

1977 No. 173

MAGISTRATES' COURTS**Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders)
(Republic of Ireland) (Amendment) Rules (Northern Ireland) 1977***Made 20th June 1977**Coming into operation 1st September 1977**To be laid before Parliament*

The Secretary of State(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(b) as extended by section 18 of the Maintenance Orders (Reciprocal Enforcement) Act 1972(c) as extended by article 3 of the Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1974(d) which section is set out in Schedule 2 to that Order, on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Republic of Ireland) (Amendment) Rules (Northern Ireland) 1977 and shall come into operation on 1st September 1977.

Amendment of 1975 rules

2. For rules 15 and 16 of the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Republic of Ireland) Rules (Northern Ireland) 1975(e) there shall be substituted the following rules:

"Service of notice of institution of proceedings in the Republic of Ireland

15.—(1) Where the clerk of petty sessions receives from the Secretary of State a notice of the institution of proceedings in the Republic of Ireland for the making, variation or revocation of a maintenance order and it appears to the clerk that the person against whom those proceedings have been instituted is residing within the petty sessions district for which the clerk acts, the clerk of petty sessions shall serve the notice by sending a copy of it in an envelope by registered post or by the recorded delivery service (using the advice of delivery form) addressed to him at his last known or usual place of abode.

(2) Where it appears to a clerk of petty sessions who has received such a notice that the person against whom the proceedings have been instituted is not residing in such petty sessions district, the clerk shall return the notice to the Secretary of State by post.

(a) Formerly the Minister of Home Affairs for Northern Ireland; see S.I. 1973/2163 (1973 III, p. 7541)

(b) 1964 c. 21 (N.I.)

(c) 1972 c. 18

(d) S.I. 1974/2140 (1974 III p. 8401)

(e) S.R. 1975 No. 52 (I, p. 239)

(3) Where the clerk serves a notice in pursuance of paragraph (1) he shall send—

(a) the notice;

(b) a certificate of such service signed by him as to the date of posting and the name and address of the person served; and

(c) the advice of delivery form returned by the Post Office,

to the Secretary of State for transmission to the responsible authority in the Republic of Ireland.

Service of certain notices on payer under maintenance order

16. A notice required by section 6(6) of the Act or by rules 13(2) or (3) to be served on the payer under a maintenance order shall be served by registered post or by the recorded delivery service."

Roy Mason

One of Her Majesty's Principal
Secretaries of State

Northern Ireland Office
20th June 1977

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

These rules amend the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Republic of Ireland) Rules (Northern Ireland) 1975 by providing that a clerk of petty sessions may serve certain documents upon the person to be served by registered post or by the recorded delivery service instead of by means of a summons server.