

SCHEDULE 3

PART I OF THE ACT AS MODIFIED BY SCHEDULE 2

Supplemental

Proceedings in magistrates' courts.

17.—(4) Anything authorised or required by this Part of this Act to be done by, to or before the magistrates' court by, to or before which any other thing was done may be done by, to or before any magistrates' court acting for the same petty sessions area (or, in Northern Ireland, petty sessions district) as that court.

(5) Any application which by virtue of a provision of this Part of this Act is made to a magistrates' court in Northern Ireland shall be made by complaint.

(5A) Where the respondent to an application for the variation or revocation of—

- (a) a maintenance order made by a magistrates' court in England and Wales, being an order to which section 5 of this Act applies; or
- (b) a registered order which is registered in such a court,

is residing in a Hague Convention country, a magistrates' court in England and Wales shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been residing in England and Wales.

(6) A magistrates' court in Northern Ireland shall have jurisdiction to hear a complaint for the variation or revocation—

- (a) of a maintenance order made by such a court, and to which section 5 of this Act applies; or
- (b) to hear a complaint for the variation of a registered order which is registered in that court,

if the defendant to the complaint is residing in a Hague Convention country and if the court would have had jurisdiction to hear the complaint had the defendant been residing in Northern Ireland and been served with a summons to appear before the court to answer the complaint.

(7) Where the respondent to an application—

- (a) for the variation or revocation of a maintenance order made by a magistrates' court, and to which section 5 of this Act applies; or
- (b) for the variation of a registered order registered in a magistrates' court,

does not appear at the time and place appointed for the hearing of the application, but the court is satisfied that the respondent is residing in a Hague Convention country, and that the requirements of section 5(4), (6) or (7) or section 9(3), as the case may be, have been complied with, the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing as if the respondent had appeared at that time and place.

(7A) In the application of this section to Northern Ireland, in subsection (7)—

- (a) for the word “respondent”, in each place where it occurs, there shall be substituted “defendant”; and
- (b) for the words “an application” and “the application”, in each place where they occur, there shall be substituted “a complaint” and “the complaint” respectively.