***Changes to legislation:** There are currently no known outstanding effects for the Maintenance Enforcement Act 1991, Paragraph 5. (See end of Document for details)*

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 Act 1950 (c. 37)

5 In section 22 of that Act (discharge and variation of maintenance orders registered in summary or sheriff courts), after subsection (1) (power of registering court to vary rate of payments under order) there shall be inserted the following subsections—

"(1A) The power of a magistrates' court in England and Wales to vary a maintenance order under subsection (1) of this section shall include power, if the court is satisfied that payment has not been made in accordance with the order, to vary the order by exercising one of its powers under subsection (1B) of this section.

(1B) 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 [M1]Magistrates' Courts Act 1980 (standing order, etc.) as may be specified;

(c) the power to make an attachment of earnings order under the [M2]Attachment of Earnings Act 1971 to secure payments under the order.

(1C) In deciding which of the powers under subsection (1B) of this section it is to exercise, the court shall have regard to any representations made by the person liable to make payments under the order.

(1D) Subsection (4) of section 59 of the Magistrates' Courts Act 1980 (power of court to require debtor to open account) shall apply for the purposes of subsection (1B) of this section 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 22(1B) of the [M3]Maintenance Orders Act 1950, and

(1E) Subsections (4) to (11) of section 60 of the Magistrates' Courts Act 1980 (power of clerk and court to vary maintenance order) shall apply in relation to a maintenance order for the time being registered under this Part of this

Act in a magistrates' court in England and Wales as they apply in relation to a maintenance order made by a magistrates' court in England and Wales but—

(a) as if in subsection (4) for paragraph (b) there were substituted—

(b) payments under the order are required to be made to the clerk of the court, or to the clerk of any other magistrates' court, by any method of payment falling within section 59(6) above (standing order, etc.)

;and as if after the words "the court" there were inserted "which made the order";

(b) as if in subsection (5) for the words "to the clerk" there were substituted "in accordance with paragraph (a) of section 22(1B) of the Maintenance Orders Act 1950";

(c) as if in subsection (7), paragraph (c) and the word "and" immediately preceding it were omitted;

(d) as if in subsection (8) for the words "paragraphs (a) to (d) of section 59(3) above" there were substituted "section 22(1B) of the Maintenance Orders Act 1950";

(e) as if for subsections (9) and (10) there were substituted the following subsections—

(9) In deciding which of the powers under section 22(1B) of the [M4]Maintenance Orders Act 1950 it is to exercise, the court shall have regard to any representations made by the debtor.

(10) Subsection (4) of section 59 above (power of court to require debtor to open account) shall apply for the purposes of subsection (8) 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 22(1B) of the Maintenance Orders Act 1950, and".

Commencement Information

I1 Sch. 1 para.5 wholly in force at 1.4.1992 see s. 12(2) and S.I. 1992/455, **art. 2**

Marginal Citations

M1 1980 c. 43.
M2 1971 c. 32.
M3 1950 c. 37.
M4 1950 c. 37.

Changes to legislation:
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