



# Maintenance Orders (Reciprocal Enforcement) Act 1972

## 1972 CHAPTER 18

### PART II

#### RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

##### *Transfer, enforcement, variation and revocation of registered orders*

#### **34 Variation and revocation of orders.**

- (1) [<sup>F1</sup>Subject to [<sup>F2</sup>subsection (3B) below and]section 34B of this Act][<sup>F3</sup>Subject to [<sup>F4</sup>subsection (3A) below and] section 34A of this Act]where a registered order is registered in a court other than the court by which the order was made, the registering court shall have the like power to vary or revoke the order as if it had been made by the registering court and as if that court had had jurisdiction to make it; and no court other than the registering court shall have power to vary or revoke a registered order.
- (2) Where the registering court revokes a registered order it shall cancel the registration.
- (3) Where the Secretary of State receives from the appropriate authority in a convention country an application by a person in that country for the variation of a registered order, he shall, if the registering court is a magistrates' court, send the application together with any documents accompanying it to [<sup>F5</sup>—.
  - (a) the justices' chief executive for the court, if the court is in England and Wales; or
  - (b) the clerk of the court, if the court is in Northern Ireland.]

[<sup>F6</sup>(3A) Where subsection (1) of section 60 of the Magistrates' Courts Act 1980 (revocation, variation etc. of orders for periodical payment) applies in relation to a registered order, that subsection shall have effect as if for the words "by order on complaint," there were substituted "on an application being made, by order".]

*Status: Point in time view as at 01/04/2001. This version of this provision has been superseded.*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 34. (See end of Document for details)*

- [<sup>F7</sup>(3B) Where paragraph (1) of Article 86 of the Magistrates' Courts (Northern Ireland) Order 1981 (revocation, variation etc. of orders for periodical payment) applies in relation to a registered order, that paragraph shall have effect as if for the words “by order on complaint,” there were substituted “on an application being made, by order”.]
- (4) Where a court in a part of the United Kingdom makes, or refuses to make, an order varying or revoking a registered order made by a court in another part thereof, any person shall have the like right of appeal (if any) against the order or refusal as he would have if the registered order had been made by the first-mentioned court.
- (5) In the application of this section to Scotland
- [<sup>F8</sup>(a) the words “and no court other than the registering court shall have power to vary or revoke a registered order” in subsection (1) above are subject to any power of the Court of Session on appeal; and]
- [<sup>F9</sup>(b) for subsection (3) there shall be substituted the following subsection—
- “(3) Where the Secretary of State receives from the appropriate authority in a convention country an application by a person in that country for the variation of a registered order, he shall, if the registering court is a sheriff court, send the application, together with any documents accompanying it, to the Secretary of the Law Society of Scotland who shall send the application and any accompanying documents to a solicitor practising in the registering court or to such other solicitor practising in Scotland as appears to the Secretary to be appropriate, for the purpose of enabling the solicitor to take on behalf of the applicant such steps as appear to the solicitor appropriate in respect of the application.”]

#### Textual Amendments

- F1** Words in s. 34(1) inserted (N.I.) (4.11.1996) by S.I. 1993/1576 (N.I. 6), art. 11, **Sch. 1 para. 14(a)**; S.R. 1996/454, **art. 3**
- F2** Words in s. 34(1) inserted (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 74(1)** (with Sch. 8 para. 1(1)); S.R. 1996/297, **art. 2(2)**
- F3** Words in s. 34(1) inserted (E.W.) (1.4.1992) by Maintenance Enforcement Act 1991 (c. 17), s. 10, **Sch. 1 para. 19(1)**, S.I. 1992/455, art. 2
- F4** Words in s. 34(1) inserted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. II para. 15(2)**; S.I. 1993/618, **art. 2**
- F5** S. 34(3)(a)(b) and “-” immediately preceding them in s. 34(3) substituted for words in s. 34(3) (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 80** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**
- F6** S. 34(3A) inserted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. II para. 15(3)**; S.I. 1993/618, **art. 2**
- F7** S. 34(3B) inserted (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 74(2)** (with Sch. 8 para. 1(1)); S.R. 1996/297, **art. 2(2)**
- F8** Words inserted by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), **ss. 60(2)**, 89
- F9** S. 34(5)(b) substituted (S.) by Legal Aid (Scotland) Act 1986 (c. 47, SIF 77:2), ss. 45, 46(4), **Sch. 3 para. 1(3)**

**Status:**

Point in time view as at 01/04/2001. 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 34.