



Maintenance Orders (Reciprocal Enforcement) Act 1972

1972 CHAPTER 18

PART II

RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland

^{F1}28C Applications for recovery of maintenance in Northern Ireland.

- (1) This section applies where the Lord Chancellor receives from the appropriate authority in a convention country an application by a person in that country for the recovery of maintenance from another person who is for the time being residing in Northern Ireland.
- (2) The Lord Chancellor shall send the application, together with any accompanying documents, to the clerk of a magistrates' court acting for the petty sessions district in which that other person is residing.
- (3) The application shall be treated for the purposes of any enactment as if it were a complaint made at the time when the application was received by the Lord Chancellor, and references in this section and in sections 29, 29A and 30 of this Act to the complaint, the complainant and the defendant shall be construed accordingly.
- (4) Where the complaint is for an affiliation order, a magistrates' court acting for the petty sessions district in which the defendant is residing shall have jurisdiction to hear the complaint.
- (5) If a summons to appear before a magistrates' court having jurisdiction to hear the complaint cannot be duly served on the defendant, the clerk of the court shall (subject to subsection (7) below) return the complaint and the accompanying documents to the

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Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 28C. (See end of Document for details)

Lord Chancellor with a statement giving such information as he possesses as to the whereabouts of the defendant.

- (6) If the complaint is returned to the Lord Chancellor under subsection (5) above, then, unless he is satisfied that the respondent is not residing in the United Kingdom, he shall deal with it in accordance with subsection (2) above or section 27B of this Act or send it to the Secretary of State to be dealt with in accordance with section 31 of this Act (as the circumstances of the case require).
- (7) If the clerk of a court to whom the complaint is sent under this section is satisfied that the defendant is residing within the jurisdiction of another magistrates' court in Northern Ireland, he shall send the complaint and accompanying documents to the clerk of that other court and shall inform the Lord Chancellor that he has done so.
- (8) If the complaint is sent to the clerk of a court under subsection (7) above, he shall proceed as if it had been sent to him under subsection (2) above.
- (9) When hearing the complaint, a magistrates' court shall proceed as if the complainant were before the court.
- (10) If a magistrates' court makes an order on the complaint, the clerk of the court shall register the order in the prescribed manner in that court.
- (11) Payment of sums due under a registered order shall, while the order is registered in a magistrates' court in Northern Ireland, be made in such manner and to such person as may be prescribed, and neither Article 36(1) of the Domestic Proceedings (Northern Ireland) Order 1980 nor Article 85(1) to (7) of the Magistrates' Courts (Northern Ireland) Order 1981 (which relate to the power of a magistrates' court to direct payments to be made to or through the collecting officer of the court or some other person) shall apply in relation to a registered order.

Textual Amendments

- F1** Ss. 27A-28C substituted (5.4.1993) for ss. 27, 28, 28A by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, [Sch. 1 Pt. II para.13](#); S.I. 1992/618, [art.2](#)

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