

SCHEDULES

SCHEDULE 10

THE FAMILY COURT

PART 2

THE FAMILY COURT: FURTHER AMENDMENTS

Maintenance Orders Act 1958 (c. 39)

- 8 (1) Section 4 (variation etc of orders registered in a magistrates' court) is amended as follows.
- (2) In subsection (1) (orders in relation to which section 4 applies) for "orders registered in magistrates' courts" substitute "High Court orders registered in the family court".
- (3) In subsection (2)(a) (court of registration may vary rate of payments specified by order)—
- (a) for "court of registration" substitute "family court", and
 - (b) for "original court" substitute "High Court".
- (4) In subsection (2)(b) (general rule that variation of rate of payments specified by registered order is to be by court of registration) for the words from "court of registration" to the end substitute "family court."
- (5) Omit subsections (2A) to (2C), (5A), (5B) and (7).
- (6) In subsection (4) (power of court of registration to remit application for variation of rate of payments to original court)—
- (a) omit "it appears to the court to which",
 - (b) after "registered order" insert "and it appears to the family court",
 - (c) for "original court", in both places, substitute "High Court", and
 - (d) for "first-mentioned court" substitute "family court".
- (7) In subsection (5) (other circumstances in which original court has jurisdiction to vary rate of payments) for "original court" substitute "High Court".
- (8) In subsection (6A) (with the exception of power to make provision as to means of payment, magistrates' courts in England and Wales have no power to vary certain orders made by Court of Session or by High Court in Northern Ireland)—
- (a) for the words before "variation" substitute "Although such an order as is mentioned in this subsection may be varied under section 1 of the Maintenance Enforcement Act 1991 as applied by section 4A(2) of this Act, no application for any other",
 - (b) for "any court" substitute "the family court",
 - (c) for "that court" substitute "the family court", and

Status: This is the original version (as it was originally enacted).

(d) for “section 1(2)” substitute “sections 1(2) and 2(6A)”.

(9) In subsection (6B) (no application to be made to a magistrates’ court for variation of certain orders) for “any court” substitute “the family court”.