



# Maintenance Orders (Reciprocal Enforcement) Act 1972

## 1972 CHAPTER 18

### PART I

#### RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS MADE IN UNITED KINGDOM OR RECIPROCATING COUNTRY

##### *Orders made by courts in reciprocating countries*

#### **10 Cancellation of registration and transfer of order.**

(1) Where—

- (a) a registered order is revoked by an order made by the registering court; or
- (b) a registered order is revoked by a provisional order made by that court which has been confirmed by a court in a reciprocating country and notice of the confirmation is received by the registering court; or
- (c) a registered order is revoked by an order made by a court in such a country and notice of the revocation is received by the registering court,

the prescribed officer of the registering court shall cancel the registration; but any arrears due under the registered order at the date when its registration is cancelled by virtue of this subsection shall continue to be recoverable as if the registration had not been cancelled.

- (2) Where the prescribed officer of the registering court is of opinion that the payer under a registered order, [<sup>F1</sup>is not residing within the jurisdiction of that court and has no assets within that jurisdiction against which the order can be effectively enforced,] he shall cancel the registration of the order and, subject to subsection (3) below, shall send the certified copy of the order to the Secretary of State.
- (3) Where the prescribed officer of the registering court, being a magistrates' court [<sup>F2</sup>in Northern Ireland], is of opinion that the payer is residing [<sup>F3</sup>or has assets] within the jurisdiction of another magistrates' court in [<sup>F4</sup>Northern Ireland], he shall transfer the

*Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 10. (See end of Document for details)*

order to that other court by sending the certified copy of the order to the prescribed officer of that other court.

- (4) On the transfer of an order under subsection (3) above the prescribed officer of the court to which it is transferred shall, subject to subsection (6) below, register the order in the prescribed manner in that court.
- (5) Where the certified copy of an order is received by the Secretary of State under this section and it appears to him that the payer under the order is [<sup>F5</sup>residing or has assets] in the United Kingdom, he shall transfer the order to the appropriate court by sending the certified copy of the order together with the related documents to the prescribed officer of the appropriate court and, subject to subsection (6) below, that officer shall register the order in the prescribed manner in that court.
- (6) Before registering an order in pursuance of subsection (4) or (5) above an officer of a court shall take such steps as he thinks fit for the purpose of ascertaining whether the payer is residing [<sup>F6</sup>or has assets] within the jurisdiction of the court, and if after taking those steps he is satisfied that the payer is not [<sup>F7</sup>residing and has no assets within the jurisdiction of the court] he shall send the certified copy of the order to the Secretary of State.
- (7) The officer of a court who is required by any of the foregoing provisions of this section to send to the Secretary of State or to the prescribed officer of another court the certified copy of an order shall send with that copy—
  - (a) a certificate of arrears signed by him;
  - (b) a statement giving such information as he possesses as to the whereabouts of the payer [<sup>F8</sup>and the nature and location of his assets]; and
  - (c) any relevant documents in his possession relating to the case.
- (8) In the application of this section to Scotland—
  - (a) in subsection (2), for the words “within the jurisdiction of that court” there shall be substituted the words “in Scotland”; and
  - (b) subsections (3) and (4) shall be omitted.

#### Textual Amendments

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| <b>F1</b> | Words substituted by <a href="#">Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3)</a> , ss. 37(1), 52, <b>Sch. 11 Pt. III para. 13(2)</b>   |
| <b>F2</b> | Words in s. 10(3) inserted (22.4.2014) by <a href="#">Crime and Courts Act 2013 (c. 22)</a> , s. 61(3), <b>Sch. 11 para. 36(a)</b> ; <a href="#">S.I. 2014/954</a> , art. 2(e) (with art. 3) (with transitional provisions and savings in <a href="#">S.I. 2014/956</a> , arts. 3-11)    |
| <b>F3</b> | Words inserted by <a href="#">Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3)</a> , ss. 37(1), <b>Sch. 11 Pt. III para. 13(3)</b>  |
| <b>F4</b> | Words in s. 10(3) substituted (22.4.2014) by <a href="#">Crime and Courts Act 2013 (c. 22)</a> , s. 61(3), <b>Sch. 11 para. 36(b)</b> ; <a href="#">S.I. 2014/954</a> , art. 2(e) (with art. 3) (with transitional provisions and savings in <a href="#">S.I. 2014/956</a> , arts. 3-11) |
| <b>F5</b> | Words substituted by <a href="#">Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3)</a> , ss. 37(1), 52, <b>Sch. 11 Pt. III para. 13(4)</b>   |
| <b>F6</b> | Words inserted by <a href="#">Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3)</a> , ss. 37(1), 52, <b>Sch. 11 Pt. III para. 13(5)(a)</b>   |
| <b>F7</b> | By <a href="#">Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3)</a> , ss. 37(1), 52, <b>Sch. 11 Pt. III para. 13(5)(b)</b> it is provided that for “so residing” there is inserted “residing and has no assets within the jurisdiction of the court”.                         |

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Orders (Reciprocal Enforcement) Act 1972, Section 10. (See end of Document for details)

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**F8** Words inserted by Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3), ss. 37(1), 52, **Sch. 11 Pt. III para. 13(6)**

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

- C1** Ss. 8-21 applied (28.5.2002) by The Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 2002 (S.I. 2002/788), **art. 4(4)(5)**
- C2** Ss. 8-21 applied (19.6.2008) by The Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 2008 (S.I. 2008/1202), arts. 1, **4(5)**

**Changes to legislation:**

There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 10.