

SCHEDULES

SCHEDULE 5

FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.

PART 13

CONSENT ORDERS AND MAINTENANCE AGREEMENTS

Restrictions on applications to and orders by magistrates' courts under paragraph 69

- 70 (1) A magistrates' court must not entertain an application under paragraph 69(1) unless—
- (a) both the parties to the agreement are resident in England and Wales, and
 - (b) the court acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which at least one of the parties is resident.
- (2) A magistrates' court must not make any order on such an application other than—
- (a) if the agreement includes no provision for periodical payments by either of the parties, an order inserting provision for the making by one of the parties of periodical payments for the maintenance of—
 - (i) the other party, or
 - (ii) any child of the family;
 - (b) if the agreement includes provision for the making by one of the parties of periodical payments, an order increasing or reducing the rate of, or terminating, any of those payments.