
STATUTORY INSTRUMENTS

2011 No. 1329

**The Magistrates' Courts (Enforcement or
Variation of Orders Made in Family Proceedings
and Miscellaneous Provisions) Rules 2011**

**PART 12
AMENDMENTS**

Amendment of the Magistrates' Courts Rules 1981

- 81.**—(1) The Magistrates' Courts Rules 1981 are amended as provided in this rule.
- (2) For the heading to rule 3(1), substitute “Provisions to which these Rules are subject”.
- (3) In rule 3—
- (a) for “and” substitute “,”; and
- (b) after “2010” insert “and the Magistrates' Courts (Enforcement or Variation of Orders Made in Family Proceedings and Miscellaneous Provisions) Rules 2011”.
- (4) After rule 59 insert—

**“Court to which complaint for the enforcement of a maintenance decision to which
Section 1 of Chapter IV of the Maintenance Regulation applies must be made**

- 59A.**—(1) In this rule and in rule 59B—

“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 of 18 December 2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

“decision” has the meaning given in Article 2 of that Regulation.

- (2) A complaint for the enforcement of a decision to which Section 1 of Chapter IV of the Maintenance Regulation applies (that is, a decision made in any other Member State of the European Union except Denmark) shall be heard by the court for the local justice area in which—
- (a) the person against whom enforcement is sought is resident,
- (b) that person has assets to which the Maintenance Orders Act 1958 applies, or
- (c) any other matter relating to enforcement arises.
- (3) Where—

- (a) the complainant is the person in whose favour the order was made or, if that person is a child, is the child or the person with whom the child has his or her home,
- (b) the complainant resides in a local justice area other than that in which the court acts, and
- (c) payment is directed to be made to the complainant,

the complaint may be heard by the court for that local justice area.

(4) Where an application for enforcement is made under Article 56 of the Maintenance Regulation on the form at Annex VI to that Regulation, the complaint may be made using that form.

Complaint by debtor under Article 21 of the Maintenance Regulation for refusal or suspension of enforcement

59B. A complaint by a debtor under Article 21 of the Maintenance Regulation for the refusal or suspension of enforcement of a decision shall be heard by—

- (a) the court to which a complaint for enforcement of that decision has been made in accordance with rule 59A, or
- (b) where no such complaint has been made at the date at which the debtor makes a complaint under this rule, the court to which a complaint for enforcement would be required to be made under rule 59A.”.