
STATUTORY INSTRUMENTS

1975 No. 2236 (L.28)

MAGISTRATES' COURTS

PROCEDURE

**The Magistrates' Courts (Reciprocal Enforcement
of Maintenance Orders) (Amendment) Rules 1975**

<i>Made</i>	- - - -	<i>22nd December</i> <i>1975</i>
<i>Laid before Parliament</i>		<i>7th January 1976</i>
<i>Coming into Operation</i>		<i>28th January 1976</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 15 of the Justices of the Peace Act 1949, as extended by section 122 of the Magistrates' Courts Act 1952 and sections 6(3), 7(5), 9(10), 10(4) and (5), 18(1) and 23(3) of the Maintenance Orders (Reciprocal Enforcement) Act 1972, and after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

1. These Rules may be cited as the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Amendment) Rules 1975 and shall come into operation on 28th January 1976.

2.—(1) In these Rules—

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

“the principal Rules” means the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) Rules 1974(1).

(2) The Interpretation Act 1889 shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. Rule 13 of the principal Rules shall be amended as follows:—

(a) rule 13(2) shall be renumbered rule 14(1);

(b) in rule 13(3) the words “and to the payer under the order” shall be omitted.

4. After rule 14(1) of the principal Rules (formerly rule 13(2)) there shall be inserted the following paragraph:—

“(2) Where a justices' clerk registers a maintenance order under section 6(3), 7(5), 9(10), 10(4), 10(5) or 23(3) of the Act, he shall send to the payer under the order written notice stating—

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- (a) that the order has been duly registered;
- (b) that sums due under the order should be paid to the justices' clerk; and
- (c) the hours during which and the place at which such payments should be made.”.

5. Schedule 1 to the principal Rules shall be amended by inserting immediately after the word “Ontario” the following countries and territories:—

“Ghana
India
Kenya
New Brunswick
Northwest Territories of Canada
The Republic of South Africa”

6. Schedule 2 to the principal Rules shall be amended by inserting immediately after the word “Gibraltar” the following countries and territories:—

“Barbados
Bermuda
Ghana
Kenya”

Dated 22nd December 1975

Elwyn-Jones, C

EXPLANATORY NOTE

These Rules amend the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) Rules 1974. Rule 3 limits rule 13 of the 1974 Rules to written notices to be sent to the Secretary of State; and transfers rule 13(2) (notice of cancellation of order to payer) to rule 14. Rule 4 requires a justices' clerk who registers a maintenance order in a magistrates' court (including an order varying a maintenance order) to notify the payer.

Rules 5 and 6 add to Schedules 1 and 2 to the 1974 Rules (transmission of documents via the Secretary of State and transmission of sums via Crown Agents) certain of the countries and territories which are designated as reciprocating countries for the purposes of Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 by the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975 (S.I. 1975/2187) which comes into operation on the same date as these Rules.