

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Cross Heading: Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18). (See end of Document for details)

SCHEDULES

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of ss. 15(4), 16(5), 23(2), 35(2)(3), 36(6), 37(2), 38, 40(3), 54, Schs. 10–12 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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

RECIPROCAL ENFORCEMENT FOUNDED ON PRESENCE OF ASSETS

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 8 The Maintenance Orders (Reciprocal Enforcement) Act 1972 is amended as follows.
- 9 In section 2 (transmission of United Kingdom order for enforcement in reciprocating country)—
- (a) in subsections (1) and (4), after “residing” insert “ or has assets ” ; and
 - (b) in subsection (4), after “whereabouts of the payer”, in both places where it occurs, insert “ and the nature and location of his assets in that country ”.
- 10 In section 6 (registration in United Kingdom of order in reciprocating country)—
- (a) in subsection (2), after “residing” insert “ or has assets ” ; and
 - (b) in subsection (4)—
 - (i) after “is residing” insert “ or has assets ”;
 - (ii) for “so residing” substitute “ residing and has no assets in the jurisdiction of the court ”; and
 - (iii) at the end insert “ and the nature and location of his assets ”.
- 11 In section 8(5) (duty of magistrates’ court and its officers to take prescribed steps for enforcing registered orders), after “enforcing” insert “ or facilitating the enforcement of ”.
- 12 In section 9 (variation and revocation of orders), after subsection (1A) inserted by paragraph 4(1) of this Schedule, insert—
- “(1B) The registering court shall not vary or revoke a registered order if neither the payer nor the payee under the order is resident in the United Kingdom.”.
- 13 (1) Section 10 (cancellation of registration and transfer of orders) is amended as follows.

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- (2) In subsection (2), for “has ceased to reside within the jurisdiction of that court,” substitute “ is not residing in the jurisdiction of that court and has no assets within that jurisdiction against which the order can be effectively enforced, ”.
- (3) In subsection (3), after “residing” insert “ or has assets ”.
- (4) In subsection (5), for “still residing” substitute “ residing or has assets ”.
- (5) In subsection (6)—
 - (a) after “is residing” insert “ or has assets ”; and
 - (b) for “so residing” insert “ residing and has no assets within the jurisdiction of the court ”.
- (6) In subsection (7)(b), after “payer” insert “ and the nature and location of his assets ”.
- 14 In section 11(1) (steps to be taken where payer is not residing in the United Kingdom)—
 - (a) before “it appears” insert “ at any time ”;
 - (b) for the words from “in the United Kingdom” to “therein,” substitute “ and has no assest in the United Kingdom, ”; and
 - (c) after “payer” in paragraph (c) insert “ and the nature and location of his assets ”.
- 15 In section 21(1) (interpretation of Part I), in the definition of “the appropriate court”—
 - (i) after “residing”, in the first and second places where it occurs, insert “ or having assets ”;
 - (ii) for “the sheriff court” substitute “ a sheriff court ”; and
 - (iii) after “residing”, where it last occurs, insert “ or has assets ”.
- 16 In section 24 (application of Part I to certain order and proceedings under ^{M1}Maintenance Orders (Facilities for Enforcement) Act 1920), in paragraph (a)(i) and (ii), after “residing” insert “ or having assets ”.

Marginal Citations

M1 1920 c. 33.

- 17 In section 40 (power to apply Act with modifications by Order in Council)—
 - (a) in paragraph (a), omit “against persons in that country or territory” ; and
 - (b) in paragraph (b), omit “against persons in the United Kingdom”.
- 18 In section 47 (interpretation), in subsection (3) (construction of references to a courts’ jurisdiction), after “the reference is” insert “ to assets being located or ” and omit the words “or having ceased to reside”.

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