



Maintenance and Affiliation Orders Act (Northern Ireland) 1966

1966 CHAPTER 35

PART II

REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

10 Orders to which this Part applies.

(1) This Part applies to maintenance orders made by the High Court^[F1], a county court], or a court of summary jurisdiction, other than orders registered under Part II of the Maintenance Orders Act 1950 .

^[F2](1A) This Part, except sections 11, 11A and 14(2) and (3), also applies in accordance with section 36 of the Civil Jurisdiction and Judgments Act 1982^[F3] or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters] to maintenance orders made by a court in England and Wales or Scotland and registered in Northern Ireland under Part II of the Maintenance Order Act 1950.]

(2) . . .^{F4} in this Part “maintenance order” means ^[F5] an order made outside the United Kingdom and registered in a court of summary jurisdiction in Northern Ireland under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 ^[F2] or Part I of the Civil Jurisdiction and Judgments Act 1982] or] an order for . . .^{F6}, maintenance or other payments made under any of the following enactments:—

(a) sections 17(2), 19(2) to (7), 20(2), 22 or 28(1) of the Matrimonial Causes Act (Northern Ireland) 1939 ;

(b) section 4(1) of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1951 ;

^{F7}(bb) Article 24, 25(1)(a) or (d), (2) or (4) or 29(5) or (6)(a) or (d) of the Matrimonial Causes (Northern Ireland) Order 1978 ;]

^{F8}(c) the Domestic Proceedings (Northern Ireland) Order 1980 ;]

Status: Point in time view as at 01/08/2014. This version of this provision has been superseded.

Changes to legislation: Maintenance and Affiliation Orders Act (Northern Ireland) 1966, Section 10 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) section 1^{F9} of the Act of 1924, section 12 of the Welfare Services Act (Northern Ireland) 1949^{F9} . . .^{F10} [Article 26 of the Social Security (Northern Ireland) Order 1986] [^{F12} or section 159 of the Children and Young Persons Act (Northern Ireland) 1968 ;]
- (e) section 11 of the Welfare Services Act (Northern Ireland) 1949^{F13} . . .^{F10} [section 101 of the Social Security Administration (Northern Ireland) Act 1992] [^{F12} or section 156 or 157 of the Children and Young Persons Act (Northern Ireland) 1968;]
- ^{F15}(f) section 27 of the Judicature (Northern Ireland) Act 1978 ;]
- [^{F1}(g) Article 21(a) of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989;]
- [^{F16}(h) Article 41 of, or Schedule 1 to, the Children (Northern Ireland) Order 1995;]
- [^{F17}(i) paragraph 2(1)(a) or (d), 33, 34(3) or 36(1)(a) or (d) of Schedule 15, Schedule 16, or paragraph 9 of Schedule 17 so far as that paragraph applies Part 1 of Schedule 15, to the Civil Partnership Act 2004;]
- and includes any such order which has been discharged if any arrears are recoverable thereunder.
- (3) Subject to subsection (4) for the purposes of this Part an order for the payment by the defendant of any costs incurred in proceedings relating to a maintenance order, being an order for the payment of costs made while the maintenance order is not registered, shall be deemed to form part of that maintenance order.
- (4) For the purposes of the enforcement under section 12 of an order registered under this Part such costs as are referred to in subsection (3) shall not be deemed to be a periodical payment of money.
- ^{F5}(5) For the purposes of this Part an order [^{F18}, decision, settlement [^{F19}, arrangement] or instrument] made outside the United Kingdom and registered in a court of summary jurisdiction [^{F20} in Northern Ireland under—
- (a) Part I of the Maintenance Orders (Reciprocal Enforcement) Act [^{F21} 1972,
- (b) [^{F2} Part I of the Civil Jurisdiction and Judgments Act] [^{F22} 1982,
- (c) [^{F3} Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and] [^{F23} commercial matters, or
- (d) the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007,
- shall] be deemed to be a maintenance order made by that court.]
- [^{F24}(6) For the purposes of this section—
- (a) a maintenance decision which is enforceable by a court of summary jurisdiction by virtue of Section 1 of Chapter IV of the Maintenance Regulation and the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 is to be deemed to be a maintenance order made by that court;
- (b) a maintenance decision which is registered by a court of summary jurisdiction under the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 is to be deemed to be a maintenance order made by that court;
- (c) an authentic instrument or court settlement which is enforceable by a court of summary jurisdiction by virtue of Article 48 of the Maintenance Regulation (application of provisions relating to maintenance decisions to authentic

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instruments and court settlements) and the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 is to be deemed to be a maintenance order made by that court.

(7) In subsection (6) —

“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 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;

“authentic instrument” and “court settlement” have the meanings given by Article 2 of the Maintenance Regulation;

“maintenance decision” means a decision within the meaning of the Maintenance Regulation.]

F1	1989 NI 4
F2	1982 c. 27
F3	SI 2001/3929
F4	1980 NI 5
F5	1972 c.18
F6	1978 NI 15
F7	1978 NI 15
F8	1980 NI 5
F9	1972 NI 14
F10	1968 c.34 (NI)
F11	1986 NI 18
F12	1968 c.34 (NI)
F13	1972 NI 14
F14	1992 c. 9
F15	1978 c.23
F16	1995 NI 2
F17	2004 c.33
F18	Words in s. 10(5) inserted (18.6.2011) by Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 9, Sch. 7 para. 17(3)
F19	Word in s. 10(5) inserted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), Sch. 4 para. 1(a)
F20	Words in s. 10(5) substituted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), Sch. 4 para. 1(b)
F21	Words in s. 10(5) substituted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), Sch. 4 para. 1(c)
F22	Words in s. 10(5) substituted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), Sch. 4 para. 1(d)
F23	Words in s. 10(5) substituted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), Sch. 4 para. 1(e)
F24	S. 10(6)(7) inserted (18.6.2011) by Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 9, Sch. 7 para. 17(4)

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