



Maintenance Orders (Reciprocal Enforcement) Act 1972

1972 CHAPTER 18

PART I

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

Orders made by courts in reciprocating countries

8 Enforcement of maintenance order registered in United Kingdom court.

- (1) Subject to subsection (2) below, a registered order may be enforced in the United Kingdom as if it had been made by the registering court and as if that court had had jurisdiction to make it; and proceedings for or with respect to the enforcement of any such order may be taken accordingly.
- (2) Subsection (1) above does not apply to an order which is for the time being registered^{F1}... in the High Court of Justice in Northern Ireland under Part II of the^{M1}Maintenance and Affiliation Orders Act (Northern Ireland) 1966.
- (3) Any person for the time being under an obligation to make payments in pursuance of [^{F2}an order registered in a court in Northern Ireland] shall give notice of any change of address to the [^{F3}clerk of that] court, and any person failing without reasonable excuse to give such a notice shall be liable on summary conviction to a fine not exceeding [^{F4}£50].

^{F5}(3A)

- (4) [^{F6}An order which by virtue of this section is enforceable by a magistrates' court shall [^{F7}subject to the modifications of Article 98 of the Magistrates' Courts (Northern Ireland) Order 1981 specified in subsection (4C) below] be enforceable as [^{F8}an order made by that court to which that Article applies]]

^{F9}(4A)

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^{F9}(4B)

[^{F10}(4C) Article 98 of the Magistrates' Courts (Northern Ireland) Order 1981 (enforcement of sums adjudged to be paid) shall have effect—

(a) as if for paragraph (7)(a) there were substituted the following paragraph—

“(a) if the court is of the opinion that it is appropriate—

(i) to make an attachment of earnings order; or

(ii) to exercise its power under paragraph (8C)(b)”

(b) as if for paragraphs (8B) to (8D) there were substituted the following paragraphs—

“(8B) Upon the appearance of a person or proof of service of the summons on him as mentioned in paragraph (4) for the enforcement of an order to which this Article applies, the court or resident magistrate may vary the order by exercising one of the powers under paragraph (8C).

(8C) The powers mentioned in paragraph (8B) are—

(a) the power to order that payments under the order be made directly to the collecting officer;

(b) the power to order that payments under the order be made to the collecting officer, by such method of payment falling within Article 85(7) (standing order, etc.) as may be specified;

(c) the power to make an attachment of earnings order under Part IX to secure payments under the order.

(8D) In deciding which of the powers under paragraph (8C) is to be exercised, the court or, as the case may be, a resident magistrate shall have regard to any representations made by the debtor (within the meaning of Article 85).

(8E) Paragraph (5) of Article 85 (power of court to require debtor to open account) shall apply for the purposes of paragraph (8C) as it applies for the purposes of that Article but as if for sub-paragraph (a) there were substituted—

“(a) the court proposes to exercise its power under sub-paragraph (b) of Article 98(8C), and””]

(5) [^{F11}A magistrates' court in Northern Ireland] by which an order is enforceable by virtue of this section, and the officers thereof, shall take all such steps for enforcing [^{F12}or facilitating the enforcement of] the order as may be prescribed.

(6) In any proceedings for or with respect to the enforcement of an order which is for the time being registered in any court under this Part of this Act a certificate of arrears sent to the prescribed officer of the court shall be evidence of the facts stated therein.

(7) Subject to subsection (8) below, sums of money payable under a registered order shall be payable in accordance with the order as from [^{F13}the date on which they are required to be paid under the provisions of the order].

(8) The court having power under section 7 of this Act to confirm a provisional order may, if it decides to confirm the order, direct that the sums of money payable under it shall be deemed to have been payable in accordance with the order as from [^{F14}the date on which they are required to be paid under the provisions of the order or such later date],

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as it may specify; and subject to any such direction, a maintenance order registered under the said section 7 shall be treated as if it had been made in the form in which it was confirmed and as if it had never been a provisional order.

(9) In the application of this section to Scotland—

- (a) subsections (2) to (5) shall be omitted; and
- (b) in subsection (6), for the word “evidence” there shall be substituted the words “sufficient evidence”.

^{F15}(10)

Textual Amendments

- F1** Words in s. 8(2) omitted (22.4.2014) by virtue of [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, [7](#)
- F2** Words in s. 8(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 34\(a\)\(i\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** Words in s. 8(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 34\(a\)\(ii\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F4** Words substituted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), s. 89, [Sch. 2 para. 33](#)
- F5** S. 8(3A) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 34\(b\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F6** S. 8(4) omitted (E.W.) (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 34\(c\)](#) (with s. 61(13)(f)); [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. 8(4) inserted (N.I.) (4.11.1996) by [S.I. 1993/1576 \(N.I. 6\)](#), art. 11, [Sch. 1 para. 8\(a\)](#); [S.R. 1996/454](#), [art. 3](#)
- F8** Words in s. 8(4) substituted (N.I.) (4.11.1996) by [S.I. 1995/755 \(N.I. 2\)](#), art. 185(1), [Sch. 9 para. 68](#) (with [Sch. 8 para. 1\(1\)](#)); [S.R. 1996/297](#), [art. 2\(2\)](#)
- F9** S. 8(4A)(4B) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 34\(c\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F10** S. 8(4C) inserted (4.11.1996) by [S.I. 1993/1576 \(N.I. 6\)](#), art. 11, [Sch. 1 para. 8\(b\)](#); [S.R. 1996/454](#), [art. 3](#)
- F11** Words in s. 8(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 34\(d\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F12** Words inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 37(1), 52, [Sch. 11 Pt. III para. 11](#)
- F13** Words substituted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), [ss. 54\(c\)](#), 89
- F14** Words substituted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), [ss. 54\(d\)](#), 89
- F15** S. 8(10) 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. 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\(5\)](#)

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C3 S. 8(1) excluded (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential
Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, **11**

Marginal Citations

M1 [1966 c. 35\(N.I.\)](#)

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