
STATUTORY INSTRUMENTS

2014 No. 879

**The Crime and Courts Act 2013 (Family Court:
Consequential Provision) (No.2) Order 2014**

PART 2

Amendments to secondary legislation

**Amendments to the International Recovery of Maintenance (Hague Convention 2007 etc.)
Regulations 2012**

143. In paragraph 3—

(a) for sub-paragraph (2), substitute—

“(2) Where payment under a maintenance decision is in arrears, the court may make a driving disqualification order on complaint made by a creditor.”;

(b) after sub-paragraph (2), insert—

“(2A) A complaint under sub-paragraph (2) shall not be made earlier than the fifteenth day after the making of the maintenance decision to which it relates, but subject to this such a complaint may be made at any time.

(2B) Section 55 of the 1980 Act shall not apply in relation to a complaint under sub-paragraph (2).

(2C) Section 56 of the 1980 Act shall have effect in relation to a complaint under sub-paragraph (2) as if the words “if evidence has been received on a previous occasion” were omitted.

(2D) Sub-paragraph (2E) applies where, at the time and place appointed for the hearing or adjourned hearing of a complaint under sub-paragraph (2), the complainant appears but the defendant does not.

(2E) The court may proceed in the absence of the defendant if—

(a) it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed in rules of court, that the summons was served on the defendant within what appears to the court to be a reasonable time before the hearing or adjourned hearing; or

(b) the defendant has appeared on a previous occasion to answer the complaint.

(2F) If a complaint under sub-paragraph (2) is substantiated on oath, any justice of the peace acting in the same local justice area as a court having jurisdiction to hear the complaint may issue a warrant for the defendant’s arrest, whether or not a summons has been issued previously.”; and

(c) in sub-paragraph (3)(b)(ii), for “section 76(5)” substitute “section 59(4)”.