



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART II

#### CIVIL JURISDICTION AND PROCEDURE

##### *Payments to children*

#### **62 Provisions as to payments required to be made to a child, etc.**

(1) Where—

(a) periodical payments are required to be made, or a lump sum is required to be paid, to a child under an order made by a magistrates' court, <sup>F1</sup>...

<sup>F1</sup>(b) .....

any sum required under the order to be paid to the child may be paid to the person with whom the child has his home, and that person—

(i) may proceed in his own name for the variation, revival or revocation of the order, and

(ii) may either proceed in his own name for the recovery of any sum required to be paid under the order or [<sup>F2</sup>request or authorise the [<sup>F3</sup>designated officer for] the magistrates' court under subsection (1) or subsection (2) respectively of section 59A above], to proceed for the recovery of that sum.

(2) Where a child has a right under any enactment to apply for the revival of an order made by a magistrates' court which provided for the making of periodical payments to or for the benefit of the child, the person with whom the child has his home may proceed in his own name for the revival of that order.

(3) Where any person by whom periodical payments are required to be paid to a child under an order made by <sup>F4</sup>... a magistrates' court makes a complaint for the variation or revocation of that order, the person with whom the child has his home may answer the complaint in his own name.

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Payments to children is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Nothing in subsections (1) and (2) above shall affect any right of a child to proceed in his own name for the variation, revival or revocation of an order or for the recovery of any sum payable thereunder.

[<sup>F5</sup>(5) In this section references to the person with whom a child has his home—

- (a) in the case of any child who is being looked after by a local authority (within the meaning of section 22 of the Children Act 1989), are references to that local authority; and
- (b) in any other case, are references to the person who, disregarding any absence of the child at a hospital or boarding school and any other temporary absence, has care of the child.]

<sup>F6</sup>(6) .....

(7) In this section “child” means a person who has not attained the age of 18.

#### Textual Amendments

- F1** S. 62(1)(b) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 46\(2\)](#); [S.I. 2014/954](#), [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 62(1)(ii) substituted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 11(1), [Sch. 2](#), para. 5; [S.I. 1992/455](#), [art. 2](#)
- F3** Words in s. 62(1)(ii) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 213](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F4** Words in s. 62(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 46\(3\)](#); [S.I. 2014/954](#), [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F5** S. 62(5) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), [Sch. 13 para. 44\(2\)](#) (with [Sch. 14 para. 1\(1\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)
- F6** S. 62(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 46\(4\)](#); [S.I. 2014/954](#), [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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