

1983 No. 1125

MAINTENANCE OF DEPENDANTS

The Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1983

<i>Made - - - -</i>	<i>27th July 1983</i>
<i>Laid before Parliament</i>	<i>4th August 1983</i>
<i>Coming into Operation</i>	<i>1st September 1983</i>

At the Court at Buckingham Palace, the 27th day of July 1983

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(a) 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 5 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, 24 and 45(1) 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 1983 and shall come into operation on 1st September 1983.

2. 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(b);

(a) 1972 c. 18.

(b) 1920 c. 33.

“the Order of 1974” means the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1974(a);

“column (1)” and “column (2)” in Articles 3 and 5 below mean respectively columns (1) and (2) of the Schedule to this Order.

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. Column (2) of the Schedule to the 1974 Order shall be varied as follows:—

- (a) in the entry in respect of Manitoba for the words “other than provisional affiliation orders” there shall be substituted the words “generally”;
- (b) for the entry in respect of New Zealand there shall be substituted the following entry:—

“Maintenance orders generally”; and
- (c) in the entry relating to Nova Scotia for the words “the said paragraph (b), and” in paragraph (a) there shall be substituted the words “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), and”.

5.—(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

(a) S.I. 1974/556, to which there are amendments not relevant to this Order.

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 or 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.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

Article 3

COUNTRIES AND TERRITORIES DESIGNATED AS RECIPROCATING COUNTRIES

(1) Country or territory	(2) Description of maintenance orders to which designation extends
Anguilla	Maintenance orders generally
Falkland Islands and Dependencies	Maintenance orders generally
Isle of Man	Maintenance orders generally
Nauru	Maintenance orders generally
Papua New Guinea	Maintenance orders other than provisional affiliation orders
St. Helena	Maintenance orders generally
Zimbabwe	Maintenance orders other than— (a) 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).

EXPLANATORY NOTE

(This Note is not part of the Order.)

Article 3 of this Order designates as reciprocating countries for the purposes of Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 the following countries and territories: Anguilla, Falkland Islands and Dependencies, Isle of Man, Nauru, Papua New Guinea, St. Helena and Zimbabwe.

The Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1974 designated, for the purposes of Part I of the Act of 1972, Manitoba subject to the exclusion of provisional affiliation orders and New Zealand subject to the exclusion of provisional affiliation orders and orders for the payment of a child's birth and funeral expenses. Article 4 of this Order varies the Order of 1974 so as to extend the designation in respect of Manitoba and New Zealand to maintenance orders generally.

Article 5 of this Order 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 this Order.

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