which relates to the power of the Parliament of Northern Ireland to make laws), the provisions of this Act, so far as they extend to Northern Ireland, shall be deemed to be provisions of an Act passed before the appointed day.
- (3) Any reference in this Act to an enactment of the Parliament of Northern Ireland or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended or extended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment, with or without modifications.
- (4) If the Parliament of Northern Ireland passes any enactment for purposes similar to those of any enactment in force in England and Wales which is referred to in this Act, Her Majesty may by Order in Council direct that this Act shall have effect subject to such modifications or adaptations as may be specified in the Order for the purpose of ensuring the continued operation of this Act in, or in relation to, Northern Ireland.
- (5) Section 45 of this Act shall apply in relation to an Order in Council under subsection (4) above as it applies in relation to an Order in Council under section 1 or 40 of this Act.

49 Short title and commencement

- (1) This Act may be cited as the Maintenance Orders (Reciprocal Enforcement) Act 1972.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions of this Act, or for different purposes.