



# Maintenance Orders (Reciprocal Enforcement) Act 1972

## 1972 CHAPTER 18

### PART I

#### RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS MADE IN UNITED KINGDOM OR RECIPROCATING COUNTRY

#### *Amendments, repeals and transitional provisions*

#### **22 Amendments and repeals.** <sup>X1</sup>

- (1) The enactments mentioned in the Schedule to this Act shall have effect subject to the minor and consequential amendments specified therein.
- (2) The following are hereby repealed—
  - (a) <sup>M1</sup> the maintenance orders (Facilities for Enforcement) Act 1920;
  - (b) ..... <sup>F1</sup>
  - (c) in <sup>M2</sup> the Maintenance Orders Act 1958, section 19 and in section 23(2), the words “section nineteen”;
  - <sup>F2</sup>(d) .....

#### **Editorial Information**

- X1** The text of s. 22 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Textual Amendments**

- F1** S. 22(2)(b) repealed by [Magistrates' Courts Act 1980 \(c. 43\), s. 154, Sch. 9](#)
- F2** S. 22(2)(d) repealed (23.3.1995) by [1995 c. 3, s. 1, Sch. para. 7\(2\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Amendments, repeals and transitional provisions. (See end of Document for details)

#### Marginal Citations

**M1** 1920 c. 33.

**M2** 1958 c. 39.

### 23 Maintenance order registered in High Court under the Maintenance Orders etc. Act 1920.

- (1) Where a country or territory, being a country or territory to which at the commencement of section 1 of this Act the <sup>M3</sup>Maintenance Orders (Facilities for Enforcement) Act 1920 extended, becomes a reciprocating country, then, if immediately before the Order in Council made under section 12 of that Act extending that Act to that country or territory was revoked any maintenance order made by a court in that country or territory was registered in the High Court [<sup>F3</sup>or the High Court of Justice in Northern Ireland] under section 1 of that Act, [<sup>F4</sup>subsection (1A) applies in relation to the order.
- (1A) Where the order was at that time registered in the High Court, that court may, on an application by the payer or the payee under the order or of its own motion, transfer the order to the family court, with a view to the order being registered in the family court under this Part of this Act; and where the order was at that time registered in the High Court of Justice in Northern Ireland, that court] may, on an application by the payer or the payee under the order or of its own motion, transfer the order to such magistrates' court [<sup>F5</sup>in Northern Ireland] as having regard to the place where the payer is residing and to all the circumstances it thinks most appropriate, with a view to the order being registered in that [<sup>F6</sup>magistrates'] court under this Part of this Act.
- [<sup>F7</sup>(1B) Where the High Court transfers an order to the family court under this section it shall—
- (a) cause a certified copy of the order to be sent to an officer of the family court, and
  - (b) cancel the registration of the order in the High Court.]
- (2) Where the High Court [<sup>F8</sup>of Justice in Northern Ireland] transfers an order to a magistrates' court under this section it shall—
- (a) cause a certified copy of the order to be sent to the [<sup>F9</sup>appropriate officer] of that court, and
  - (b) cancel the registration of the order in the High Court.
- (3) The <sup>F10</sup>[<sup>F9</sup>... officer] of the court who receives a certified copy of an order sent to him under this section shall register the order in the prescribed manner in that court.
- (4) On registering a maintenance order in [<sup>F11</sup>a] court by virtue of this section the [<sup>F12</sup>officer registering it] shall, if the order is registered in that court under Part I of the <sup>M4</sup>Maintenance Orders Act 1958, cancel that registration.
- <sup>F13</sup>(5) .....
- [<sup>F14</sup>(6) In this section “appropriate officer” [<sup>F15</sup>in relation to a magistrates' court in Northern Ireland, means the clerk of the court.]]

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### Textual Amendments

- F3** Words in s. 23(1) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(2\)\(a\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 23(1)(1A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(2\)\(b\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F5** Words in s. 23(1A) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(2\)\(c\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F6** Word in s. 23(1A) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(2\)\(d\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** S. 23(1B) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(3\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** Words in s. 23(2) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(4\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F9** Words in s. 23(2)(3)(4) substituted (1.4.2001) by [1999 c. 22](#), s. 90, [Sch. 13 para. 75](#) (with s. 107, [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, art. 2(a)(ii)
- F10** Word in s. 23(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(5\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F11** Word in s. 23(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(6\)\(a\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F12** Words in s. 23(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(6\)\(b\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** S. 23(5) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(7\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F14** S. 23(6) inserted (1.4.2001) by [1999 c. 22](#), s. 90, [Sch. 13 para. 75](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, art. 2(a)(ii)
- F15** Words in s. 23(6) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 41\(8\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

### Marginal Citations

- M3** 1920 c. 33.  
**M4** 1958 c. 39.

## 24 Application of Part I to certain orders and proceedings under the Maintenance Orders etc. Act 1920.

Where Her Majesty proposes by an Order in Council under section 1 of this Act to designate as a reciprocating country a country or territory to which at the commencement of that section the <sup>Ms</sup>Maintenance Orders (Facilities for Enforcement)

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Act 1920 extended, that Order in Council may contain such provisions as Her Majesty considers expedient for the purpose of securing—

- (a) that the provisions of this Part of this Act apply, subject to such modifications as may be specified in the Order, to maintenance orders, or maintenance orders of a specified class—
  - (i) made by a court in England, Wales or Northern Ireland against a person residing [<sup>F16</sup>or having assets] in that country or territory, or
  - (ii) made by a court in that country or territory against a person residing [<sup>F16</sup>or having assets] in England, Wales or Northern Ireland,
 being orders to which immediately before the date of the coming into operation of the Order in Council the said Act of 1920 applied, except any 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 that Act;
- (b) that any maintenance order, or maintenance order of a specified class, made by a court in that country or territory which has been confirmed by a court in England, Wales or Northern Ireland under section 4 of the said Act of 1920 and is in force immediately before that date is registered under section 7 of this Act;
- (c) that any proceedings brought under or by virtue of a provision of the said Act of 1920 in a court in England, Wales or Northern Ireland which are pending at that date, being proceedings affecting a person resident in that country or territory, are continued as if they had been brought under or by virtue of the corresponding provision of this Part of this Act.

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**Textual Amendments**

**F16** Words inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 37(1), 52, **Sch. 11 Pt. III para. 16**

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**Marginal Citations**

**M5** [1920 c. 33.](#)

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