

**Changes to legislation:** Civil Jurisdiction and Judgments Act 1982, PART III is up to date with all changes known to be in force on or before 28 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

## SCHEDULES

### <sup>XI</sup>SCHEDULE 12

#### CONSEQUENTIAL AMENDMENTS

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of ss. 15(4), 16(5), 23(2), 35(2)(3), 36(6), 37(2), 38, 40(3), 54, Schs. 10–12 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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

##### AMENDMENTS CONSEQUENTIAL ON SECTION 36

###### *Maintenance Orders Act 1950 (c.37)*

- 1 (1) The Maintenance Orders Act 1950 is amended as follows.
- (2) In section 18 (enforcement of registered orders), after subsection (3A) insert—
- “(3B) Notwithstanding subsection (1) above, no court in Northern Ireland in which a maintenance order is registered under this Part of this Act shall enforce that order to the extent that it is for the time being registered in another court in Northern Ireland under section 36 of the Civil Jurisdiction and Judgments Act 1982.”.
- (3) In section 21(2) (evidence admissible before court where order registered)—
- (a) in paragraph (a) after “1958” insert “ or under section 36 of the Civil Jurisdiction and Judgments Act 1982 ” ;
- (b) after “that Act” (twice) insert “ of 1958 ”;
- (c) after paragraph (b) insert—
- “(c) registered in a court in Northern Ireland under section 36 of the Civil Jurisdiction and Judgments Act 1982”.
- (4) In section 24(3) (notice of cancellation of order to be given to other courts interested), after “Part I of the Maintenance Orders Act 1958” insert “ or section 36 of the Civil Jurisdiction and Judgments Act 1982 ”.

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

- 2 In section 23(2) of the Maintenance Orders Act 1958 (provisions which extend to Scotland and Northern Ireland) after “section 2” insert “ section 2A ”.

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*Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35) (N.I.)*

- 3 (1) The Maintenance and Affiliation Orders Act (Northern Ireland) 1966 is amended as follows.
- (2) At the beginning of section 9 (introductory provisions relating to registration in one court of maintenance order made by another) insert “ Without prejudice to section 36 of the Civil Jurisdiction and Judgments Act 1982 ”.
- (3) In section 10 (orders to which Part II applies), after subsection (1) insert—
- “(1A) This Part, except sections 11, 11A and 14(2) and (3), also applies in accordance with section 36 of the Civil Jurisdiction and Judgments Act 1982 to maintenance orders made by a court in England and Wales or Scotland and registered in a court in Northern Ireland under Part II of the Maintenance Orders Act 1950.”.
- (4) In section 13 (variation of orders registered in courts of summary jurisdiction), after subsection (7) insert—
- “(7A) No application for any variation in respect of a registered order shall be made by the High Court of Justice in England or the Court of Session and registered in that court under section 36 of the Civil Jurisdiction and Judgments Act 1982.”.

*Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/266 (N.I.))*

- 4 In Article 98 of the Judgments Enforcement (Northern Ireland) Order 1981 (powers of courts to make attachment of earnings orders), in sub-paragraph (iv) of paragraph (a) at the end add “ but not subsequently registered in a court of summary jurisdiction under section 36 of the Civil Jurisdiction and Judgments Act 1982 ”.

*Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I.))*

- 5 (1) In Article 88 of the Magistrates’ Courts (Northern Ireland) Order 1981 (definition of “domestic proceedings” for the purposes of that Order)—
- (a) in paragraph (a), delete the words “or the Maintenance Orders Act 1950”;
- (b) after paragraph (a) insert—
- “(aa) in relation to maintenance orders registered in a court of summary jurisdiction under the Maintenance Orders Act 1950 or Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 or section 36 of the Civil Jurisdiction and Judgments Act 1982, under that Act of 1950 or Part II of that Act of 1966”.
- (2) In Article 98 of that Order (enforcement of orders for periodical payment of money), in sub-paragraph (d) of paragraph (11), at the end add—
- “or under section 36 of the Civil Jurisdiction and Judgments Act 1982”.

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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](#)