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**Changes to legislation:** There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1992, Paragraph 6. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### AMENDMENT OF THE 1920 AND 1972 ACTS

#### PART II

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

- 6 (1) Section 3 (power of magistrates' court to make provisional maintenance order against person residing in reciprocating country) shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) Where an application is made to a magistrates' court for a maintenance order against a person residing in a reciprocating country and the court would have jurisdiction to determine the application under the Domestic Proceedings and Magistrates' Courts Act 1978 or the Children Act 1989 if that person—
- (a) were residing in England and Wales, and
  - (b) received reasonable notice of the date of the hearing of the application,
- the court shall (subject to subsection (2) below) have jurisdiction to determine the application.”
- (3) For subsection (4) there shall be substituted—
- “(4) No enactment (or provision made under an enactment) requiring or enabling—
- (a) a court to transfer proceedings from a magistrates' court to a county court or the High Court, or
  - (b) a magistrates' court to refuse to make an order on an application on the ground that any matter in question is one that would be more conveniently dealt with by the High Court,
- shall apply in relation to an application to which subsection (1) above applies.”
- (4) For subsection (7) there shall be substituted—
- “(7) In the application of this section to Northern Ireland—
- (a) for subsection (1) there shall be substituted—
- (”) Where a complaint is made to a magistrates' court against a person residing in a reciprocating country and the complaint is one on which the court would have jurisdiction by virtue of any enactment to make a maintenance order if—
- (a) that person were residing in Northern Ireland, and

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- (b) a summons to appear before the court to answer the complaint had been duly served on him,
- the court shall have jurisdiction to hear the complaint and may (subject to subsection (2) below) make a maintenance order on the complaint.”, and
- (b) for subsection (4) there shall be substituted—
- (”) No enactment empowering a magistrates’ court to refuse to make an order on a complaint on the ground that any matter in question is one which would be more conveniently dealt with by the High Court of Justice in Northern Ireland shall apply in relation to a complaint to which subsection (1) above applies.””

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