



Maintenance Orders Act 1958

1958 CHAPTER 39 6 and 7 Eliz 2

PART I **U.K.**

REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

Modifications etc. (not altering text)

C1 Pt.I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [sch. 3 para. 10](#)

1 Application of Part I. **E+W**

(1) The provisions of this Part of this Act shall have effect for the purpose of enabling maintenance orders to which this Part of this Act applies [^{F1}to be registered in the family court and, subject to those provisions, while so registered to be enforced in like manner as an order made by the family court and to be varied by that court.]

[^{F2}(1A) In the following provisions of this Act “maintenance order” means any order [^{F3}, decision, settlement [^{F4}, arrangement] or instrument] specified in Schedule 8 to the ^{M1}Administration of Justice Act 1970.]

[^{F5}(2) For the purposes of subsection (1) above, a maintenance order made by a court in Scotland or Northern Ireland and registered in [^{F6}the High Court] under Part II of the Maintenance Orders Act 1950 shall be deemed to have been made by [^{F6}the High Court].

(2A) This Part of this Act applies—

- (a) to maintenance orders made by the High Court^{F7} ..., other than orders registered in Scotland or Northern Ireland under Part II of the Maintenance Orders Act 1950, and
- (b) to maintenance orders made by a court in Scotland or Northern Ireland and registered in [^{F8}the High Court] under Part II of the Maintenance Orders Act 1950.]

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

- (3) Without prejudice to the provisions of section twenty-one of this Act, in this Part of this Act, unless the context otherwise requires, the following expressions have the following meanings—

[^{F9}“High Court order” means an order made by the High Court;]

“order” means a maintenance order to which this Part of this Act applies;

“original court” and “court of registration”, in relation to an order, mean the court by which the order was made or, as the case may be, the court in which the order is registered;

“registered” means registered in accordance with the provisions of this Part of this Act, and “registration” shall be construed accordingly;

and for the purposes of this Part of this Act an order for the payment by the defendant of any costs incurred in proceedings relating to a maintenance order, being an order for the payment of costs made while the maintenance order is not registered, shall be deemed to form part of that maintenance order.

^{F10}(4)

^{F10}(5)

^{F10}(6)

Textual Amendments

- F1** Words in s. 1(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(2\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** S. 1(1A) added by [Administration of Justice Act 1970 \(c. 31\)](#), s. 27(3)
- F3** Words in s. 1(1A) inserted (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\)](#), reg. 1(1), [Sch. 7 para. 2\(3\)](#)
- F4** Word in s. 1(1A) inserted (coming into force in accordance with reg. 1(1) of the amending S.I.) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(1), [Sch. 4 para. 1\(2\)](#)
- F5** S. 1(2)(2A) substituted for s. 1(2) by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [Sch. 3 para. 1](#), with effect in relation to the enforcement in one part of the United Kingdom of maintenance orders made in another part.
- F6** Words in s. 1(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(3\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F7** Words in s. 1(2A)(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(4\)\(a\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F8** Words in s. 1(2A)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(4\)\(b\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F9** Words in s. 1(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(5\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F10** S. 1(4)-(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(6\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

Modifications etc. (not altering text)

- C2** Pt. I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [sch. 3 para. 10](#)
- C3** S. 1(3) applied (18.6.2011) by [The Magistrates Courts \(Enforcement or Variation of Orders Made in Family Proceedings and Miscellaneous Provisions\) Rules 2011 \(S.I. 2011/1329\)](#), rules 1, [34\(1\)](#) (with rule 3)

Marginal Citations

- M1** 1970 c. 31.

2 Registration of orders. E+W

(1) A person entitled to receive payments under a High Court [^{F11}order may apply to the High Court for registration of the order in the family court, and the High Court] may, if it thinks fit, grant the application.

(2) Where an application for the registration of such an order is granted—

- (a) no proceedings shall be begun, and no writ, warrant or other process shall be issued, for the enforcement of the order before the registration of the order or the expiration of the prescribed period from the grant of the application, whichever first occurs; and
- (b) the [^{F12}High Court] shall, on being satisfied within the period aforesaid by the person who made the application that no such proceedings or process begun or issued before the grant of the application remain pending or in force, cause a certified copy of the order to be [^{F13}sent to the family court];

but if at the expiration of the period aforesaid the [^{F12}High Court] has not been so satisfied, the grant of the application shall become void.

- ^{F14}(3)
- ^{F14}[^{F15}(3A)
- ^{F14}(3B)]
- ^{F14}(4)
- (5) [^{F16}An officer of the family court] who receives a certified copy of an order sent to [^{F17}the court] under this section shall cause the order to be registered in that court.
- ^{F18F19}[(6)
- (6ZA) Where a High Court ^{F20}... order is registered under this Part of this Act in [^{F21}the family] court, then—
 - (a) if a means of payment order (within the meaning of section 1(7) of the Maintenance Enforcement Act 1991) has effect in relation to the order in question, it shall continue to have effect after registration; ^{F22}...
 - ^{F22}(b)
- ^{F23}(6ZB)
- (6ZC) Where by virtue of the provisions of this section ^{F24}... payments under an order cease to be or become payable to [^{F25}the family court], the person liable to make the payments shall, until he is given the prescribed notice to that effect, be deemed to comply with the order if he makes payments in accordance with the order and any order under subsection (6ZA)(b) of this section of which he has received such notice.]

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

[^{F26}(6A) In this section—

“High Court order” includes a maintenance order deemed to be made by the High Court by virtue of section 1(2) above,^{F27} ...
^{F27} ...]

(7) In this section “certified copy” in relation to an order of a court means a copy certified by the proper officer of the court to be a true copy of the order or of the official record thereof.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only.

Textual Amendments

- F11** Words in s. 2(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(2\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F12** Words in s. 2(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(3\)\(a\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F13** Words in s. 2(2)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(3\)\(b\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F14** S. 2(3)-(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(4\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F15** S. 2(3A)(3B) inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27\)](#), SIF 45:3, ss. 37(1), 52, [Sch. 11 Pt. I para. 2\(3\)](#)
- F16** Words in s. 2(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(5\)\(a\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F17** Words in s. 2(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(5\)\(b\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F18** S. 2(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(4\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F19** S. 2(6)-(6ZC) substituted (E.W.) (1.4.1992) for s. 2(6) by [Maintenance Enforcement Act 1991 \(c. 17\)](#), SIF 49:3, s. 10, [Sch. 1 para. 7](#); [S.I. 1992/455](#), art. 2.
- F20** Words in s. 2(6ZA) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(6\)\(a\)\(i\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F21** Words in s. 2(6ZA) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(6\)\(a\)\(ii\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F22** S. 2(6ZA)(b) and preceding word omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(6\)\(b\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F23** S. 2(6ZB) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(7\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

- F24** Words in s. 2(6ZC) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(8\)\(a\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F25** Words in s. 2(6ZC) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(8\)\(b\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F26** S. 2(6A) added by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [Sch. 3 para. 2](#), with effect in relation to the enforcement in one part of the United Kingdom of maintenance orders made in another part.
- F27** Words in s. 2(6A) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(9\)](#); [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)

- C4** Pt.I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [sch. 3 para. 10](#)
- C5** S. 2 (except subsection (6A)) modified by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), [ss. 36\(3\)](#), 52
- C6** S. 2 extended by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), [s. 24B\(4\)\(a\)\(ii\)](#) (as inserted by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [s. 8\(1\)](#))

2 Registration of orders. S+N.I.

- (1) A person entitled to receive payments under a High Court [^{F11}order] may apply to the High Court for registration of the order in the family court, and the High Court] may, if it thinks fit, grant the application.
- (2) Where an application for the registration of such an order is granted—
 - (a) no proceedings shall be begun, and no writ, warrant or other process shall be issued, for the enforcement of the order before the registration of the order or the expiration of the prescribed period from the grant of the application, whichever first occurs; and
 - (b) the [^{F12}High Court] shall, on being satisfied within the period aforesaid by the person who made the application that no such proceedings or process begun or issued before the grant of the application remain pending or in force, cause a certified copy of the order to be [^{F13}sent to the family court];but if at the expiration of the period aforesaid the [^{F12}High Court] has not been so satisfied, the grant of the application shall become void.

^{F14}(3)

^{F14}[^{F70}(3A)

^{F14}(3B)]

^{F14}(4)

- (5) [^{F16}An officer of the family court] who receives a certified copy of an order sent to [^{F17}the court] under this section shall cause the order to be registered in that court.

^{F18}(6)

[^{F71}(6A) In this section—

“High Court order” includes a maintenance order deemed to be made by the High Court by virtue of section 1(2) above, ^{F27}...

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

F27
...]

- (7) In this section “certified copy” in relation to an order of a court means a copy certified by the proper officer of the court to be a true copy of the order or of the official record thereof.

Extent Information

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.

Textual Amendments

- F11** Words in s. 2(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(2\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F12** Words in s. 2(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(3\)\(a\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F13** Words in s. 2(2)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(3\)\(b\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F14** S. 2(3)-(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(4\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F16** Words in s. 2(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(5\)\(a\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F17** Words in s. 2(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(5\)\(b\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F18** S. 2(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(4\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F27** Words in s. 2(6A) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 5\(9\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F70** S. 2(3A)(3B) inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 37(1), 52, [Sch. 11 Pt. I para. 2\(3\)](#)
- F71** S. 2(6A) added by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [Sch. 3 para. 2](#), with effect in relation to the enforcement in one part of the United Kingdom of maintenance orders made in another part.

Modifications etc. (not altering text)

- C14** Pt.I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [sch. 3 para. 10](#)
- C15** S. 2 (except subsection (6A)) modified by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), [ss. 36\(3\)](#), 52
- C16** S. 2 extended by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), [s. 24B\(4\)\(a\)\(ii\)](#) (as inserted by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [s. 8\(1\)](#))

2A [F28 **No interest on sums recoverable under registered orders**] **U.K.**

F29 (1)

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

- F²⁹(2)
- F²⁹(3)
- F²⁹(4)
- (5) F³⁰...Sums payable under registered orders shall not carry interest.

Textual Amendments

- F28** S. 2A title substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 6\(c\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F29** S. 2A(1)-(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 6\(a\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F30** Words in s. 2A(5) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 6\(b\)](#) (with [Sch. 10 para. 3](#)); [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)

- C7** S. 2A modified by [Civil Jurisdiction and Judgments Act 1982](#), (c. 27, SIF 45:3), ss. 36(3), 52

3 Enforcement of registered orders. **E+W**

- (1) Subject to the provisions of [F³¹section 2A of this Act and] this section, a registered order shall be enforceable in all respects as if it had been made by the court of registration and as if that court had had jurisdiction to make it; and proceedings for or with respect to the enforcement of a registered order may be taken accordingly.

F³²(2)

F³²(2A)

F³²(2B)

- (3) Where an order remains or becomes registered after the discharge of the order, no proceedings shall be taken by virtue of that registration except in respect of arrears which were due under the order at the time of the discharge and have not been remitted.

F³³(3A)

- (4) Except as provided by this section, no proceedings shall be taken for or with respect to the enforcement of a registered order.

Textual Amendments

- F31** Words inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 37(1), 52, [Sch. 11 Pt. II para. 6\(3\)](#)
- F32** S. 3(2)-(2B) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 7](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

F33 S. 3(3A) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 7](#); [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)

C8 Pt.I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [sch. 3 para. 10](#)

4 Variation of orders registered in magistrates’ courts. E+W

(1) The provisions of this section shall have effect with respect to the variation of [^{F34}High Court orders registered in the family court], and references in this section to registered orders shall be construed accordingly.

(2) Subject to the following provisions of this section—

- (a) the [^{F35}family court] may exercise the same jurisdiction to vary any rate of payments specified by a registered order (other than jurisdiction in a case where a party to the order is not present in England when the application for variation is made) as is exercisable, apart from this subsection, by the [^{F36}High Court]; and
- (b) a rate of payments specified by a registered order shall not be varied except by the [^{F37}family court.]

^{F38}(2A)

^{F38}(2B)

^{F38}(2C)

(3) ^{F39}

(4) If^{F40} ... an application is made by virtue of subsection (2) of this section for the variation of a rate of payments specified by a registered order [^{F41}and it appears to the family court] that it is for any reason appropriate to remit the application to the [^{F42}High Court], the [^{F43}family court] shall so remit the application, and the [^{F42}High Court] shall thereupon deal with the application as if the order were not registered.

(5) Nothing in subsection (2) of this section shall affect the jurisdiction of the [^{F44}High Court] to vary a rate of payments specified by a registered order if an application for the variation of that rate is made to that court—

- (a) in proceedings for a variation of provisions of the order which do not specify a rate of payments; or
- (b) at a time when a party to the order is not present in England.

^{F45}(5A)

^{F45}(5B)

(6) No application for any variation of a registered order shall be made to any court while proceedings for any variation of the order are pending in any other court.

(6A) [^{F46}Although such an order as is mentioned in this subsection may be varied under section 1 of the Maintenance Enforcement Act 1991 as applied by section 4A(2) of this Act, no application for any other] variation in respect of a registered order shall be made to [^{F47}the family court] in respect of an order made by the Court of Session or the High Court in Northern Ireland and registered in [^{F48}the family court] in accordance

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

with the provisions of this Part of this Act by virtue of [^{F49}sections 1(2) and 2(6A)] above.

[^{F50}(6B) No application for any variation of a registered order shall be made to [^{F51}the family court] in respect of an order for periodical or other payments made under Part III of the Matrimonial and Family Proceedings Act 1984 [^{F52}or under Schedule 7 to the Civil Partnership Act 2004].]

^{F53}(7)

Textual Amendments

- F34** Words in s. 4(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(2\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F35** Words in s. 4(2)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(3\)\(a\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F36** Words in s. 4(2)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(3\)\(b\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F37** Words in s. 4(2)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(4\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F38** S. 4(2A)-(2C) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(5\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F39** S. 4(3) repealed by [Administration of Justice Act 1970 \(c. 31\), s. 48\(2\), Sch. 11](#)
- F40** Words in s. 4(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(6\)\(a\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F41** Words in s. 4(4) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(6\)\(b\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F42** Words in s. 4(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(6\)\(c\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F43** Words in s. 4(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(6\)\(d\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F44** Words in s. 4(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(7\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F45** S. 4(5A)(5B) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(5\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F46** Words in s. 4(6A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(8\)\(a\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F47** Words in s. 4(6A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 8\(8\)\(b\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

- F48** Words in s. 4(6A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 8(8)(c)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F49** Words in s. 4(6A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 8(8)(d)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F50** S. 4(6B) inserted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), ss. 46(1), 48, **Sch. 1 para. 5**
- F51** Words in s. 4(6B) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 8(9)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F52** Words in s. 4(6B) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 22(3)**; S.I. 2005/3175, art. 2(2)
- F53** S. 4(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 8(5)**; 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)

- C9** Pt. I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, **sch. 3 para. 10**

[4A ^{F54}**Variation etc. of orders registered in the** ^{F55} **family court].** **E+W**

^{F56}(1)

(2) The [^{F57}family court] may exercise the same powers in relation to a registered order as are exercisable by the [^{F57}family court] under section 1 of the Maintenance Enforcement Act 1991 in relation to a qualifying periodical maintenance order (within the meaning of that section) which has been made by the [^{F57}family court], including the power under subsection (7) of that section to revoke, suspend, revive or vary—

^{F58}(a)

(b) any means of payment order (within the meaning of section 1(7) of that Act of 1991) made by virtue of the provisions of this section.]

Textual Amendments

- F54** S. 4A inserted (1.4.1992) by [Maintenance Enforcement Act \(c. 17, SIF 49:3\)](#), s. 10, **Sch. 1 para. 10**; S.I. 1992/455, **art.2**.
- F55** Words in s. 4A title substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 9(3)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F56** S. 4A(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 9(2)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F57** Words in s. 4A(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 9(3)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F58** S. 4A(2)(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 9(4)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

5 Cancellation of registration. **U.K.**

(1) If a person entitled to receive payments under a registered order desires the registration to be cancelled, he may give notice under this section.

(2) Where the original court varies or discharges an order registered in [^{F59}the family court], the original court may, if it thinks fit, give notice under this section.

^{F60}(3)

(4) Notice under this section shall be given to the court of registration; and where such notice is given—

(a) no proceedings for the enforcement of the registered order shall be begun before the cancellation of the registration and no writ, warrant or other process for the enforcement thereof shall be issued in consequence of any such proceedings begun before the giving of the notice;

(b) ^{F61} . . . and

(c) the court of registration shall cancel the registration on being satisfied in the prescribed manner—

(i) that no process for the enforcement of the registered order issued before the giving of the notice remains in force; and

(ii) in the case of an order registered in [^{F62}the family court], that no proceedings for the variation of the order are pending in [^{F62}the family court].

[^{F63}(4A) For the purposes of a notice under subsection (2) or (3) above—

“court of registration” includes any court in which an order is registered under Part II of the Maintenance Orders Act 1950, and

“registration” includes registration under that Act.]

^{F64}[(5) On the cancellation of the registration of a High Court ^{F65}... order—

[^{F66}(a) any order which requires payments under the order in question to be made by any method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991 (standing order, etc), other than an order which requires payments to be made to the family court, is to continue to have effect, and

(b) any order which requires payments under the order in question to be made to the family court (whether or not by any method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991) is to cease to have effect;]

but, in a case falling within paragraph (b) of this subsection, until the defendant receives the prescribed notice of the cancellation he shall be deemed to comply with the High Court ^{F65}... order if he makes payment in accordance with any such order as is referred to in paragraph (b) of this subsection which was in force immediately before the cancellation and of which he has notice.

^{F67}(6)

(7) In [^{F68}subsection (5)] of this section “High Court order”^{F69}... shall be construed in accordance with section 2(6A) of this Act.]

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I. (See end of Document for details)

Textual Amendments

- F59** Words in s. 5(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 10\(2\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F60** S. 5(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 10\(3\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F61** Words in s. 5(4)(b) repealed (19.2.2001) by [1999 c. 22](#), ss. 97(1), 106, [Sch. 15 Pt. V\(8\)](#) (with s. 107, [Sch. 14 para. 7\(2\)](#), 39(9)); [S.I. 2001/168](#), [art. 2](#) (with transitional provisions in [art. 3](#))
- F62** Words in s. 5(4)(c)(ii) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 10\(4\)](#) (with [Sch. 10 para. 3](#)); [S.I. 2014/954](#), art. 2(d) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F63** S. 5(4A) added by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [Sch. 3 para. 4\(b\)](#), with effect in relation to the enforcement in one part of the United Kingdom of maintenance orders made in another part.
- F64** S. 5(5)-(7) substituted (1.4.1992) for s. 5(5) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, [Sch. 1 para. 11](#); [S.I. 1992/ 455](#), art. 2.
- F65** Words in s. 5(5) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 10\(5\)\(a\)](#); [S.I. 2014/954](#), art. 2(d) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F66** S. 5(5)(a)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 10\(5\)\(b\)](#); [S.I. 2014/954](#), art. 2(d) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F67** S. 5(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 10\(6\)](#); [S.I. 2014/954](#), art. 2(d) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F68** Words in s. 5(7) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 10\(7\)\(a\)](#); [S.I. 2014/954](#), art. 2(d) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F69** Words in s. 5(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 10\(7\)\(b\)](#); [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)

- C10** Pt.I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [sch. 3 para. 10](#)
- C11** S. 5(2) modified by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), [ss. 36\(3\)](#), 52
- C12** S. 5(4) modified by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), [ss. 36\(3\)](#), 52
- C13** S. 5(4A) modified by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), [ss. 36\(3\)](#), 52

Changes to legislation:

There are currently no known outstanding effects for the Maintenance Orders Act 1958, Part I.