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STATUTORY INSTRUMENTS

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**1974 No. 556**

**MAINTENANCE OF DEPENDANTS**

**The Reciprocal Enforcement of Maintenance Orders  
(Designation of Reciprocating Countries) Order 1974**

<i>Made</i>	- - - -	<i>26th March 1974</i>
<i>Laid before Parliament</i>		<i>2nd April 1974</i>
<i>Coming into Operation</i>		<i>8th May 1974</i>

At the Court at Windsor Castle, the 26th day of March 1974

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that, in the event of the benefits conferred by Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 being applied to, or to particular classes of, maintenance orders made by the courts of each of the countries and territories specified in column (1) of the Schedule to this Order, similar benefits will in that country or territory be applied to, or to those classes of, maintenance orders made by the courts of the United Kingdom;

And whereas Her Majesty considers the provisions contained in Article 4 of this Order expedient for the purpose of securing the matters set out in section 24 of the said Act of 1972;

Now, therefore, Her Majesty, in exercise of the powers conferred by sections 1 and 24 of the Maintenance Orders (Reciprocal Enforcement) Act 1972, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**1.** This Order may be cited as the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1974 and shall come into operation on 8th May 1974.

**2.—(1)** In this Order—

“the Act of 1972” means the Maintenance Orders (Reciprocal Enforcement) Act 1972;

“the Act of 1920” means the Maintenance Orders (Facilities for Enforcement) Act 1920;

“column (1)” and “column (2)” mean respectively columns (1) and (2) of the Schedule to this Order.

(2) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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3. Each of the countries and territories specified in column (1) is hereby designated as a reciprocating country for the purposes of Part I of the Act of 1972 as regards maintenance orders of the description specified in respect of that country or territory in column (2).

4.—(1) Sections 5, 12 to 15, 17, 18 and 21 of the Act of 1972 shall apply in relation to a maintenance order transmitted under section 2 or 3 of the Act of 1920 to one of the countries and territories specified in column (1), being an order of the description specified in respect of that country or territory in column (2) to which immediately before the coming into operation of this Order the Act of 1920 applied, as they apply in relation to a maintenance order sent to that country or territory in pursuance of section 2 of the Act of 1972 or made by virtue of section 3 or 4 of the Act of 1972 and confirmed by a competent court in that country or territory.

(2) Sections 8 to 21 of the Act of 1972 shall apply in relation to a maintenance order made in one of the countries and territories specified in column (1), being an order of the description specified in respect of that country or territory in column (2) to which immediately before the coming into operation of this Order the Act of 1920 applied and not being an order which immediately before that date is registered in the High Court or the High Court of Justice in Northern Ireland under section 1 of the Act of 1920, as they apply in relation to a registered order.

(3) A maintenance order made by a court in one of the countries and territories specified in column (1) being an order of the description specified in respect of that country or territory in column (2) which has been confirmed by a court in England, Wales or Northern Ireland under section 4 of the Act of 1920 and is in force immediately before the coming into operation of this Order, shall be registered under section 7(5) of the Act of 1972 in like manner as if it had been confirmed by that court in England, Wales or Northern Ireland under subsection (2) of that section.

(4) Any proceedings brought under or by virtue of any provision of the Act of 1920 in a court in England, Wales or Northern Ireland which are pending immediately before the coming into operation of this Order, being proceedings affecting a person resident in one of the countries and territories specified in column (1), shall be continued as if they had been brought under or by virtue of the corresponding provision of the Act of 1972.

*W. G. Agnew*

## SCHEDULE

Article 3

## COUNTRIES AND TERRITORIES DESIGNATED AS RECIPROCATING COUNTRIES

(1) Country or territory	(2) Description of maintenance orders to which designation extends
Australian Capital Territory	Maintenance orders other than—  (a) provisional affiliation orders, and  (b) orders obtained by or in favour of a public authority
British Columbia	Maintenance orders generally
Gibraltar	Maintenance orders generally
Manitoba	Maintenance orders other than provisional affiliation orders
New South Wales	Maintenance orders other than—  (a) provisional affiliation orders, and  (b) orders obtained by or in favour of a public authority
New Zealand	Maintenance orders other than—  (a) provisional affiliation orders, and  (b) maintenance orders of the description contained in paragraph (b) of the definition of “maintenance order” in section 21(1) of the Act of 1972 (orders for the payment of birth and funeral expenses of child)
Northern Territory of Australia	Maintenance orders other than—  (a) provisional affiliation orders, and  (b) orders obtained by or in favour of a public authority
Nova Scotia	Maintenance orders other than—  (a) maintenance orders of the description contained in the said paragraph (b), and  (b) orders obtained by or in favour of a public authority
Ontario	Maintenance orders other than—  (a) provisional affiliation orders,  (b) maintenance orders of the description contained in the said paragraph (b), and

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(1) Country or territory	(2) Description of maintenance orders to which designation extends
Queensland	<p>(c) provisional maintenance orders made by virtue of the Matrimonial Proceedings (Polygamous Marriages) Act 1972 or any corresponding legislation in Ontario</p> <p>Maintenance orders other than—</p> <p>(a) provisional affiliation orders, and</p> <p>(b) orders obtained by or in favour of a public authority</p>
South Australia	<p>Maintenance orders other than—</p> <p>(a) provisional affiliation orders, and</p> <p>(b) orders obtained by or in favour of a public authority</p>
Tasmania	<p>Maintenance orders other than—</p> <p>(a) provisional affiliation orders, and</p> <p>(b) orders obtained by or in favour of a public authority</p>
Victoria	<p>Maintenance orders other than—</p> <p>(a) provisional affiliation orders, and</p> <p>(b) orders obtained by or in favour of a public authority</p>

#### EXPLANATORY NOTE

This Order designates as reciprocating countries for the purposes of Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 the following countries: the Australian Territories and States, except Western Australia; the Canadian Provinces of British Columbia, Manitoba, Nova Scotia and Ontario; Gibraltar; and New Zealand. The Order also contains transitional provisions in respect of maintenance orders and proceedings to which the Maintenance Orders (Facilities for Enforcement) Act 1920 applied before the coming into operation of the Order.