
STATUTORY INSTRUMENTS

1993 No.591

MAINTENANCE OF DEPENDANTS

The Recovery of Maintenance (United States of America) Order 1993

<i>Made</i>	- - - -	<i>10th March 1993</i>
<i>Laid before Parliament</i>		<i>12th March 1993</i>
<i>Coming into force</i>	- -	<i>5th April 1993</i>

At the Court at Buckingham Palace the 10th day of March 1993

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that arrangements have been made in the States of the United States of America specified in the Schedule to this Order to ensure that applications by persons in the United Kingdom for the recovery of maintenance from persons in those States can be entertained by courts in those States:

And whereas Her Majesty is satisfied that in the interest of reciprocity it is desirable to ensure that applications by persons in those States for the recovery of maintenance from persons in the United Kingdom can be entertained by courts in the United Kingdom:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by sections 40 and 45(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Recovery of Maintenance (United States of America) Order 1993.

(2) This Order shall come into force on 5th April 1993.

2. In this Order, unless the context otherwise requires—

“the Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972(2);

(1) 1972 C.18; section 40 was amended by the Civil Jurisdiction and Judgments Act 1982 (c. 27), Schedules 11 and 14.
(2) As amended by the Affiliation Proceedings (Amendment) Act 1972 (c. 49), sections 1 and 2; by S.I.1973/2163; by the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), section 60; by the Magistrates' Courts Act 1980 (c. 43), Schedule 7; by S.I.1980/564 and 1981/1675 (NI26); by the Matrimonial and Family Proceedings Act 1984 (c. 42), sections 31, 45, 47, 48 and Schedule 1; by the Family Law (Scotland) Act 1985 (c. 37), section 29 and Schedules 1 and 2; by the Legal Aid (Scotland) Act 1986 (c. 47), Schedules 3 and 5; by the Family Law Reform Act 1987 (c. 42), Schedules 2

“specified State” means a State specified in the Schedule to this Order.

3.—(1) The provisions of Part II of the Act shall apply in relation to a specified State as they apply in relation to a convention country, subject to the modification set out in paragraph (2) below.

(2) After section 26(3) of the Act there shall be inserted:—

“(3A) An application under subsection (1) or (2) above, for the purpose of recovering maintenance from a person in a specified State within the meaning of the Recovery of Maintenance (United States of America) Order 1993, and a certificate signed by a justice of the peace or, where the applicant is residing in Scotland, the sheriff, to the effect that the application sets forth facts from which it may be determined that the respondent owes a duty to maintain the applicant and any other person named in the application and that a court in the specified State may obtain jurisdiction of the respondent or his property, shall be registered in the court in the prescribed manner by the appropriate officer or, in Scotland, by the sheriff clerk in the Maintenance Orders (Reciprocal Enforcement) Act 1972 register.”.

4. The following orders are hereby revoked:

- (a) the Recovery of Maintenance (United States of America) 1979(3);
- (b) the Recovery Abroad of Maintenance (United States of America) Order 1981(4); and
- (c) the Recovery of Maintenance (United States of America) (Variation) Order 1984(5).

N. H. Nicholls
Clerk of the Privy Council

and 4; by S.I.1989/677 (NI4); by the Courts and Legal Services Act 1990 (c. 41), Schedules 16 and 20; by the Maintenance Enforcement Act 1991 (c. 17), Schedule 1; by S.I.1992/709; and by the Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), Schedule 1. There are further amendments to the Act which are not relevant to this Order.

(3) S.I. 1979/1314
(4) S.I. 1981/606
(5) S.I. 1984/1824

SCHEDULE

Article 2

Specified States	
Alaska	Montana
Arizona	Nebraska
Arkansas	Nevada
California	New Hampshire
Colorado	New Jersey
Connecticut	New Mexico
Delaware	New York
Florida	North Carolina
Georgia	North Dakota
Hawaii	Ohio
Idaho	Oklahoma
Illinois	Oregon
Indiana	Pennsylvania
Iowa	Rhode Island
Kansas	South Dakota
Kentucky	Tennessee
Louisiana	Texas
Maine	Utah
Maryland	Vermont
Massachusetts	Virginia
Michigan	Washington
Minnesota	Wisconsin
Missouri	Wyoming

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies the provisions of Part II of the Maintenance Orders (Reciprocal Enforcement) Act 1972 to the American States listed in the Schedule to the Order, and makes the modification set out in article 3(2). The Order replaces and revokes the Recovery of Maintenance (United States of America) Order 1979 as varied by subsequent orders.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Order comes into force on 5th April 1993.