



# Maintenance Orders Act 1958

1958 CHAPTER 39 6 and 7 Eliz 2

## PART I

### REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

#### 4 Variation of orders registered in magistrates' courts.

- (1) The provisions of this section shall have effect with respect to the variation of [<sup>F1</sup>High Court orders registered in the family court], and references in this section to registered orders shall be construed accordingly.
- (2) Subject to the following provisions of this section—
  - (a) the [<sup>F2</sup>family court] may exercise the same jurisdiction to vary any rate of payments specified by a registered order (other than jurisdiction in a case where a party to the order is not present in England when the application for variation is made) as is exercisable, apart from this subsection, by the [<sup>F3</sup>High Court]; and
  - (b) a rate of payments specified by a registered order shall not be varied except by the [<sup>F4</sup>family court.]

<sup>F5</sup>(2A) .....

<sup>F5</sup>(2B) .....

<sup>F5</sup>(2C) .....

(3) ..... <sup>F6</sup>

- (4) If <sup>F7</sup>... an application is made by virtue of subsection (2) of this section for the variation of a rate of payments specified by a registered order [<sup>F8</sup>and it appears to the family court] that it is for any reason appropriate to remit the application to the [<sup>F9</sup>High Court], the [<sup>F10</sup>family court] shall so remit the application, and the [<sup>F9</sup>High Court] shall thereupon deal with the application as if the order were not registered.

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- (5) Nothing in subsection (2) of this section shall affect the jurisdiction of the [<sup>F11</sup>High Court] to vary a rate of payments specified by a registered order if an application for the variation of that rate is made to that court—
- (a) in proceedings for a variation of provisions of the order which do not specify a rate of payments; or
  - (b) at a time when a party to the order is not present in England.

<sup>F12</sup>(5A) .....

<sup>F12</sup>(5B) .....

- (6) No application for any variation of a registered order shall be made to any court while proceedings for any variation of the order are pending in any other court.

- (6A) [<sup>F13</sup>Although such an order as is mentioned in this subsection may be varied under section 1 of the Maintenance Enforcement Act 1991 as applied by section 4A(2) of this Act, no application for any other] variation in respect of a registered order shall be made to [<sup>F14</sup>the family court] in respect of an order made by the Court of Session or the High Court in Northern Ireland and registered in [<sup>F15</sup>the family court] in accordance with the provisions of this Part of this Act by virtue of [<sup>F16</sup>sections 1(2) and 2(6A)] above.

- [<sup>F17</sup>(6B) No application for any variation of a registered order shall be made to [<sup>F18</sup>the family court] in respect of an order for periodical or other payments made under Part III of the Matrimonial and Family Proceedings Act 1984 [<sup>F19</sup>or under Schedule 7 to the Civil Partnership Act 2004].]

<sup>F20</sup>(7) .....

#### Textual Amendments

- F1** Words in s. 4(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(2\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Words in s. 4(2)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(3\)\(a\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in s. 4(2)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(3\)\(b\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 4(2)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(4\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F5** S. 4(2A)-(2C) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(5\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F6** S. 4(3) repealed by [Administration of Justice Act 1970 \(c. 31\), s. 48\(2\), Sch. 11](#)
- F7** Words in s. 4(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(6\)\(a\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** Words in s. 4(4) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(6\)\(b\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- F9** Words in s. 4(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(6\)\(c\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F10** Words in s. 4(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(6\)\(d\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F11** Words in s. 4(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(7\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F12** S. 4(5A)(5B) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(5\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** Words in s. 4(6A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(8\)\(a\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F14** Words in s. 4(6A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(8\)\(b\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F15** Words in s. 4(6A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(8\)\(c\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F16** Words in s. 4(6A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(8\)\(d\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F17** S. 4(6B) inserted by [Matrimonial and Family Proceedings Act 1984 \(c. 42\)](#), SIF 49:3, ss. 46(1), 48, [Sch. 1 para. 5](#)
- F18** Words in s. 4(6B) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(9\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F19** Words in s. 4(6B) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 22\(3\)](#); S.I. 2005/3175, art. 2(2)
- F20** S. 4(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 8\(5\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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**Modifications etc. (not altering text)**

- C1** Pt. I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38\)](#), SIF 37), s. 3, [sch. 3 para. 10](#)

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**Changes and effects yet to be applied to :**

- s. 4 amended by [1999 c. 22 Sch. 13 para. 2528](#)
- s. 4 repealed in part by [1999 c. 22 Sch. 15 Pt. 5\(7\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))