



Maintenance Orders (Reciprocal Enforcement) Act 1972

1972 CHAPTER 18

PART II U.K.

RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland

[^{F1}27A Applications for recovery of maintenance in England and Wales. U.K.]

- (1) This section applies to any application which—
 - (a) is received by the Lord Chancellor from the appropriate authority in a convention country, and
 - (b) is an application by a person in that country for the recovery of maintenance from another person who is for the time being residing in England and Wales.

- (2) Subject to sections 27B to 28B of this Act, an application to which this section applies shall be treated for the purposes of any enactment as if it were an application for a maintenance order under the relevant Act, made at the time when the application was received by the Lord Chancellor.

[^{F2}This subsection does not confer jurisdiction on a court in England and Wales that it would not otherwise have.]

- (3) In the case of an application for maintenance for a child (or children) alone, the relevant Act is the Children Act 1989.
- (4) In any other case, the relevant Act is the Domestic Proceedings and Magistrates' Courts Act 1978.
- (5) In subsection (3) above, "child" means the same as in Schedule 1 to the Children Act 1989.]

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

Textual Amendments

- F1** Ss. 27A-28C substituted (5.4.1993) for ss. 27, 28, 28A by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\), s. 1, Sch. 1 Pt. II para.13](#); S.I. 1993/618, [art.2](#)
- F2** Words in s. 27A(2) inserted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\), reg. 1\(2\), Sch. 5 para. 2\(4\)](#)

^{F4}27B Sending application to the [^{F3}family] court. U.K.

- (1) On receipt of an application to which section 27A of this Act applies, the Lord Chancellor shall send it, together with any accompanying documents, to the [^{F5}family court].
- (2) [^{F6}If] notice of the hearing of the application by [^{F7}the family court] cannot be duly served on the respondent, the [^{F8}family] court shall return the application and the accompanying documents to the Lord Chancellor with a statement giving such information as [^{F9}the family court] possesses as to the whereabouts of the respondent.
- (3) If the application is returned to the Lord Chancellor under subsection (2) above, then, unless he is satisfied that the respondent is not residing in the United Kingdom, he shall deal with it in accordance with subsection (1) above or section [^{F10}28D(1)] of this Act or send it to the Secretary of State to be dealt with in accordance with section 31 of this Act (as the circumstances of the case require).

^{F11}(4)

^{F11}(5)

Textual Amendments

- F3** Word in s. 27B heading substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 43\(d\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Ss. 27A-28C substituted (5.4.1993) for ss. 27, 28, 28A by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\), s. 1, Sch. 1 Pt. II para. 13](#); S.I. 1993/618, [art. 2](#)
- F5** Words in s. 27B(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 43\(a\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F6** Word in s. 27B(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 43\(b\)\(i\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** Words in s. 27B(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 43\(b\)\(ii\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** Word in s. 27B(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 43\(b\)\(iii\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F9** Words in s. 27B(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 43\(b\)\(iv\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F10** Word in s. 27B(3) substituted (4.11.1996) by S.I. 1995/756, [art. 8](#); S.R. 1996/297, [art. 3](#)

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

F11 S. 27B(4)(5) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 43\(c\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

^{F12}27C Applications to which section 27A applies: general. U.K.

(1) This section applies where [^{F13}the family] court makes an order on an application to which section 27A of this Act applies.

^{F14}(2)

(3) The court [^{F15}may], at the same time that it makes the order, exercise one of its powers under subsection (4) below.

(4) Those powers are—

- (a) the power to order that payments under the order be made directly to [^{F16}the court];
- (b) the power to order that payments under the order be made to [^{F16}the court], by such method of payment falling within section [^{F17}1(5) of the Maintenance Enforcement Act 1991] (standing order, etc.) as may be specified;
- (c) the power to make an attachment of earnings order under the Attachment of Earnings Act 1971 to secure payments under the order.

(5) In deciding [^{F18}whether to exercise any of its] powers under subsection (4) above ^{F19}... , the court shall have regard to any representations made by the person liable to make payments under the order.

(6) [^{F20}Subsection (6) of section 1 of the Maintenance Enforcement Act 1991] (power of court to require debtor to open account) shall apply for the purposes of subsection (4) above as it applies for the purposes of that section, but as if for paragraph (a) there were substituted—

- (?) the court proposes to exercise its power under paragraph (b) of section 27C(4) of the Maintenance Orders (Reciprocal Enforcement) Act 1972, and”.

(7) The ^{F21}... court shall register the order in the prescribed manner ^{F22}... .

Textual Amendments

F12 Ss. 27A-28C substituted (5.4.1993) for ss. 27, 28, 28A by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, [Sch. 1 Pt. II para. 13](#); [S.I. 1993/618](#), art. 2

F13 Words in s. 27C(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(a\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F14 S. 27C(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(b\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F15 Word in s. 27C(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(c\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F16 Words in s. 27C(4)(a)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(d\)\(i\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

- F17** Words in s. 27C(4)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(d\)\(ii\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F18** Words in s. 27C(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(e\)\(i\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F19** Words in s. 27C(5) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(e\)\(ii\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F20** Words in s. 27C(6) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(f\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F21** Words in s. 27C(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(g\)\(i\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F22** Words in s. 27C(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 44\(g\)\(ii\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

^{F23}**28 Applications by spouses under the Domestic Proceedings and Magistrates' Courts Act 1978. U.K.**

- (1) [^{F24}On] hearing an application which by virtue of section 27A of this Act is to be treated as if it were an application for a maintenance order under the Domestic Proceedings and Magistrates' Courts Act 1978^{F25}, the family court] may make any order on the application which it has power to make under section 2 or 19(1) of that Act.
- (2) Part I of that Act shall apply in relation to such an application, and to any order made on such an application, with the following modifications—
- (a) sections 6 to 8, 16 to 18, 20ZA, 25^{F26}, 26] and 28(2) shall be omitted,
 - (b) ^{F27}... and
 - (c) section 32(2) shall be omitted.
- (3) Subsections (1) and (2) above do not apply where section 28A of this Act applies.

Textual Amendments

- F23** Ss. 27A-28C substituted (5.4.1993) for ss. 27, 28, 28A by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s.1, [Sch. 1 Pt. II para.13](#), S.I. 1993/618, art.2
- F24** Word in s. 28(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 45\(a\)\(i\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F25** Words in s. 28(1) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 45\(a\)\(ii\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F26** Word in s. 28(2)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 45\(b\)\(i\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F27** S. 28(2)(b) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 45\(b\)\(ii\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

^{F28}28A Applications by former spouses under the Domestic Proceedings and Magistrates' Courts Act 1978. U.K.

- (1) This section applies where in the case of any application which by virtue of section 27A of this Act is to be treated as if it were an application for a maintenance order under the Domestic Proceedings and Magistrates' Courts Act 1978 ("the 1978 Act")—
- (a) the applicant and respondent were formerly married,
 - (b) their marriage was dissolved or annulled in a country or territory outside the United Kingdom by a divorce or annulment which is recognised as valid by the law of England and Wales,
 - (c) an order for the payment of maintenance for the benefit of the applicant or a child of the family has, by reason of the divorce or annulment, been made by a court in a convention country, and
 - (d) where the order for the payment of maintenance was made by a court of a different country from that in which the divorce or annulment was obtained, either the applicant or the respondent was resident in the convention country whose court made that order at the time that order was applied for.
- (2) [^{F29}The family court shall have jurisdiction to hear the application] notwithstanding the dissolution or annulment of the marriage.
- (3) If the [^{F30}family court] is satisfied that the respondent has failed to comply with the provisions of any order such as is mentioned in subsection (1)(c) above, it may (subject to subsections (4) and (5) below) make any order which it has power to make under section 2 or 19(1) of the 1978 Act.
- (4) The court shall not make an order for the making of periodical payments for the benefit of the applicant or any child of the family unless the order made in the convention country provides for the making of periodical payments for the benefit of the applicant or, as the case may be, that child.
- (5) The court shall not make an order for the payment of a lump sum for the benefit of the applicant or any child of the family unless the order made in the convention country provides for the payment of a lump sum to the applicant or, as the case may be, to that child.
- (6) Part I of the 1978 Act shall apply in relation to the application, and to any order made on the application, with the following modifications—
- (a) section 1 shall be omitted,
 - (b) for the reference in section 2(1) to any ground mentioned in section 1 of that Act there shall be substituted a reference to non-compliance with any such order as is mentioned in subsection (1)(c) of this section,
 - (c) for the references in section 3(2) and (3) to the occurrence of the conduct which is alleged as the ground of the application there shall be substituted references to the breakdown of the marriage,
 - (d) the reference in section 4(2) to the subsequent dissolution or annulment of the marriage of the parties affected by the order shall be omitted,
 - (e) sections 6 to 8, 16 to 18, 20ZA [^{F31}25, 26 and 28] shall be omitted,
 - (f) ^{F32}... and
 - (g) section 32(2) shall be omitted.

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

- (7) A divorce or annulment obtained in a country or territory outside the United Kingdom shall be presumed for the purposes of this section to be one the validity of which is recognised by the law of England and Wales, unless the contrary is proved by the respondent.
- (8) In this section, “child of the family” has the meaning given in section 88 of the 1978 Act.

Textual Amendments

- F28** Ss. 27A-28C substituted (5.4.1993) for ss. 27, 28, 28A by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, [Sch. 1 Pt. II para.13](#); S.I. 1993/618, [art.2](#)
- F29** Words in s. 28A(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 46\(a\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F30** Words in s. 28A(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 46\(b\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F31** Words in s. 28A(6)(e) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 46\(c\)\(i\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F32** S. 28A(6)(f) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 46\(c\)\(ii\)](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

^{F33}**28B Applications under the Children Act 1989. U.K.**

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Textual Amendments

- F33** S. 28B repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 47](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

^{F34}**[28C Applications for recovery of maintenance in Northern Ireland. U.K.**

- (1) This section applies to any application which—
- (a) is received by the Lord Chancellor from the appropriate authority in a convention country, and
 - (b) is an application by a person in that country for the recovery of maintenance from another person who is for the time being residing in Northern Ireland.
- (2) Subject to sections 28D to 29B of this Act, an application to which this section applies shall be treated for the purposes of any enactment as if it were an application for a maintenance order under the relevant Order, made at the time when the application was received by the Lord Chancellor.

[^{F35}This subsection does not confer jurisdiction on a court in Northern Ireland that it would not otherwise have.]

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

- (3) In the case of an application for maintenance for a child (or children) alone, the relevant Order is the Children (Northern Ireland) Order 1995.
- (4) In any other case, the relevant Order is the Domestic Proceedings (Northern Ireland) Order 1980.
- (5) In subsection (3) above, “child” means the same as in Schedule 1 to the Children (Northern Ireland) Order 1995.]

Textual Amendments

- F34** Ss. 28C, 28D, 28E, 29, 29A, 29B substituted for ss. 28C, 29, 29A (N.I.) (4.11.1996) by [S.I. 1995/755](#) (N.I. 2), [art. 185\(1\)](#), [Sch. 9 para. 72](#) (with [Sch. 8 para. 1\(1\)](#)); [S.R. 1996/297](#), [art. 2\(2\)](#)
- F35** Words in s. 28C(2) inserted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012](#) (S.I. 2012/2814), [reg. 1\(2\)](#), [Sch. 5 para. 2\(5\)](#)

^{F36} [28D Sending application to the appropriate magistrates’ court. **U.K.**

- (1) On receipt of an application to which section 28C of this Act applies, the Lord Chancellor shall send it, together with any accompanying documents, to the clerk of a magistrates’ court acting for the petty sessions district in which the respondent is residing.
- (2) Subject to subsection (4) below, if notice of the hearing of the application by a magistrates’ court having jurisdiction to hear it cannot be duly served on the respondent, the clerk of the court shall return the application and the accompanying documents to the Lord Chancellor with a statement giving such information as he possesses as to the whereabouts of the respondent.
- (3) If the application is returned to the Lord Chancellor under subsection (2) above, then, unless he is satisfied that the respondent is not residing in the United Kingdom, he shall deal with it in accordance with subsection (1) above or section 27B of this Act or send it to the Secretary of State to be dealt with in accordance with section 31 of this Act (as the circumstances of the case require).
- (4) If the clerk of a court to whom the application is sent under this section is satisfied that the respondent is residing within the petty sessions district for which another magistrates’ court acts, he shall send the application and accompanying documents to the clerk of that other court and shall inform the Lord Chancellor that he has done so.
- (5) If the application is sent to the clerk of a court under subsection (4) above, he shall proceed as if it had been sent to him under subsection (1) above.]

Textual Amendments

- F36** Ss. 28C, 28D, 28E, 29, 29A, 29B substituted for ss. 28C, 29, 29A (N.I.) (4.11.1996) by [S.I. 1995/755](#) (N.I. 2), [art. 185\(1\)](#), [Sch. 9 para. 72](#) (with [Sch. 8 para. 1\(1\)](#)); [S.R. 1996/297](#), [art. 2\(2\)](#)

^{F37} [28E Applications to which section 28C applies: general. **U.K.**

- (1) This section applies where a magistrates’ court makes an order on an application to which section 28C of this Act applies.

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

- (2) Article 85 of the Magistrates' Courts (Northern Ireland) Order 1981 ("the 1981 Order") (orders for periodical payment: means of payment) shall not apply.
- (3) The court shall, at the same time that it makes the order, exercise one of its powers under subsection (4) below.
- (4) Those powers 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) of the 1981 Order (standing order, etc.) as may be specified;
 - (c) the power to make an attachment of earnings order under Part IX of the 1981 Order to secure payments under the order;
- and in this subsection "collecting officer" means the officer mentioned in Article 85(4) of the 1981 Order.
- (5) In deciding which of the powers under subsection (4) above it is to exercise, the court shall have regard to any representations made by the person liable to make payments under the order.
- (6) Paragraph (5) of Article 85 of the 1981 Order (power of court to require debtor to open account) shall apply for the purposes of subsection (4) above as it applies 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 paragraph (b) of section 28E(4) of the Maintenance Orders (Reciprocal Enforcement) Act 1972, and.
- (7) The clerk of the court shall register the order in the prescribed manner in the court.]

Textual Amendments

F37 Ss. 28C, 28D, 28E, 29, 29A, 29B substituted for ss. 28C, 29, 29A (N.I.) (4.11.1996) by [S.I. 1995/755](#) (N.I. 2), art. 185(1), [Sch. 9 para. 72](#) (with [Sch. 8 para. 1\(1\)](#)); [S.R. 1996/297](#), [art. 2\(2\)](#)

^{F38}[29 **Applications by spouses under the Domestic Proceedings (Northern Ireland) Order 1980. U.K.**

- (1) The magistrates' court hearing an application which by virtue of section 28C of this Act is to be treated as if it were an application for a maintenance order under the Domestic Proceedings (Northern Ireland) Order 1980 may make any order on the application which it has power to make under Article 4 or 20(1) of that Order.
- (2) That Order shall apply in relation to such an application, and to any order made on such an application, with the following omissions—
- (a) Articles 8 to 10, 18, 19, 21, 22A, 25(1), 27 to 29 and 30(1A),
 - (b) in Article 32(1) the words "either the applicant or", and
 - (c) Article 36(1).
- (3) Subsections (1) and (2) above do not apply where section 29A of this Act applies.]

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

Textual Amendments

F38 Ss. 28C, 28D, 28E, 29, 29A, 29B substituted for ss. 28C, 29, 29A (N.I.) (4.11.1996) by [S.I. 1995/755](#) (N.I. 2), art. 185(1), [Sch. 9 para. 72](#) (with [Sch. 8 para. 1\(1\)](#)); [S.R. 1996/297](#), [art. 2\(2\)](#)

^{F39}[29A Applications by former spouses under the Domestic Proceedings (Northern Ireland) Order 1980. **U.K.**

- (1) This section applies where in the case of any application which by virtue of section 28C of this Act is to be treated as if it were an application for a maintenance order under the Domestic Proceedings (Northern Ireland) Order 1980 (“the 1980 Order”)—
 - (a) the applicant and respondent were formerly married,
 - (b) their marriage was dissolved or annulled in a country or territory outside the United Kingdom by a divorce or annulment which is recognised as valid by the law of Northern Ireland;
 - (c) an order for the payment of maintenance for the benefit of the applicant or a child of the family has, by reason of the divorce or annulment, been made by a court in a convention country, and
 - (d) where the order for the payment of maintenance was made by a court of a different country from that in which the divorce or annulment was obtained, either the applicant or the respondent was resident in the convention country whose court made that order at the time that order was applied for.
- (2) Any magistrates’ court that would have jurisdiction to hear the application under Article 32 of the 1980 Order (as modified in accordance with subsection (6) below) if the applicant and the respondent were still married shall have jurisdiction to hear it notwithstanding the dissolution or annulment of the marriage.
- (3) If the magistrates’ court hearing the application is satisfied that the respondent has failed to comply with the provisions of any order such as is mentioned in subsection (1) (c) above, it may (subject to subsections (4) and (5) below) make any order which it has power to make under Article 4 or 20(1) of the 1980 Order.
- (4) The court shall not make an order for the making of periodical payments for the benefit of the applicant or any child of the family unless the order made in the convention country provides for the making of periodical payments for the benefit of the applicant or, as the case may be, that child.
- (5) The court shall not make an order for the payment of a lump sum for the benefit of the applicant or any child of the family unless the order made in the convention country provides for the payment of a lump sum to the applicant or, as the case may be, to that child.
- (6) The 1980 Order shall apply in relation to the application, and to any order made on the application, with the following modifications—
 - (a) Article 3 shall be omitted,
 - (b) for the reference in Article 4(1) to any ground mentioned in Article 3 there shall be substituted a reference to non-compliance with any such order as is mentioned in subsection (1)(c) of this section,
 - (c) for the references in Article 5(2) and (3) to the occurrence of the conduct which is alleged as the ground of the application there shall be substituted references to the breakdown of the marriage,

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

- (d) the reference in Article 6(2) to the subsequent dissolution or annulment of the marriage of the parties affected by the order shall be omitted,
 - (e) Articles 8 to 10, 18, 19, 21, 22A, 25(1) and 27 to 30 shall be omitted,
 - (f) in Article 32(1), the words “either the applicant or” shall be omitted, and
 - (g) Article 36(1) shall be omitted.
- (7) A divorce or annulment obtained in a country or territory outside the United Kingdom shall be presumed for the purposes of this section to be one the validity of which is recognised by the law of Northern Ireland, unless the contrary is proved by the respondent.
- (8) In this section “child of the family” has the meaning given in Article 2(2) of the 1980 Order.]

Textual Amendments
F39 Ss. 28C, 28D, 28E, 29, 29A, 29B substituted for ss. 28C, 29, 29A (N.I.) (4.11.1996) by [S.I. 1995/755](#) (N.I. 2), art. 185(1), [Sch. 9 para. 72](#) (with [Sch. 8 para. 1\(1\)](#)); [S.R. 1996/297](#), [art. 2\(2\)](#)

^{F40}**[29B Applications under the Children (Northern Ireland) Order 1995. U.K.]**

No provision of an order made under Schedule 7 to the Children (Northern Ireland) Order 1995 requiring or enabling a court to transfer proceedings from a magistrates’ court to a county court or the High Court shall apply in relation to an application which by virtue of section 28C of this Act is to be treated as if it were an application for a maintenance order under that Order.]

Textual Amendments
F40 Ss. 28C, 28D, 28E, 29, 29A, 29B substituted for ss. 28C, 29, 29A (N.I.) (4.11.1996) by [S.I. 1995/755](#) (N.I. 2), art. 185(1), [Sch. 9 para. 72](#) (with [Sch. 8 para. 1\(1\)](#)); [S.R. 1996/297](#), [art. 2\(2\)](#)

30 Further provisions relating to recovery in England, Wales and Northern Ireland of maintenance for children U.K.

- F41(1)
- F41(2)
- F42(3)
- F42(4)
- F42(5)
- F41(6)

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland. (See end of Document for details)

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Textual Amendments

- F41** S. 30(1)(2)(6) repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 116, 125(7), Sch. 16 para. 39(3), **Sch. 20**; S.I. 1991/1883, art. 3, **Sch.**
- F42** S. 30(3)(4)(5) repealed (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), **Sch. 10** (with Sch. 8 paras. 1(1), 23(4)); S.R. 1996/297, **art. 2(2)**

Status:

Point in time view as at 22/04/2014.

Changes to legislation:

There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Cross Heading: Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland.