



Maintenance Orders Act 1958

1958 CHAPTER 39 6 and 7 Eliz 2

PART I

REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

5 Cancellation of registration.

- (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 [^{F1}the family court], the original court may, if it thinks fit, give notice under this section.

^{F2}(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) ^{F3} . . . 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 [^{F4}the family court], that no proceedings for the variation of the order are pending in [^{F4}the family court].

[^{F5}(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.]

Changes to legislation: Maintenance Orders Act 1958, Section 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes

^{F6}[(5) On the cancellation of the registration of a High Court ^{F7}... order—

[^{F8}(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 ^{F7}... 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.

^{F9}(6)

(7) In [^{F10}subsection (5)] of this section “High Court order”^{F11}... shall be construed in accordance with section 2(6A) of this Act.]

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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.
- F6** 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.
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)

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F11 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)

- C1** Pt.I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [sch. 3 para. 10](#)
- C2** S. 5(2) modified by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), [ss. 36\(3\)](#), 52
- C3** S. 5(4) modified by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), [ss. 36\(3\)](#), 52
- C4** S. 5(4A) modified by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), [ss. 36\(3\)](#), 52

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Changes and effects yet to be applied to :

- s. 5 amended by [1999 c. 22 Sch. 13 para. 2529](#)
- s. 5 repealed in part by [1999 c. 22 s. 97\(1\)Sch. 15 Pt. 5\(8\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))