

SCHEDULES

^{X1}SCHEDULE 11

MINOR AMENDMENTS RELATING TO MAINTENANCE ORDERS

Editorial Information

X1 The text of ss. 15(4), 16(5), 23(2), 35(2)(3), 36(6), 37(2), 38, 40(3), 54, Schs. 10–12 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

ENFORCEMENT OF LUMP SUM ORDERS

Maintenance Orders Act 1950 (c. 37)

1 In section 18(3A) of the Maintenance Orders Act 1950 (order not to be enforced by registering court under that Act if re-registered for enforcement in another court), for “whilst it is registered” substitute “ to the extent that it is for the time being registered ”.

Maintenance Orders Act 1958 (c.39)

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Textual Amendments

F1 Sch. 11 para. 2 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 99 Table; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35) (N.I.)

- 3 (1) Section 11 of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (registration of orders) is amended as follows.
- (2) In subsection (3) (registration of order made by court of summary jurisdiction for enforcement in the High Court), for the words from “shall” onwards (which require the court to be satisfied that not less than a certain number of periodical payments are in arrears) substitute “ may, if it thinks fit, grant the application ”.
- (3) After subsection (3) insert—

Changes to legislation: *There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, PART I. (See end of Document for details)*

“(3A) Without prejudice to subsection (3), where an order made by a court of summary jurisdiction provides for both the payment of a lump sum and for the making of periodical payments, a person entitled to receive a lump sum under the order who considers that, so far as it relates to that sum the order could be more effectively enforced if it were registered may apply to the original court for the registration of the order so far as it relates, and the court may, if it thinks fit, grant the application.

(3B) Where an application under subsection (3A) is granted in the case of an order made by a court of summary jurisdiction, the provisions of this Part shall have effect in relation to that order as if so far as it relates to the payment of a lump sum it were a separate order.”.

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 4 (1) In section 9 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (variation and revocation of orders), after subsection (1) insert—

“(1A) The powers conferred by subsection (1) above are not exercisable in relation to so much of a registered order as provides for the payment of a lump sum.”.

- (2) In section 21 of that Act (interpretation of Part I)—

- (a) in paragraph (a) of the definition of “maintenance order” in subsection (1) ;
- and
- (b) in subsection (2),

for “periodical payment of sums of money” substitute “ payment of a lump sum or the making of periodical payments ”.

Changes to legislation:

There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, PART I.