



# Maintenance Orders (Reciprocal Enforcement) Act 1972

## 1972 CHAPTER 18

### PART II

#### RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

*Application by person in the United Kingdom for recovery, etc. of maintenance in convention country*

**26 Application by person in United Kingdom for recovery, etc. of maintenance in convention country.**

- (1) Where a person in the United Kingdom (“the applicant”) claims to be entitled to recover in a convention country maintenance from another person, and that other person is for the time being subject to the jurisdiction of that country, the applicant may apply to the Secretary of State, in accordance with the provisions of this section, to have his claim for the recovery of maintenance from that other person transmitted to that country.
- (2) Where the applicant seeks to vary any provision made in a convention country for the payment by any other person of maintenance to the applicant, and that other person is for the time being subject to the jurisdiction of that country, the applicant may apply to the Secretary of State, in accordance with the provisions of this section, to have his application for the variation of that provision transmitted to that country.
- (3) An application to the Secretary of State under subsection (1) or (2) above shall be made through the appropriate officer, and that officer shall assist the applicant in completing an application which will comply with the requirements of the law applied by the convention country and shall send the application to the Secretary of State, together with such other documents, if any, as are required by that law.

[<sup>F1</sup>(3A) An application under subsection (1) or (2) above, for the purpose of recovering maintenance from a person in a specified State within the meaning of the Recovery

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*Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 26. (See end of Document for details)*

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of Maintenance (United States of America) Order 1993, and a certificate signed by a justice of the peace or, where the applicant is residing in Scotland, the sheriff, to the effect that the application sets forth facts from which it may be determined that the respondent owes a duty to maintain the applicant and any other person named in the application and that a court in the specified State may obtain jurisdiction of the respondent or his property, shall be registered in the court in the prescribed manner by the appropriate officer or, in Scotland, by the sheriff clerk in the Maintenance Orders (Reciprocal Enforcement) Act 1972 register.]

- (4) On receiving an application from the appropriate officer the Secretary of State shall transmit it, together with any accompanying documents, to the appropriate authority in the convention country, unless he is satisfied that the application is not made in good faith or that it does not comply with the requirements of the law applied by that country.
- (5) The Secretary of State may request the appropriate officer to obtain from the court of which he is an officer such information relating to the application as may be specified in the request, and it shall be the duty of the court to furnish the Secretary of State with the information he requires.
- [<sup>F2</sup>(6) The appropriate officer for the purposes of this section is—
- (a) where the applicant is residing in England and Wales, [<sup>F3</sup>an officer of the family court ];
  - (b) where the applicant is residing in Northern Ireland, the clerk [<sup>F4</sup>of petty sessions] ; and
  - (c) where the applicant is residing in Scotland, the sheriff clerk or sheriff clerk depute of the sheriff court within the jurisdiction of which the applicant is residing.]

#### Textual Amendments

- F1** S. 26(3A) inserted (5.4.1993) by virtue of S.I. 1993/591, **arts. 3(2), 4(a)**
- F2** S. 26(6) substituted for s. 26(6)(7) (1.4.2001) by 1999 c. 22, s. 90, **Sch 13 para. 76** (Sch. 14 para 7(2)); S.I. 2001/916, **art. 2(a)(ii)**
- F3** Words in s. 26(6)(a) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 para. 42**; 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. 26(6)(b) substituted (N.I.) (31.10.2016) by **Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 66(4)** (with **Sch. 8 para. 1**); S.R. 2016/387, **art. 2(k)** (with **art. 3**)

**Changes to legislation:**

There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 26.