



Domestic Proceedings and Magistrates' Courts Act 1978

1978 CHAPTER 22

PART V

SUPPLEMENTARY PROVISIONS

85 Periodical payments payable by one person under more than one order

- (1) The power to make rules conferred by section 15 of the Justices of the Peace Act 1949 shall, without prejudice to the generality of subsection (1) of that section, include power to make provision—
- (a) for enabling a person to make one complaint for the recovery of payments required to be made to him by another person under more than one periodical payments order; and
 - (b) for apportioning between two or more periodical payments orders, in such manner as may be prescribed by the rules, any sum paid to a clerk to a magistrates' court on any date by the person liable to make payments under the orders which is less than the total sum required to be paid on that date to that clerk by that person in respect of those orders (being orders one of which requires payments to be made for the benefit of a child to the person with whom the child has his home and one or more of which requires payments to be made to that person either for his own benefit or for the benefit of another child who has his home with him).
- (2) In this section—
- "child" means a person who has not attained the age of eighteen;
 - "periodical payments order" means an order made by a magistrates' court, or registered in a magistrates court under Part II of the Maintenance Orders Act 1950 or Part I of the Maintenance Orders Act 1958, which requires the making of periodical payments,

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and any payments required under a periodical payments order to be made to a child shall for the purposes of subsection (1) above be treated as if they were required to be made to the person with whom the child has his home.