



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART IV

MISCELLANEOUS PROVISIONS

Provisions relating to recognition and enforcement of judgments

36 Registration of maintenance orders in Northern Ireland.

(1) Where—

- (a) a High Court order or a Court of Session order has been registered in the High Court of Justice in Northern Ireland (“the Northern Ireland High Court”) under Part II of the ^{M1}Maintenance Orders Act 1950; or
- (b) a [^{F1}family] court order or a sheriff court order has been registered in a court of summary jurisdiction in Northern Ireland under that Part,

an application may be made to the original court for the registration of the order in, respectively, a court of summary jurisdiction in Northern Ireland or the Northern Ireland High Court.

(2) In subsection (1) “the original court”, in relation to an order, means the court by which the order was made.

(3) Section 2 (except subsection (6A)) and section 2A of the ^{M2}Maintenance Orders Act 1958 shall have effect for the purposes of an application under subsection (1), and subsections (2), (3), (4) and (4A) of section 5 of that Act shall have effect for the purposes of the cancellation of a registration made on such an application, as if—

- (a) “registration” in those provisions included registration in the appropriate Northern Ireland court (“registered” being construed accordingly);
- (b) any reference in those provisions to a High Court order or a magistrates’ court order included, respectively, a Court of Session order or a sheriff court order; and

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- (c) any other reference in those provisions to the High Court or a magistrates' court included the Northern Ireland High Court or a court of summary jurisdiction in Northern Ireland;
- [^{F2}(d) for section 2(6), there were substituted the following subsections—
- “(6) Where a magistrates' court order is registered under this Part of this Act in the High Court, then—
- (a) if payments under the magistrates' court order are required to be made (otherwise than to a collecting officer) by any method of payment falling within Article 85(7) of the Magistrates' Courts (Northern Ireland) Order 1981 (standing order, etc.), any order requiring payment by that method shall continue to have effect after registration;
- (b) any order by virtue of which sums payable under the magistrates' court order are required to be paid to the collecting officer (whether or not by any method of payment falling within Article 85(7) of that Order) on behalf of the person entitled thereto shall cease to have effect.
- (6ZA) Where a High Court or county court order is registered under this Part of this Act in a magistrates' court, then—
- (a) if a means of payment order (within the meaning of Article 96A(7) of the Judgments Enforcement (Northern Ireland) Order 1981) has effect in relation to the order in question, it shall continue to have effect after registration; and
- (b) in any other case, the magistrates' court shall order that all payments to be made under the order in question (including any arrears accrued before registration) shall be made to the collecting officer.
- (6ZB) Any such order as to payment—
- (a) as is referred to in paragraph (a) of subsection (6) of this section may be revoked, suspended, revived or varied by an exercise of the powers conferred by section 13A of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966; and
- (b) as is referred to in paragraph (a) or (b) of subsection (6ZA) of this section may be varied or revoked by an exercise of the powers conferred by section 12(2) or 13(2A) or (5A) of that Act of 1966.
- (6ZC) Where by virtue of the provisions of this section or any order under subsection (6ZA)(b) of this section payments under an order cease to be or become payable to the collecting officer, the person liable to make the payments shall, until he is given the prescribed notice to that effect, be deemed to comply with the order if he makes payments in accordance with the order and any order under subsection (6ZA)(b) of this section of which he has received such notice.
- (6ZD) In subsections (6), (6ZA) and (6ZC) of this section “collecting officer” means the officer mentioned in Article 85(4) of the Magistrates' Courts (Northern Ireland) Order 1981.”]

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- (4) Where an order is registered in Northern Ireland under this section, Part II of the ^{M3}Maintenance and Affiliation Orders Act (Northern Ireland) 1966, except sections 11, 11A and 14(2) and (3), shall apply as if the order had been registered in accordance with the provisions of that Part ^{F3}, as if—
- (a) in section 12(2), for modifications of Article 98(8B) to (8D) of the Magistrates’ Courts (Northern Ireland) Order 1981 specified in that subsection there were substituted the modifications specified in section 18(3ZA) of the Maintenance Orders Act 1950 (enforcement of registered orders); and
 - (b) for section 13(5A), there were substituted the following subsection—
 - “(“ Subject to the following provisions of this section, paragraphs (4) to (11) of Article 86 of the Magistrates’ Courts (Northern Ireland) Order 1981 (power of clerk and court to vary maintenance orders) shall apply in relation to a registered order as they apply in relation to a maintenance order made by a court of summary jurisdiction (disregarding Article 25(2) of the Domestic Proceedings (Northern Ireland) Order 1980) but—
 - (a) as if for paragraph (4)(b) there were substituted—
 - “(b) payments under the order are required to be made to the collecting officer, by any method of payment falling within Article 85(7) (standing order, etc.);”
- ^{F4} ...
- (b) as if in paragraph (5) for the words “to the collecting officer” there were substituted “in accordance with sub-paragraph (a) of paragraph (9)”;
 - (c) as if in paragraph (7), sub-paragraph (c) and the word “and” immediately preceding it were omitted;
 - (d) as if in paragraph (8) for the words “sub-paragraphs (a) to (d) of Article 85(3)” there were substituted “paragraph (9)”;
 - (e) as if for paragraphs (9) and (10) there were substituted the following paragraphs—
 - “(“ The powers of the court 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.
- (10) In deciding which of the powers under paragraph (9) above it is to exercise, the court shall have regard to any representations made by the debtor.

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(10A) Paragraph (5) of Article 85 (power of court to require debtor to open account) shall apply for the purposes of paragraph (9) as it applies for the purposes of that Article but as if for sub-paragraph (a) there were substituted—

(“ the court proposes to exercise its power under sub-paragraph (b) of Article 86(9)”)”]

(5) A court of summary jurisdiction in Northern Ireland shall have jurisdiction to hear [^{F5}an application] by or against a person residing outside Northern Ireland for the discharge or variation of an order registered in Northern Ireland under this section; and where such [^{F5}an application] is made against a person residing outside Northern Ireland, then, if he resides in England and Wales or Scotland, section 15 of the ^{M4}Maintenance Orders Act 1950 (which relates to the service of process on persons residing in those countries) shall have effect in relation to [^{F5}the application] as it has effect in relation to the proceedings therein mentioned.

[^{F6}(5A) Article 165 of the Children (Northern Ireland) Order 1995 (provision which may be made by magistrates’ courts rules, etc.) shall apply for the purpose of giving effect to subsection (5) above as it applies for the purpose of giving effect to that Order, except that in the application of that Article by virtue of this subsection “relevant proceedings” means any application made, or proceedings brought, by virtue of that subsection and any part of such proceedings.]

^{XI}(6) The enactments specified in Part III of Schedule 12 shall have effect with the amendments specified there, being amendments consequential on this section.

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.

Textual Amendments

- F1** Word in s. 36(1)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(15\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** S. 36(3)(d) inserted (N.I.) (4.11.1996) by [S.I. 1993/1576 \(N.I. 6\)](#), art. 11, [Sch. 1 para. 17\(a\)](#); [S.R. 1996/454](#), art. 3
- F3** S. 36(4)(a)-(e) and preceding words inserted (N.I.) (4.11.1996) by [S.I. 1993/1576 \(N.I. 6\)](#), art. 11, [Sch. 1 para. 17\(b\)](#); [S.R. 1996/454](#), art. 3
- F4** Words in s. 36(4)(b) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 87\(2\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(m) (with art. 3)
- F5** Words in s. 36(5) substituted (N.I.) (4.11.1996) by [S.I. 1995/755 \(N.I. 2\)](#), art. 185(1), [Sch. 9 para. 117\(1\)](#); [S.R. 1996/297](#), art. 2(2)
- F6** S. 36(5A) inserted (N.I.) (4.11.1996) by [S.I. 1995/755 \(N.I. 2\)](#), art. 185(1), [Sch. 9 para. 117\(2\)](#); [S.R. 1996/297](#) art. 2(2)

Marginal Citations

- M1** 1950 c. 37.
M2 1958 c. 39.
M3 1966 c. 35 (N.I.)

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M4 1950 c. 37.

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