



Maintenance Orders (Reciprocal Enforcement) Act 1972

1972 CHAPTER 18

PART II

RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

Transfer, enforcement, variation and revocation of registered orders

^{F1}[34A Variation of orders by magistrates' courts in England and Wales.

- (1) The provisions of this section shall have effect in relation to a registered order which is registered in a magistrates' court in England and Wales (whether or not the court made the order) in place of the following enactments, that is to say—
 - (a) subsections (3) to (11) of section 60 of the ^{M1} Magistrates' Courts Act 1980;
 - (b) section 20ZA of the ^{M2} Domestic Proceedings and Magistrates' Courts Act 1978; and
 - (c) paragraph 6A of Schedule 1 to the ^{M3} Children Act 1989.
- (2) The power of a magistrates' court in England and Wales to vary a registered order shall include power, if the court is satisfied that payment has not been made in accordance with the order, to exercise one of its powers under subsection (3) below.
- (3) The powers of the court are—
 - (a) the power to order that payments under the order be made directly to [^{F2}the designated officer for the court or for any other magistrates' court in England and Wales];
 - (b) the power to order that payments under the order be made to [^{F2}the designated officer for the court or for any other magistrates' court in England and Wales], by such method of payment falling within section 59(6) of the Magistrates' Courts Act 1980 (standing order, etc.) as may be specified;
 - (c) the power to make an attachment of earnings order under the ^{M4} Attachment of Earnings Act 1971 to secure payments under the order.

Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 34A . (See end of Document for details)

- (4) In any case where—
- (a) a registered order is registered in a magistrates' court in England and Wales, and
 - (b) payments under the order are required to be made to [^{F3}the designated officer for the court or for any other magistrates' court in England and Wales], by any method of payment falling within section 59(6) of the Magistrates' Courts Act 1980 (standing order, etc.),
- an interested party may apply in writing to ^{F4}... the court in which the order is registered for the order to be varied as mentioned in subsection (5) below.
- (5) Subject to subsection (8) below, where an application has been made under subsection (4) above, [^{F5}a justices' clerk], after giving written notice (by post or otherwise) of the application to any other interested party and allowing that party, within the period of 14 days beginning with the date of the giving of that notice, an opportunity to make written representations, may vary the order to provide that payments under the order shall be made in accordance with paragraph (a) of subsection (3) above.
- (6) The clerk may proceed with an application under subsection (4) above notwithstanding that any such interested party as is referred to in subsection (5) above has not received written notice of the application.
- (7) In subsections (4) to (6) above “interested party”, in relation to an order, means the debtor or the creditor.
- (8) Where an application has been made under subsection (4) above, the clerk may, if he considers it inappropriate to exercise his power under subsection (5) above, refer the matter to the court which may vary the order by exercising one of its powers under subsection (3) above.
- (9) In deciding, for the purposes of subsections (2) and (8) above, which of the powers under subsection (3) above it is to exercise, the court shall have regard to any representations made by the debtor.
- (10) Subsection (4) of section 59 of the ^{M5}Magistrates' Courts Act 1980 (power of court to require debtor to open account) shall apply for the purposes of subsection (3) above as it applies for the purposes of that section but as if for paragraph (a) there were substituted—
- (a) the court proposes to exercise its power under paragraph (b) of section 34A(3) of the ^{M6}Maintenance Orders (Reciprocal Enforcement) Act 1972, and
- (11) In this section “creditor” and “debtor” have the same meaning as they have in section 59 of the Magistrates' Courts Act 1980.]

Textual Amendments

- F1** S. 34A inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17\)](#), s. 10, [Sch. 1 para. 19\(2\)](#); [S.I. 1992/455](#), [art. 2](#)
- F2** Words in s. 34A(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 163\(2\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F3** Words in s. 34A(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 163\(3\)](#) [\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)

Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 34A . (See end of Document for details)

- F4** Words in s. 34A(4) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 163(3)(b), **10**; S.I. 2005/910, art. 3(y)
- F5** Words in s. 34A(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 163(4)**; S.I. 2005/910, art. 3(y)

Marginal Citations

- M1** 1980 c. 43.
M2 1978 c. 22.
M3 1989 c. 41.
M4 1971 c. 32.
M5 1980 c. 43.
M6 1972 c. 18.

Status:

Point in time view as at 01/04/2005. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 34A .