



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART II

CIVIL JURISDICTION AND PROCEDURE

Orders for periodical payment

59 Periodical payment through justices' clerk.

- (1) Where a magistrates' court orders money to be paid periodically by one person to another, the court may order that the payment shall be made to the clerk of the court or the clerk of any other magistrates' court.
- (2) Where the order is ^{F1}, an order under [^{F2}the Guardianship of Minors Acts 1971 and 1973][^{F2}(or having effect as if made under) Schedule 1 to the Children Act 1989]or an order under Part I of the ^{M1}Domestic Proceedings and Magistrates' Courts Act 1978, the court shall, unless upon representations expressly made in that behalf by the applicant for the order it is satisfied that it is undesirable to do so, exercise its power under subsection (1) above.
- (3) Where periodical payments under an order of any court are required to be paid to or through the clerk of a magistrates' court and any sums payable under the order are in arrear, the clerk shall, if the person for whose benefit the payment should have been made so requests in writing, and unless it appears to the clerk that it is unreasonable in the circumstances to do so, proceed in his own name for the recovery of those sums; but the said person shall have the same liability for all the costs properly incurred in or about the proceedings as if the proceedings had been taken by him.
- (4) Nothing in this section shall affect any right of a person to proceed in his own name for the recovery of sums payable on his behalf under an order of any court.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 59 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(2)(4), Sch. 3 paras. 1, 6, **Sch. 4**
- F2** Words "(or having effect as if made under) Schedule 1 to the Children Act 1989" substituted (*prosp.*) for "the Guardianship of Minors Acts 1971 and 1973" by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(5)(6), Sch. 13 para. 44(1), **Sch. 14 para. 1(1)**
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Marginal Citations

- M1** 1978 c. 22.

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