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STATUTORY INSTRUMENTS

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**1992 No. 709**

**The Transfer of Functions (Magistrates'  
Courts and Family Law) Order 1992**

**Transfer of functions relating to reciprocal enforcement of maintenance orders**

4.—(1) The functions of the Secretary of State—

(a) under the Maintenance Orders (Facilities for Enforcement) Act 1920<sup>(1)</sup>,

(b) arising by virtue of—

(i) paragraph 2 of Schedule 2 to the South Africa Act 1962<sup>(2)</sup>, or

(ii) paragraph 3 of Schedule 2 to the Zimbabwe Act 1979<sup>(3)</sup>

(which continue the operation of the Act of 1920 in relation to the Republic of South Africa and Zimbabwe respectively), or

(c) under any rules made under the Act of 1920,

are hereby transferred to the Lord Chancellor.

(2) In the provisions mentioned in paragraph (1) above (including the provisions of the Act of 1920 continued as mentioned in that paragraph) any reference to the Secretary of State shall be construed as a reference to the Lord Chancellor.

(3) The functions of the Secretary of State—

(a) under the Maintenance Orders (Reciprocal Enforcement) Act 1972<sup>(4)</sup>,

(b) arising by virtue of—

(i) the Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1974<sup>(5)</sup>(which applies Part I of the Act of 1972, with modifications, in relation to the Republic of Ireland),

(ii) the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1979<sup>(6)</sup>(which applies Part I of the Act of 1972, with modifications, in relation to the Hague Convention countries), or

(iii) the Recovery of Maintenance (United States of America) Order 1979<sup>(7)</sup> (which applies Part II of the Act of 1972, with modifications, in relation to specified States of the United States of America), or

(c) under any rules or regulations made under or by virtue of the Act of 1972 or by virtue of any Order mentioned in sub-paragraph (b) above,

apart from the functions mentioned in paragraph (4) below, are hereby transferred to the Lord Chancellor.

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(1) 1920 c. 33.

(2) 1962 c. 23.

(3) 1979 c. 60.

(4) 1972 c. 18.

(5) S.I.1974/2140.

(6) S.I. 1979/1317.

(7) S.I. 1979/1314.

(4) The functions referred to in paragraph (3) above are the functions of the Secretary of State in so far as they relate to any matter concerning—

- (a) a court in Scotland; or
- (b) a person residing in Scotland or having assets there or believed to reside or have assets there.

(5) In the provisions referred to in paragraph (3) above, (including the provisions of the Act of 1972 as applied or modified as mentioned in that paragraph) references to the Secretary of State shall be construed, so far as necessary, as references to the Lord Chancellor.

(6) The functions of the Secretary of State under—

- (a) section 5(1) of the Civil Jurisdiction and Judgments Act 1982<sup>(8)</sup>(recognition and enforcement of maintenance orders), and
- (b) any provision of rules 3 to 14 of the Magistrates' Courts (Civil Jurisdiction and Judgments Act 1982) Rules 1986<sup>(9)</sup>,

as respects England and Wales are hereby transferred to the Lord Chancellor.

(7) In section 5(1) of the Act of 1982 for paragraphs (a) and (b) there shall be substituted—

- “(a) as respects England and Wales and Northern Ireland, by the Lord Chancellor; and
- (b) as respects Scotland, by the Secretary of State.”

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<sup>(8)</sup> 1982 c. 27.

<sup>(9)</sup> S.I. 1986/1962.