
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART VIII

CIVIL PROCEEDINGS UPON COMPLAINT

Powers exercisable upon civil complaint

[^{F1}Remission of arrears and manner in which arrears to be paid

87.—(1) On the hearing of a complaint for the enforcement, revocation, revival, variation or discharge of a maintenance order made by a court of summary jurisdiction, a court of summary jurisdiction may remit the whole or any part of the sum due under the order.

(2) If, on the hearing of a complaint for the enforcement, revocation, revival, variation or discharge of a maintenance order made by a court of summary jurisdiction, a court of summary jurisdiction orders that the whole or any part of the sum due under the order be paid by instalments (an “instalments order”), then—

- (a) if the maintenance order is a Northern Ireland maintenance order, the court shall at the same time exercise one of its powers under sub-paragraphs (a) to (d) of Article 85(3) in relation to the instalments order;
- (b) if the maintenance order is a non-Northern Ireland maintenance order, the court shall at the same time exercise one of its powers under paragraph (3) in relation to the instalments order.

(3) The powers of the court referred to in paragraph (2)(b) are—

- (a) the power to order that payments under the order be made directly to the collecting officer;
- (b) the power to order that payments under the order be made to the collecting officer, by such method of payment falling within Article 85(7) as may be specified;
- (c) the power to make an attachment of earnings order under Part IX to secure payments under the order.

(4) The court may in the course of any proceedings concerning an instalments order or the maintenance order made by a court of summary jurisdiction to which it relates vary the instalments order by exercising—

- (a) in respect of a Northern Ireland maintenance order, one of the powers referred to in paragraph (2)(a);
- (b) in respect of a non-Northern Ireland maintenance order, one of its powers under paragraph (3).

(5) In respect of a Northern Ireland maintenance order, paragraphs (5), (6) and (8) of Article 85 shall apply for the purposes of paragraphs (2)(a) and (4)(a) as they apply for the purposes of that Article.

(6) In respect of a non-Northern Ireland maintenance order—

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981, Section 87 is up to date with all changes known to be in force on or before 14 June 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)

- (a) paragraph (5) of Article 85 shall apply for the purposes of paragraphs (2)(b) and (4)(b) as they apply for the purposes of that Article but as if for sub-paragraph (a) there were substituted—
- “(a) the court proposes to exercise its power under sub-paragraph (b) of Article 87(3);” ; and
- (b) in deciding which of the powers under paragraph (3) it is to exercise the court shall have regard to any representations made by the debtor (within the meaning of Article 85).
- (7) In this Article—
- “maintenance order” has the same meaning as it has in Article 85;
- “Northern Ireland maintenance order” has the same meaning as it has in Article 86A;
- “non-Northern Ireland maintenance order” means—
- (a) a maintenance order registered in, or confirmed by, a court of summary jurisdiction—
- (i) under the Maintenance Orders (Facilities for Enforcement) Act 1920;
 - (ii) under Part II of the Maintenance Orders Act 1950;
 - (iii) under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972;^{F2} . . .
 - (iv) under Part I of the Civil Jurisdiction and Judgments Act 1982;^{F2} or]
 - (v) [^{F2}under Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters;]
- (b) an order made by the High Court in England and Wales or by the Court of Session in Scotland and registered in accordance with section 36 of the Civil Jurisdiction and Judgments Act 1982 in a court of summary jurisdiction; or
- (c) a maintenance order made by a magistrates' court by virtue of Part II of the Maintenance Orders (Reciprocal Enforcement) Act 1972.]

F1 1993 NI 6

F2 SI 2001/3929

Status:

Point in time view as at 01/01/2006. This version of this provision has been superseded.

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