

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 33 In section 8(3) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 for the words " £10 " there shall be substituted the words " £50 ".
- 34 In section 27 of that Act—
- (a) in subsection (1) for the words " sections 28, 29 " there shall be substituted the words " sections 28, 28A, 29, 29A ";
 - (b) in subsection (9) for the words " section 13(2) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 " there shall be substituted the words " section 32(2) of the Domestic Proceedings and Magistrates' Courts Act 1978 ".
- 35 In section 35(1) of that Act for the words " section 28(6)(d)" there shall be substituted the words " 28, 28A(3)(e) ".
- 36 In section 41 of that Act—
- (a) in subsection (1) for paragraphs (a) and (b) there shall be substituted the words " an affiliation order ";
 - (b) for subsection (2) there shall be substituted the following subsections: —
 - “(2) The jurisdiction to revoke or vary an order for the periodical payment of money conferred on magistrates' courts by sections 9, 10 or 11 of the Guardianship of Minors Act 1971 shall be exercisable notwithstanding that the proceedings for the revocation or variation of the order are brought by or against a person residing outside England and Wales.
- (2A) Subject to subsection (2B) below, a magistrates' court may, if it is satisfied that the respondent has been outside the United Kingdom during such period as may be prescribed by rules made under section 15 of the Justices of the Peace Act 1949, proceed on—
- (a) an application made under section 53 of the Magistrates' Courts Act 1952 for the revocation, revival or variation of an affiliation order, or
 - (b) an application made under section 9, 10, 11 or 12C(5) of the Guardianship of Minors Act 1971 for the revocation, revival or variation of an order for the periodical payment of money made under the said section 9,10 or 11,
- notwithstanding that the respondent has not been served with the summons ; and rules may prescribe any other matters as to which the court is to be satisfied before proceeding in such a case.

Status: This is the original version (as it was originally enacted).

(2B) A magistrates' court shall not—

- (a) exercise its powers under section 53 of the Magistrates Courts Act 1952 so as to increase the amount of any periodical payments required to be made by any person under an affiliation order; or
- (b) exercise its powers under section 9, 10 or 11 of the Guardianship of Minors Act 1971 so as to increase the amount of any periodical payments required to be made by any person by an order under one of those sections,

unless those powers are exercised at a hearing at which the person required to make the periodical payment appears or the requirements of section 47(3) of the Magistrates' Courts Act 1952 with respect to proof of service of summons or appearance on a previous occasion are satisfied in respect of that person.”

37 In section 42(1) of that Act for the words " section 2(1)(b) or (c) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 (payment of weekly sums by husband or wife)" there shall be substituted the words " section 2(1)(a) of the Domestic Proceedings and Magistrates' Courts Act 1978 (making of periodical payments by husband or wife) ".