



Maintenance Orders (Reciprocal Enforcement) Act 1972

1972 CHAPTER 18

PART I

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

Supplemental

17 Proceedings in magistrates' courts.

- (1)^{F1}
- (4) Anything authorised or required by this Part of this Act to be done by, to or before the magistrates' court by, to or before which any other thing was done may be done by, to or before any magistrates' court acting for the same petty sessions area (or, in Northern Ireland, petty sessions district) as that court.
- (5) Any application which by virtue of a provision of this Part of this Act is made to a magistrates' court [^{F2}in Northern Ireland] shall be made by complaint.

[^{F3}(5A) Where the respondent to an application for the variation or revocation of—

- (a) a maintenance order made by a magistrates' court in England and Wales, being an order to which section 5 of this Act applies; or
- (b) a registered order which is registered in such a court,

is residing in a reciprocating country, a magistrates' court in England and Wales shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been residing in England and Wales.]

- (6) A magistrates' court in Northern Ireland shall have jurisdiction to hear a complaint for the variation or revocation—

Status: Point in time view as at 01/11/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 17. (See end of Document for details)

- (a) of a maintenance order made by such a court, being an order to which section 5 of this Act applies; or
 - (b) of a registered order which is registered in that court,
- if the defendant to the complaint is residing in a reciprocating country and the court would have jurisdiction to hear the complaint had the defendant been residing in Northern Ireland.

- (7) Where the [^{F4}respondent] to [^{F5}an application] for the variation or revocation—
- (a) of a maintenance order made by a magistrates’ court, being an order to which section 5 of this Act applies; or
 - (b) of a registered order registered in a magistrates’ court,
- does not appear at the time and place appointed for the hearing of [^{F5}the application], but the court is satisfied that the [^{F4}respondent] is residing in a reciprocating country, the court may proceed to hear and determine [^{F5}the application] at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the [^{F4}respondent] had appeared at that time and place.

- [^{F6}(7A) In the application of this section to Northern Ireland, in subsection (7)—
- (a) for the word “respondent”, in each place where it occurs, there shall be substituted “defendant”; and
 - (b) for the words “an application” and “the application”, in each place where they occur, there shall be substituted “a complaint” and “the complaint” respectively.]

(8) ^{F7}

Textual Amendments	
F1	S. 17(1)–(3) repealed by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), s. 89, Sch. 3
F2	Words in s. 17(5) inserted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, Sch. 1 Pt. II para. 10(2) ; S.I. 1993/618, art. 2
F3	S. 17(5A) inserted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, Sch. 1 Pt. II para. 10(3) ; S.I. 1993/618, art. 2
F4	Words in s. 17(7) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, Sch. 1 Pt. II para. 10(4)(a) ; S.I. 1993/618, art. 2
F5	Words in s. 17(7) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, Sch. 1 Pt. II para. 10(4)(b) ; S.I. 1993/618, art. 2
F6	S. 17(7A) added (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, Sch. 1 Pt. II para. 10(5) ; S.I. 1993/618, art. 2
F7	S. 17(8) repealed by S.I. 1981/1675 (N.I. 26), Sch. 7

Status:

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Changes to legislation:

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