



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART II

#### CIVIL JURISDICTION AND PROCEDURE

##### *Orders for periodical payment*

#### **61 Periodical payments payable by one person under more than one order.**

(1) [<sup>F1</sup>Rules of court may] make provision—

- (a) for enabling a person to make one complaint for the recovery of payments required to be made to him by another person under more than one periodical payments order; and
- (b) for apportioning between two or more periodical payments orders, in such manner as may be prescribed by the rules, any sum paid to [<sup>F2</sup>the designated officer for a magistrates' court] on any date by the person liable to make payments under the orders which is less than the total sum required to be paid on that date to [<sup>F3</sup>that designated officer] by that person in respect of those orders (being orders one of which requires payments to be made for the benefit of a child to the person with whom the child has his home and one or more of which requires payments to be made to that person either for his own benefit or for the benefit of another child who has his home with him) [<sup>F4</sup>and sums paid into court in pursuance of orders under section 35 of the Powers of Criminal Courts Act 1973 (compensation orders)].

(2) In this section—

“child” means a person who has not attained the age of 18;

“periodical payments order” means an order made by a magistrates' court <sup>F5</sup>... which requires the making of periodical payments,

and any payments required under a periodical payments order to be made to a child shall for the purposes of subsection (1) above be treated as if they were required to be made to the person with whom the child has his home.

*Status: Point in time view as at 25/12/2020.*

*Changes to legislation: Magistrates' Courts Act 1980, Section 61 is up to date with all changes known to be in force on or before 02 September 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 in s. 61(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 212(1)**; [S.I. 2005/910](#), **art. 3(y)**
- F2** Words in s. 61(1)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 212(2)(a)**; [S.I. 2005/910](#), **art. 3(y)**
- F3** Words in s. 61(1)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 212(2)(b)**; [S.I. 2005/910](#), **art. 3(y)**
- F4** Words added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(1), Sch. 8 para. 16, **Sch. 15 para. 63**
- F5** Words in s. 61(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 45**; [S.I. 2014/954](#), **art. 2(d)** (with **art. 3**) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### **Modifications etc. (not altering text)**

- C1** S. 61 amended by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 81(8), 123(6), **Sch. 8 para. 16**

**Status:**

Point in time view as at 25/12/2020.

**Changes to legislation:**

Magistrates' Courts Act 1980, Section 61 is up to date with all changes known to be in force on or before 02 September 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.