

SCHEDULE

Amendment of primary and secondary legislation

PART 1

Amendment of primary legislation

Amendment of the Maintenance Orders (Reciprocal Enforcement) Act 1972

5.—(1) The Maintenance Orders (Reciprocal Enforcement) Act 1972(1) is amended as follows.

(2) In section 4 (power of sheriff to make provisional maintenance order against person residing in reciprocating country)—

(a) for subsection (1) substitute—

“(1) In any action where the sheriff has jurisdiction by virtue of subsection (2) and the defender resides in a reciprocating country, any maintenance order granted by the sheriff shall be a provisional order.”;

(b) after subsection (1) insert—

“(2) In matters relating to maintenance, a person may be sued in the courts for the place where the pursuer is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which has jurisdiction to entertain those proceedings, provided that an action for adherence and aliment or of affiliation and aliment shall be treated as a matter relating to maintenance which is not ancillary to proceedings concerning the status of a person.”;

(c) omit subsection (7).

(3) In section 35 (further provisions with respect to variation etc. of orders by the family court in England and Wales) omit—

(a) subsection (1B);

(b) subsection (4).

(4) In section 35A (further provisions with respect to variation etc of orders by magistrates' courts in Northern Ireland) omit—

(a) subsection (1B);

(b) subsection (4).

(1) 1972 c. 18. Sections 35 and 35A were substituted by paragraph 16 of Schedule 1 to the Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56). The other relevant amending instrument is [S.I. 2012/2814](#).