



# Maintenance Orders (Reciprocal Enforcement) Act 1972

## 1972 CHAPTER 18

### PART II

#### RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

##### *Transfer, enforcement, variation and revocation of registered orders*

#### **35 Further provisions with respect to variation, etc. of orders by magistrates' courts**

- (1) Notwithstanding anything in section 28(6)(d) or 30(6) of this Act, a magistrates' court shall have jurisdiction to hear an application for the variation or revocation of a registered order registered in that court, being—
  - (a) an application made by the person against whom or on whose application the order was made, or
  - (b) an application made by some other person in pursuance of section 30(5) of this Act for the variation of an affiliation order,notwithstanding that the person by or against whom the application is made is residing outside England and Wales.
- (2) Where an application by a person in a convention country for the variation of a registered order is received from the Secretary of State by the clerk of a magistrates' court, he shall treat the application as if it were a complaint for the variation of the order to which the application relates, and the court hearing the application shall proceed as if the application were a complaint and the applicant were before the court.
- (3) Without prejudice to subsection (2) above, an application to a magistrates' court for the variation or revocation of a registered order shall be made by complaint.
- (4) Where the defendant to a complaint for the variation or revocation of a registered order, being an order registered in a magistrates' court, does not appear at the time and place appointed for the hearing of the complaint, but the court is satisfied—

*Status: This is the original version (as it was originally enacted).*

---

- (a) that the defendant is residing outside England and Wales; and
- (b) that such notice of the making of the complaint and of the time and place aforesaid as may be prescribed has been given to the defendant in the prescribed manner,

the court may proceed to hear and determine the complaint at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the defendant had appeared at that time and place.

- (5) This section shall have effect in Northern Ireland with the substitution of references to Northern Ireland for references to England and Wales.