



Matrimonial and Family Proceedings Act 1984

1984 CHAPTER 42

PART VI

MISCELLANEOUS AND GENERAL

45 Extension of s. 29A of Maintenance Orders (Reciprocal Enforcement) Act 1972.

- (1) Section 29A of the ^{M1}Maintenance Orders (Reciprocal Enforcement) Act 1972 (complaint by former spouse in convention country for recovery in Northern Ireland of maintenance from other spouse) shall have effect with the following amendments.
- (2) For subsection (1) there shall be substituted the following subsection—

“(1) Where on an application under section 27(1) of this Act for the recovery of maintenance from a person who is residing in Northern Ireland—

- (a) that person is a former spouse of the applicant in a convention country who is seeking to recover maintenance, and
- (b) the marriage between the applicant and the former spouse has been dissolved or annulled in a country or territory outside the United Kingdom by a divorce or annulment which is recognised as valid by the law of Northern Ireland, and
- (c) an order for the payment of maintenance for the benefit of the applicant or a child of the family has, by reason of the divorce or annulment, been made by a court in a convention country, and
- (d) in a case where the order for the payment of maintenance was made by a court of a different country from that in which the divorce or annulment was obtained, either the applicant or his or her former spouse was resident in the convention country whose court made the maintenance order at the time the application for that order was made,

the application shall, notwithstanding that the marriage has been dissolved or annulled, be treated as a complaint for an order under Article 4 of the Domestic

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Proceedings (Northern Ireland) Order 1980, and the provisions of this section shall have effect.”

(3) For subsection (4) there shall be substituted the following subsection—

“(4) A divorce or annulment obtained in a country or territory outside the United Kingdom shall be presumed for the purposes of this section to be one the validity of which is recognised by the law of Northern Ireland unless the contrary is proved by the defendant.”

(4) Subsection (5) shall be omitted.

Marginal Citations

M1 1972 c. 18.

46 Amendments, transitional provisions and repeals.

- (1) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act or minor amendments relating to the enforcement of maintenance orders, the area of jurisdiction of magistrates’ courts for purposes of altering maintenance agreements and the variation by magistrates’ courts of certain existing maintenance, affiliation and other orders.
- (2) The transitional provisions contained in Schedule 2 to this Act shall have effect.
- (3) The enactments specified in Schedule 3 to this Act (which include some which are spent) are hereby repealed to the extent specified in the third column of that Schedule.

47 Commencement.

- (1) The provisions of this Act other than this section and section 48 below shall come into force as follows—
 - (a) with the exception of section 10, Parts I and II and paragraphs 1 and 2 of Schedule 2 shall come into force at the expiry of the period of three months beginning with the day on which this Act is passed and that section shall come into force on such day as the Lord Chancellor appoints;
 - (b) Part III shall come into force on such day as the Lord Chancellor appoints;
 - (c) Schedule 1, except paragraphs 1(b), 6, 7 and 28 shall come into force on such day or days as the Lord Chancellor appoints;
 - (d) Part IV and paragraphs 1(b), 6, 7 and 28 of Schedule 1 shall come into force on such day as the Lord Advocate appoints; and
 - (e) Part V, section 45 above and paragraph 3 of Schedule 2 and the repeals specified in Schedule 3 shall come into force on such day or days as the Lord Chancellor appoints.
- (2) The power to appoint days for the coming into force of provisions of this Act shall be exercised by order made by statutory instrument.

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Subordinate Legislation Made

- P1** Power of appointment conferred by s. 47(1)(a) fully exercised: 1.10.1986 appointed for s. 10 by [S.I. 1986/1049](#), [art. 2](#)
- P2** Power of appointment conferred by s. 47(1)(b) fully exercised: 16.9.1985 appointed by [S.I. 1985/1316](#)
- P3** Power of appointment conferred by s. 47(1)(c) partly exercised: S.Is. 1984/1589; 1985/1316; 1986/635; 1986/1049
- P4** Power of appointment conferred by s. 47(1)(d) fully exercised: 1.9.1986 appointed by [S.I. 1986/1226](#)
- P5** Power of appointment conferred by s. 47(1)(e) partly exercised: [S.I. 1984/1589](#); 1986/635. [S. 47\(1\)\(e\)](#) power partly exercised: 14.10.1991 appointed for specified provisions by [S.I.1991/1211](#)

48 Short title and extent.

- (1) This Act may be cited as the Matrimonial and Family Proceedings Act 1984.
- (2) Parts I to III and V and Schedules 2 and 3 extend to England and Wales only, Part IV extends to Scotland only and section 45 above extends to Northern Ireland only.
- (3) Where any enactment amended by Schedule 1 extends to any part of the United Kingdom, the amendment extends to that part.

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