



Maintenance Orders Act 1958

1958 CHAPTER 39 6 and 7 Eliz 2

PART I

REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

3 Enforcement of registered orders.

(1) Subject to the provisions of [^{F1}section 2A of this Act and] this section, a registered order shall be enforceable in all respects as if it had been made by the court of registration and as if that court had had jurisdiction to make it; and proceedings for or with respect to the enforcement of a registered order may be taken accordingly.

[^{F2}(2) [^{F3}Subject to the provisions of subsections (2A) to (3) of this section], an order registered in magistrates' court shall be enforceable as a magistrates' court maintenance order within the meaning of section 150(1) of the Magistrates' Courts Act 1980.]

[^{F4}(2A) Where an order registered in a magistrates' court is an order other than one deemed to be made by the High Court by virtue of section 1(2) of this Act, section 76 of the Magistrates' Courts Act 1980 (enforcement of sums adjudged to be paid) shall have effect as if for subsections (4) to (6) there were substituted the following subsections—

“(4) Where proceedings are brought for the enforcement of a magistrates' court maintenance order under this section, the court may vary the order by exercising one of its powers under paragraphs (a) to (d) of section 59(3) above.

(5) In deciding which of the powers under paragraphs (a) to (d) of section 59(3) above it is to exercise, the court shall have regard to any representations made by the debtor and the creditor (which expressions have the same meaning as they have in section 59 above).

(6) Subsection (4) of section 59 above shall apply for the purposes of subsection (4) above as it applies for the purposes of that section.”

(2B) Where an order registered in a magistrates' court is an order deemed to be made by the High Court by virtue of section 1(2) of this Act, sections 76 and 93 of the Magistrates'

Status: Point in time view as at 01/04/1992. This version of this provision has been superseded.

Changes to legislation: Maintenance Orders Act 1958, Section 3 is up to date with all changes known to be in force on or before 16 June 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)

Courts Act 1980 (enforcement of sums adjudged to be paid and complaint for arrears) shall have effect subject to the modifications specified in subsections (2ZA) and (2ZB) of section 18 of the Maintenance Orders Act 1950 (enforcement of registered orders).]

- (3) Where an order remains or becomes registered after the discharge of the order, no proceedings shall be taken by virtue of that registration except in respect of arrears which were due under the order at the time of the discharge and have not been remitted.
- [^{F5}(3A) Any person under an obligation to make payments under an order registered in a magistrates' court shall give notice of any change of address to the clerk of the court; and any person who without reasonable excuse fails to give such a notice shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale (as defined in section 75 of the Criminal Justice Act 1982).]
- (4) Except as provided by this section, no proceedings shall be taken for or with respect to the enforcement of a registered order.

Textual Amendments

- F1** Words inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 37(1), 52, **Sch. 11 Pt. II para. 6(3)**
- F2** [S. 3\(2\)](#) substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1), **Sch. 2 para. 18**
- F3** Words in [s. 3\(2\)](#) substituted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, **Sch. 1 para. 8(1)**; S.I. 1992/455, **art.2**.
- F4** [S. 3\(2A\)-\(2B\)](#) inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, **Sch. 1 para. 8(2)**; S.I. 1992/455, **art.2**.
- F5** [S. 3\(3A\)](#) inserted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), ss. 46(1), 48, **Sch. 1 para. 4**

Modifications etc. (not altering text)

- C1** [Pt.I](#) (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, **sch. 3 para. 10**

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