

SCHEDULES

SCHEDULE 1

AMENDMENT OF CERTAIN ENACTMENTS RELATING TO MAINTENANCE ORDERS REGISTERED IN OR CONFIRMED BY MAGISTRATES’ COURTS OR REGISTERED IN THE HIGH COURT

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

12 In section 7 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (confirmation by UK court of provisional maintenance order made in reciprocating country), after subsection (5) (registration etc. of order) there shall be inserted the following subsections—

“(5A) Where a magistrates’ court in England and Wales confirms a provisional order under this section, it shall at the same time exercise one of its powers under subsection (5B) below.

(5B) The powers of the court are—

- (a) the power to order that payments under the order be made directly to the clerk of the court or the clerk of any other magistrates’ court in England and Wales;
- (b) the power to order that payments under the order be made to the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales, by such method of payment falling within section 59(6) of the Magistrates’ Courts Act 1980 (standing order, etc.) as may be specified;
- (c) the power to make an attachment of earnings order under the ^{M1}Attachment of Earnings Act 1971 to secure payments under the order.

(5C) In deciding which of the powers under subsection (5B) above it is to exercise, the court shall have regard to any representations made by the payer under the order.

(5D) Subsection (4) of section 59 of the ^{M2}Magistrates’ Courts Act 1980 (power of court to require debtor to open account) shall apply for the purposes of subsection (5B) above as it applies for the purposes of that section but as if for paragraph (a) there were substituted—

“(a) the court proposes to exercise its power under paragraph (b) of section 7(5B) of the ^{M3}Maintenance Orders (Reciprocal Enforcement) Act 1972, and”

Commencement Information

I1 Sch. 1 para. 12 wholly in force at 1.4.1992 see s. 12(2) and S.I. 1992/455, art. 2

Changes to legislation: *There are currently no known outstanding effects for the*
Maintenance Enforcement Act 1991, Paragraph 12. (See end of Document for details)

Marginal Citations

M1 1971 c. 32.

M2 1980 c. 43.

M3 1972 c. 18.

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There are currently no known outstanding effects for the Maintenance Enforcement Act 1991, Paragraph 12.