



# Maintenance Orders (Reciprocal Enforcement) Act 1972

## 1972 CHAPTER 18

### PART II

#### 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*

VALID FROM 04/11/1996

**[<sup>F1</sup>28D Sending application to the appropriate magistrates' court.**

- (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

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*Status: Point in time view as at 14/10/1991. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 28D. (See end of Document for details)*

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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.]

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**Textual Amendments**

**F1** 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\(2\)](#)

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