



Maintenance Orders (Reciprocal Enforcement) Act 1972

1972 CHAPTER 18

PART I

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

Supplemental

17 Proceedings in [^{F1}the family court in England and Wales or in magistrates' courts in Northern Ireland]

^{F2}(1)

^{F3}(4)

^{F4}(5)

[^{F5}(5A) Where the respondent to an application for the variation or revocation of—

- (a) a maintenance order made by [^{F6}the family court], being an order to which section 5 of this Act applies; or
- (b) a registered order which is registered in [^{F6}the family court],

is residing in a reciprocating country, [^{F6}the family court] shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been [^{F7}habitually resident] in England and Wales.]

[^{F8}(6) Where the respondent to an application for the variation or revocation of—

- (a) a maintenance order made by a magistrates' court in Northern Ireland, being an order to which section 5 of this Act applies; or
- (b) a registered order which is registered in such a court,

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is residing in a reciprocating country, a magistrates' court in Northern Ireland shall have jurisdiction to hear the application (where it would not have jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been [^{F9}habitually resident] in Northern Ireland.]

- (7) Where the [^{F10}respondent] to [^{F11}an application] for the variation or revocation—
- (a) of a maintenance order made by [^{F12}the family court in England and Wales or a magistrates' court in Northern Ireland], being an order to which section 5 of this Act applies; or
 - (b) of a registered order registered in [^{F12}the family court in England and Wales or a magistrates' court in Northern Ireland],

does not appear at the time and place appointed for the hearing of [^{F11}the application], but the court is satisfied that the [^{F10}respondent] is residing in a reciprocating country, the court may proceed to hear and determine [^{F11}the application] at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the [^{F10}respondent] had appeared at that time and place.

[^{F13}(7A) In the application of this section to Northern Ireland, in subsection (7)—

- (a) for the word “respondent”, in each place where it occurs, there shall be substituted “defendant”; and
- (b) for the words “an application” and “the application”, in each place where they occur, there shall be substituted “a complaint” and “the complaint” respectively.]

[^{F14}(8)]

Textual Amendments

- F1** Words in s. 17 heading substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, **8**
- F2** S. 17(1)–(3) repealed by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), s. 89, **Sch. 3**
- F3** S. 17(4) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 1 para. 66(2)**, **Sch. 9 Pt. 1** (with **Sch. 8 para. 1**); **S.R. 2016/387**, art. 2(k)(m) (with art. 3)
- F4** S. 17(5) repealed (N.I.) (4.11.1996) by **S.I. 1995/755 (N.I. 2)**, art. 185(2), **Sch. 10** (with **Sch. 8 paras. 1(1), 23(4)**); **S.R. 1996/297**, **art. 2(2)**
- F5** S. 17(5A) inserted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, **Sch. 1 Pt. II para. 10(3)**; **S.I. 1993/618**, **art. 2**
- F6** Words in s. 17(5A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 38(b)**; **S.I. 2014/954**, art. 2(e) (with art. 3) (with transitional provisions and savings in **S.I. 2014/956**, arts. 3-11)
- F7** Words in s. 17(5A) substituted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(2), **Sch. 5 para. 2(3)(a)**
- F8** S. 17(6) substituted (N.I.) (4.11.1996) by **S.I. 1995/755 (N.I. 2)**, art. 185(1), **Sch. 9 para. 70** (with **Sch. 8 para. 1(1)**); **S.R. 1996/297**, **art. 2(2)**
- F9** Words in s. 17(6) substituted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(2), **Sch. 5 para. 2(3)(b)**
- F10** Words in s. 17(7) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, **Sch. 1 Pt. II para. 10(4)(a)**; **S.I. 1993/618**, **art. 2**
- F11** Words in s. 17(7) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, **Sch. 1 Pt. II para. 10(4)(b)**; **S.I. 1993/618**, **art. 2**

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- F12** Words in s. 17(7) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 38(c)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** S. 17(7A) added (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. II para. 10(5)**; S.I. 1993/618, **art. 2**; and repealed (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), **Sch. 10** (with Sch. 8 paras. 1(1), 23(4)); S.R. 1996/297, **art. 2(2)**
- F14** S. 17(8) repealed by S.I. 1981/1675 (N.I. 26), **Sch. 7**

Modifications etc. (not altering text)

- C1** Ss. 8-21 applied (28.5.2002) by The Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 2002 (S.I. 2002/788), **art. 4(4)(5)**
- C2** Ss. 5, 12-15, 17, 18, 21 applied (28.5.2002) by The Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 2002 (S.I. 2002/788), **art. 4(2)(3)**
- C3** Ss. 8-21 applied (19.6.2008) by The Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 2008 (S.I. 2008/1202), arts. 1, **4(5)**
- C4** S. 17 applied (19.6.2008) by The Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 2008 (S.I. 2008/1202), arts. 1, **4(3)**

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