

*Status:* Point in time view as at 27/07/1999. This version of this cross heading contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Access to Justice Act 1999, Cross Heading: The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18). (See end of Document for details)

## SCHEDULES

### SCHEDULE 13

#### FUNCTIONS TRANSFERRED TO JUSTICES’ CHIEF EXECUTIVES

VALID FROM 01/04/2001

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

- 71 The Maintenance Orders (Reciprocal Enforcement) Act 1972 has effect subject to the following amendments.
- 72 In section 7(5B) (powers of magistrates’ court on confirming provisional order made in reciprocating country), for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court in England and Wales”, and
  - (b) “the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales,”,
- substitute “ a justices’ chief executive ”.
- 73 (1) Section 8 (enforcement of maintenance order registered in United Kingdom court) is amended as follows.
- (2) In subsection (3) (requirement of person liable under order to notify change of address to clerk of the court), for “clerk” substitute “ appropriate officer ”.
- (3) After that subsection insert—
- “(3A) In subsection (3) above “appropriate officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
  - (b) in relation to a court elsewhere, the clerk of the court.”
- (4) In subsection (4A) (application of section 76 of the <sup>M1</sup>Magistrates’ Courts Act 1980), in the subsection to be regarded as substituted as subsection (5) of that section, for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
  - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”,
- substitute “ a justices’ chief executive ”.

#### Marginal Citations

M1 1980 c.43.

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- 74 (1) Section 9(1ZA) (application of section 60 of the <sup>M2</sup>Magistrates’ Courts Act 1980) is amended as follows.
- (2) In paragraph (a), in the subsection (3A) to be regarded as inserted in that section, for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court,”, and
  - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”
- substitute “ a justices’ chief executive ”.
- (3) In paragraph (b), in the paragraph to be regarded as substituted for subsection (4)(b) of that section, for “the clerk of the court, or to the clerk of any other magistrates’ court,” substitute “ a justices’ chief executive ”.
- (4) In paragraph (c) (words to be regarded as replaced in subsection (5) of that section), for “clerk” substitute “ justices’ chief executive for the court ”.

**Marginal Citations**

**M2** 1980 c.43.

- 75 (1) Section 23 (maintenance orders registered in High Court under Maintenance Orders (Facilities for <sup>M3</sup>Enforcement) Act 1920) is amended as follows.
- (2) In subsections (2), (3) and (4) (procedure), for “clerk” substitute “ appropriate officer ”.
- (3) After subsection (5) insert—
- “(6) In this section “appropriate officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
  - (b) in relation to a magistrates’ court in Northern Ireland, the clerk of the court.”

**Marginal Citations**

**M3** 1920 c.33.

- 76 In section 26 (application for recovery of maintenance in convention country), for subsections (6) and (7) substitute—
- “(6) The appropriate officer for the purposes of this section is—
- (a) where the applicant is residing in England and Wales, the justices’ chief executive for the petty sessions area;
  - (b) where the applicant is residing in Northern Ireland, the clerk of the court for the petty sessions district; and
  - (c) where the applicant is residing in Scotland, the sheriff clerk or sheriff clerk depute of the sheriff court within the jurisdiction of which the applicant is residing.”

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- 77 In section 27B (sending application to the appropriate magistrates’ court), for “clerk of” (in each place) substitute “ justices’ chief executive for ”.
- 78 (1) Section 27C (application for recovery of maintenance in England and Wales) is amended as follows.
- (2) In subsection (4) (powers of court), for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court in England and Wales,”, and
- (b) “the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales,”
- substitute “ a justices’ chief executive ”.
- (3) In subsection (7) (registration of order), for “clerk of” substitute “ justices’ chief executive for ”.
- 79 (1) Section 32 (transfer of orders) is amended as follows.
- (2) In subsection (2) (transmission of copy of order)—
- (a) for “the clerk” (in both places) substitute “ the appropriate officer ”, and
- (b) for “that clerk” substitute “ the appropriate officer ”.
- (3) After that subsection insert—
- “(2A) In subsection (2) above the “appropriate officer” means—
- (a) in relation to a court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court in Northern Ireland, the clerk of the court.”
- 80 In section 34(3) (application from abroad to vary a registered order), for “the clerk of that court” substitute “—
- (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.”
- 81 (1) Section 34A (variation of orders by magistrates’ courts) is amended as follows.
- (2) In subsection (3) (powers of magistrates’ courts), for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court in England and Wales”, and
- (b) “the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales,”
- substitute “ a justices’ chief executive ”.
- (3) In subsection (4)(b) (application for variation), for “the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales,” substitute “ a justices’ chief executive ”.

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