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**Changes to legislation:** Civil Jurisdiction and Judgments Act 1982, Cross Heading: Maintenance Orders Act 1958 (c.39) is up to date with all changes known to be in force on or before 17 March 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) View outstanding changes

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## SCHEDULES

### <sup>XI</sup>SCHEDULE 11

#### MINOR AMENDMENTS RELATING TO MAINTENANCE ORDERS

##### **Editorial Information**

- X1** The text of ss. 15(4), 16(5), 23(2), 35(2)(3), 36(6), 37(2), 38, 40(3), 54, Schs. 10–12 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **PART II**

#### RECOVERY OF INTERESTS ON ARREARS

##### *Maintenance Orders Act 1958 (c.39)*

- 6 (1) The Maintenance Orders Act 1958 is amended as follows.  
(2) After section 2 insert—

##### **“2A Interest on sums recoverable under certain orders registered in the High Court.**

- (1) Where, in connection with an application under section 2(3) of this Act for the registration of a magistrates’ court order, the applicant shows in accordance with the rules of court—
- (a) that the order, though deemed for the purposes of section 1 of this Act to have been made by a magistrates’ court in England, was in fact made in another part of the United Kingdom or in a country or territory outside the United Kingdom ; and
  - (b) that, as regards any sum for whose payment the order provides, interest on that sum at a particular rate is, by the law of that part or of that country or territory, recoverable under the order from a particular date or time.

then, if the original court grants the application and causes a certified copy of the order to be sent to the prescribed officer of the High Court under section 2(4)(c) of this Act, it shall also cause to be sent to him a certificate in the prescribed form showing, as regards that sum, the rate of interest so recoverable and the date or time from which it is so recoverable.

- (2) The officer of the court who receives a certificate sent to him under the preceding subsection shall cause the certificate to be registered in that court together with the order to which it relates.

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- (3) Where an order is registered together with a certificate under this section, then , subject to any provision made under the next following subsection, sums payable under the order shall carry interest at the rate specified in the certificate from the date or time so specified.
  - (4) Provision may be made by rules of court as to the manner in which and the periods by reference to which any interest payable by virtue of subsection (3) is to be calculated and paid, including provision for such interest to cease to accrue as from a prescribed date.
  - (5) Except as provided by this section sums payable under registered orders shall not carry interest.”.
- (3) In section 3(1) of that Act (enforcement of registered orders), after “Subject to the provisions of” insert “ section 2A of this Act and ”.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Sch. 8 rule 2(g) words substituted by [2024 asp 2 Sch. 1 para. 15](#)