



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART II

CIVIL JURISDICTION AND PROCEDURE

Orders for periodical payment

[^{F1}59A Orders for periodical payment: proceedings by [^{F2}designated officer].

- (1) Where payments under a relevant UK order are required to be made periodically—
 - (a) to or through [^{F3}the designated officer for a magistrates' court], or
 - (b) by any method of payment falling within section 59(6) above,and any sums payable under the order are in arrear, [^{F4}the relevant designated officer] shall, if the person for whose benefit the payments are required to be made so requests in writing, and unless it appears [^{F5}to that designated officer] that it is unreasonable in the circumstances to do so, proceed in his own name for the recovery of those sums.
- (2) Where payments under a relevant UK order are required to be made periodically to or through [^{F6}the designated officer for a magistrates' court], the person for whose benefit the payments are required to be made may, at any time during the period in which the payments are required to be so made, give authority in writing to [^{F7}the relevant designated officer for him] to proceed as mentioned in subsection (3) below.
- (3) Where authority under subsection (2) above is given to [^{F8}the relevant designated officer, he] shall, unless it appears to him that it is unreasonable in the circumstances to do so, proceed in his own name for the recovery of any sums payable to or through him under the order in question which, on or after the date of the giving of the authority, fall into arrear.
- (4) In any case where—
 - (a) authority under subsection (2) above has been given to [^{F9}the relevant designated officer], and
 - (b) the person for whose benefit the payments are required to be made gives notice in writing to the [^{F10}relevant designated officer cancelling] the authority,

Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 59A is up to date with all changes known to be in force on or before 26 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)

the authority shall cease to have effect and, accordingly, the ^{F11}relevant designated officer shall] not continue any proceedings already commenced by virtue of the authority.

- (5) The person for whose benefit the payments are required to be made shall have the same liability for all the costs properly incurred in or about proceedings taken under subsection (1) above at his request or under subsection (3) above by virtue of his authority (including any costs incurred as a result of any proceedings commenced not being continued) as if the proceedings had been taken by him.
- (6) Nothing in subsection (1) or (3) above shall affect any right of a person to proceed in his own name for the recovery of sums payable on his behalf under an order of any court.
- (7) In this section—

^{F12}“the relevant designated officer”, in relation to an order, means—

- (a) in a case where payments under the order are required to be made to or through the designated officer for a magistrates' court, the designated officer for that magistrates' court;
- (b) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was made by a magistrates' court, the designated officer for that magistrates' court; and
- (c) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was not made by a magistrates' court, the designated officer for the magistrates' court in which the order is registered;]

“relevant UK order” means—

- (a) an order made by a magistrates' court, other than an order made by virtue of Part II of the ^{M1}Maintenance Orders (Reciprocal Enforcement) Act 1972;
- (b) an order made by the High Court or a county court (including an order deemed to be made by the High Court by virtue of section 1(2) of the ^{M2}Maintenance Orders Act 1958) and registered under Part I of that Act of 1958 in a magistrates' court; or
- (c) an order made by a court in Scotland or Northern Ireland and registered under Part II of the ^{M3}Maintenance Orders Act 1950 in a magistrates' court;

and any reference to payments required to be made periodically includes, in the case of a maintenance order, a reference to instalments required to be paid in respect of a lump sum payable by instalments.]

Textual Amendments

- F1** S. 59A inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 2; S.I. 1992/455, art. 2
- F2** Words in s. 59A heading substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(7\)](#); S.I. 2005/910, art. 3(y)
- F3** Words in s. 59A(1)(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(2\)\(a\)](#); S.I. 2005/910, art. 3(y)
- F4** Words in s. 59A(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 209\(2\)\(b\)](#); S.I. 2005/910, art. 3(y)

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- F5** Words in s. 59A(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 209(2)(c); S.I. 2005/910, art. 3(y)**
- F6** Words in s. 59A(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 209(3)(a); S.I. 2005/910, art. 3(y)**
- F7** Words in s. 59A(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 209(3)(b); S.I. 2005/910, art. 3(y)**
- F8** Words in s. 59A(3) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 209(4); S.I. 2005/910, art. 3(y)**
- F9** Words in s. 59A(4)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 209(5)(a); S.I. 2005/910, art. 3(y)**
- F10** Words in s. 59A(4)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 209(5)(b); S.I. 2005/910, art. 3(y)**
- F11** Words in s. 59A(4)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 209(5)(c); S.I. 2005/910, art. 3(y)**
- F12** S. 59A(7): definition of "the relevant designated officer" substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 209(6); S.I. 2005/910, art. 3(y)**

Marginal Citations

- M1** 1972 c. 18
M2 1958 c. 39
M3 1950 c. 37

Status:

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