
Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1992, Paragraph 16. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENT OF THE 1920 AND 1972 ACTS

PART II

AMENDMENT OF THE MAINTENANCE ORDERS (RECIPROCAL ENFORCEMENT) ACT 1972 (C. 18)

16 For section 35 there shall be substituted—

“35 Further provisions with respect to variation etc. of orders by magistrates’ courts in England and Wales.

(1) Notwithstanding anything in section 28(2) or 28A(6)(e) of this Act, a magistrates’ court in England and Wales shall have jurisdiction to hear an application—

- (a) for the variation or revocation of a registered order registered in that court, and
- (b) made by the person against whom or on whose application the order was made,

notwithstanding that the person by or against whom the application is made is residing outside England and Wales.

(2) None of the powers of the court, or of the clerk of the court, under section 34A of this Act shall be exercisable in relation to such an application.

(3) Where the respondent to an application for the variation or revocation of a registered order which is registered in a magistrates’ court in England and Wales does not appear at the time and place appointed for the hearing of the application, but the court is satisfied—

- (a) that the respondent is residing outside England and Wales, and
- (b) that the prescribed notice of the making of the application and of the time and place appointed for the hearing has been given to the respondent in the prescribed manner,

the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the respondent had appeared at that time and place.

35A Further provisions with respect to variation etc. of orders by magistrates’ courts in Northern Ireland.

(1) Notwithstanding anything in section 29 or 29A(3)(e) of this Act, a magistrates’ court in Northern Ireland shall have jurisdiction to hear an

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application for the variation or revocation of a registered order registered in that court, being—

- (a) an application made by the person against whom or on whose application the order was made, or
 - (b) an application made by some other person in pursuance of section 30(5) of this Act for the variation of an affiliation order, notwithstanding that the person by or against whom the application is made is residing outside Northern Ireland.
- (2) Where an application by a person in a convention country for the variation of a registered order is received from the Lord Chancellor by the clerk of a magistrates' court in Northern Ireland, he shall treat the application as if it were a complaint for the variation of the order to which the application relates, and the court hearing the application shall proceed as if the application were a complaint and the applicant were before the court.
- (3) Without prejudice to subsection (2) above, an application to a magistrates' court in Northern Ireland for the variation or revocation of a registered order shall be made by complaint.
- (4) Where the defendant to a complaint for the variation or revocation of a registered order which is registered in a magistrates' court in Northern Ireland does not appear at the time and place appointed for the hearing of the complaint, but the court is satisfied—
- (a) that the defendant is residing outside Northern Ireland, and
 - (b) that the prescribed notice of the making of the complaint and of the time and place appointed for the hearing has been given to the defendant in the prescribed manner,
- the court may proceed to hear and determine the complaint at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the defendant had appeared at that time and place.”

Changes to legislation:

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