



# Maintenance Orders (Facilities for Enforcement) Act 1920

1920 CHAPTER 33 10 and 11 Geo 5

U.K.

An Act to facilitate the enforcement in England and Ireland of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and vice versa.  
[16th August 1920]

## Modifications etc. (not altering text)

- C1 Act repealed (*prosp.*) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\)](#), [ss. 22\(2\), 49\(2\)](#)
- C2 Act extended by [South Africa Act 1962 \(c. 23\)](#), s. 2(1), [Sch. 2 para. 2](#)
- C3 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), [s. 3](#)
- C4 This Act is not necessarily in the form in which it has effect in Northern Ireland
- C5 Functions of the Secretary of State under this Act are transferred (01.04.1992) to the Lord Chancellor by [S.I. 1992/709](#), [art. 4\(1\)\(a\)](#) and by art. 4(2) of that S.I. it is provided that any reference to the Secretary of State shall be construed as a reference to the Lord Chancellor.
- C6 Act continued (28.5.2002) by [S.I. 2002/788](#), [art.4\(8\)](#)
- C7 [Act transfer of functions \(12.4.2010\)](#) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [art. 1\(2\)](#), [Sch. 17 para. 1](#) (with arts. 28-31)

## Commencement Information

- I1 Act wholly in force at Royal Assent

## 1 Enforcement in England and Ireland of maintenance orders made in His Majesty's dominions outside the United Kingdom. U.K.

- (1) Where a maintenance order has, whether before or after the passing of this Act, been made against any person by any court in any part of His Majesty's dominions outside the United Kingdom to which this Act extends, and a certified copy of the order has been transmitted by the governor of that part of His Majesty's dominions to the Secretary of State, the Secretary of State shall send a copy of the order to the prescribed

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officer of a court in England or Ireland for registration; and on receipt thereof the order shall be registered in the prescribed manner, and shall, from the date of such registration, be of the same force and effect, and, subject to the provisions of this Act, all proceedings may be taken on such order as if it had been an order originally obtained in the court in which it is so registered, and that court shall have power to enforce the order accordingly.

- (2) The court in which an order is to be so registered as aforesaid shall, if the court by which the order was made was a court of superior jurisdiction, be the [F1Family Division] of the High Court, or in Ireland the King's Bench Division (Matrimonial) of the High Court of Justice in Ireland, and, if the court was not a court of superior jurisdiction, be [F2 the family court or, in Northern Ireland, ] a court of summary jurisdiction.

#### Textual Amendments

- F1** Words substituted by [Administration of Justice Act 1970 \(c. 31\), s. 1\(6\), Sch. 2 para. 2](#)
- F2** Words in s. 1(2) inserted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 paras. 4, 5\(2\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)

## 2 **Transmission of maintenance orders made in England or Ireland.** **U.K.**

Where a court in England or Ireland has, whether before or after the commencement of this Act, made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in some part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court shall send to the Secretary of State for transmission to the governor of that part of His Majesty's dominions a certified copy of the order.

## 3 **Power to make provisional orders of maintenance against persons resident in His Majesty's dominions outside the United Kingdom.** **U.K.**

- (1) Where an application is made to [F3the family court, or in Northern Ireland to a court of summary jurisdiction,] for a maintenance order against any person, and it is proved that that person is resident in a part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if [F4that person had been [F5habitually] resident in England and Wales, had received reasonable notice of the date of the hearing of the application and] had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by competent court in such part of His Majesty's dominions as aforesaid.
- (2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to and signed by him.
- (3) Where such an order is made, the court shall send to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the person against whom the order is made is alleged to reside the depositions so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been [F6habitually][F7resident in England and Wales, had received

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reasonable notice of the date of the hearing] and had appeared at the hearing, and such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.

- (4) Where any such provisional order has come before a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for confirmation, and the order has by that court been remitted to the court <sup>F8</sup>... which made the order for the purpose of taking further evidence, that court or [<sup>F9</sup>, in Northern Ireland, ] any other court of summary jurisdiction <sup>F10</sup>... shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the court that the order ought not to have been made, the court may [<sup>F11</sup>revoke] the order, but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions.

- (5) The confirmation of an order made under this section shall not affect any power of [<sup>F12</sup> the family court, or ] a court of summary jurisdiction [<sup>F13</sup> in Northern Ireland, ] to vary or [<sup>F14</sup>revoke] that order: Provided that on the making of a varying or [<sup>F15</sup>revoking] order the court shall send a certified copy thereof to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the original order was confirmed, and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.
- (6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had [<sup>F16</sup>the person against whom the order is sought to be made been [<sup>F17</sup>habitually] resident in England and Wales and received reasonable notice of the date of the hearing of the application].

<sup>F18</sup>(7) .....

- (8) In this section “ revoke ” includes discharge.

#### Textual Amendments

- F3** Words in s. 3(1) substituted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 4\(2\)Sch. 11 para. 6\(2\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s.3(1) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\)](#), s. 1, [Sch. 1 Pt. I para. 1\(2\)](#); S.I. 1993/618, [art. 2](#)
- F5** Word in s. 3(1) inserted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(2), [Sch. 5 para. 1\(2\)\(a\)](#)
- F6** Word in s. 3(3) inserted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(2), [Sch. 5 para. 1\(2\)\(b\)](#)
- F7** Words in s. 3(3) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\)](#), s. 1, [Sch. 1 Pt. I para. 1\(3\)](#); S.I. 1993/618, [art. 2](#)
- F8** Words in s. 3(4) omitted (temp.) (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 4\(2\)Sch. 11 para. 6\(3\)\(a\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F9** Words in s. 3(4) inserted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 paras. 4, 6\(3\)\(b\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- F10** Words in s. 3(4) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 68, **Sch. 10**; S.I. 2005/910, art. 3(y)
- F11** Word in s.3(4) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c.56), s. 1, **Sch. 1 Pt. 1 para. 1(4)**; S.I. 1993/618, **art. 2**
- F12** Words in s. 3(5) inserted (temp.) (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 6(4)(a); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** Words in s. 3(5) inserted (temp.) (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 6(4)(b); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F14** Word in s. 3(5) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c.56), s. 1, **Sch. 1 Pt. 1 para. 1(5)**; S.I. 1993/618, **art. 2**
- F15** Word in s. 3(5) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c.56), s. 1, **Sch. 1 Pt. 1 para. 1(5)**; S.I. 1993/618, **art. 2**
- F16** Words in s. 3(6) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c.56), s. 1, **Sch. 1 Pt. 1 para. 1(6)**; S.I. 1993/618, **art. 2**
- F17** Word in s. 3(6) inserted (7.12.2012) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012 (S.I. 2012/2814), reg. 1(2), **Sch. 5 para. 1(2)(c)**
- F18** S. 3(7) omitted (temp.) (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 6(5); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**Modifications etc. (not altering text)**

- C8** Act extended by Zimbabwe Act 1979 (c. 60, SIF 26:39), s. 6(1), **Sch. 2 para. 3**

**4 Power of court of summary jurisdiction to confirm maintenance order made out of the United Kingdom. U.K.**

- (1) Where a maintenance order has been made by a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends, and the order is provisional only and has no effect unless and until confirmed by<sup>[F19]</sup> the family court or by ] a court of summary jurisdiction in<sup>F20</sup> ... Ireland, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed has been transmitted to the Secretary of State, and it appears to the Secretary of State that the person against whom the order was made is resident in England or Ireland, the Secretary of State may send the said documents [<sup>F21</sup> to the family court if it appears to the Lord Chancellor that the person is resident in England and Wales or ] to the prescribed officer of a court of summary jurisdiction<sup>[F22]</sup> in Northern Ireland if it appears to the Lord Chancellor that the person is resident in Northern Ireland ], with a requisition that a [<sup>F23</sup>notice be served on the person informing him that he may attend a hearing at the time and place specified in the notice] to show cause why that order should not be confirmed, and upon receipt of such documents and requisition the court shall [<sup>F24</sup>cause such a notice] to be served upon such person.

<sup>[F25]</sup>(2) A notice required to be served under this section may be served by post.]

- (3) At the hearing it shall be open to the person on whom the [<sup>F26</sup>notice] was served to [<sup>F27</sup>oppose the confirmation of the order on any grounds on which he might have opposed the making of the order in the original proceedings had he been a party to them, but on no other grounds], and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the

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proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

- (4) If at the hearing the person served with the [F28notice] does not appear or, on appearing, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the court after hearing the evidence may seem just.
- (5) If the person [F29served with the notice] appears at the hearing and satisfies the court that for the purpose of [F30establishing any grounds on which he opposes the confirmation of the order] it is necessary to remit the case to the court which made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.
- F31[( 5A ) Where [F32a magistrates' [F32 the family ] court confirms a provisional order under this section, it [F33shall[F33 may ]] at the same time exercise one of its powers under 49: subsection (5B).

(5B) The powers of the court are—

- (a) the power to order that payments under the order be made directly to [F34[F35 the designated officer for the court or for any other magistrates' court [F35 the family court ]]]
- (b) the power to order that payments under the order be made to the clerk of [F34[F35 the designated officer for the court or for any other magistrates' court [F35 the family court ]]] , by such method of payment falling within section [F36 59(6) of the Magistrates' Courts Act 1980 [F36 1(5) of the Maintenance Enforcement Act 1991 ]] (standing order, etc. ) as may be specified;
- (c) the power to make an attachment of earnings order under the Attachment of Earnings Act 1971 to secure payments under the order.

(5C) In deciding [F37which of the[F37 whether to exercise any of its ]] powers under subsection (5B) [F38:it is to exercise], the court shall have regard to any representations made by the person liable to make payments under the order.

(5D) [F39Subsection (4) of section 59 of the Magistrates' Courts Act 1980[F39 Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ]] (power of court to require debtor to open account) shall apply for the purposes of subsection (5B) as it applies for the purposes of that section but as if for paragraph (a) there were substituted—

“(a) the court proposes to exercise its power under paragraph (b) of section 4(5B) of the Maintenance Orders (Facilities for Enforcement) Act 1920, and”]

F40[( 6 ) [F41Subject to subsection (6A),] where a provisional order has been confirmed under this section, it may be varied or revoked in like manner as if it had originally been made by the confirming court.

(6A) [F42 Where the confirming court is a magistrates' court, section 60 of the Magistrates' Courts Act 1980 (revocation, variation etc. of orders for periodical payment) shall have effect in relation to a provisional order confirmed under this section—

[F43(za) as if in subsection (1) for the words “by order on complaint” there were substituted “on an application being made, by order”.]

- (a) as if in subsection (3) for the words “paragraphs (a) to (d) of section 59(3) above” there were substituted “section 4(5B) of the Maintenance Orders (Facilities for Enforcement) Act 1920”;

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- (b) as if in subsection (4) for paragraph (b) there were substituted—
- “(b) payments under the order are required to be made to [<sup>F44</sup> the designated officer for the court or for any other magistrates' court ] by any method of payment falling within section 59(6) above (standing order, etc. ) ”

F45

- ...;
- (c) as if in subsection (5) for the words “to the [<sup>F46</sup> designated officer for the court ]” there were substituted “in accordance with paragraph (a) of section 4(5B) of the Maintenance Orders (Facilities for Enforcement) Act 1920”;
- (d) as if in subsection (7), paragraph (c) and the word “and” immediately preceding it were omitted;
- (e) as if in subsection (8) for the words “paragraphs (a) to (d) of section 59(3) above” there were substituted “section 4(5B) of the Maintenance Orders (Facilities for Enforcement) Act 1920”;
- (f) as if for subsections (9) and (10) there were substituted the following subsections—

“(9) In deciding, for the purposes of subsections (3) and (8) above, which of the powers under section 4(5B) of the Maintenance Orders (Facilities for Enforcement) Act 1920 it is to exercise, the court shall have regard to any representations made by the debtor.

(10) Subsection (4) of section 59 above (power of court to require debtor to open account) shall apply for the purposes of subsections (3) and (8) above as it applies for the purposes of that section but as if for paragraph (a) there were substituted—

“(a) the court proposes to exercise its power under paragraph (b) of section 4(5B) of the Maintenance Orders (Facilities for Enforcement) Act 1920, and”.””]

(6B) Where on an application for variation or revocation the confirming court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.]

(7) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

#### Textual Amendments

- F19** Words in s. 4(1) inserted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 paras. 4\(2\), 7\(2\)\(a\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F20** Words in s. 4(1) omitted (temp.) (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 4\(2\)](#)**Sch. 11 para. 7(2)(b)**; [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F21** Words in s. 4(1) inserted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 paras. 4\(2\), 7\(2\)\(c\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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- F22** Words in s. 4(1) inserted (temp.) (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(2)(d); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F23** Words in s. 4(1) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. I para 2(2)(a)**; S.I. 1993/618, **art. 2**
- F24** Words in s. 4(1) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. I para 2(2)(b)**; S.I. 1993/618, **art. 2**
- F25** S. 4(2) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. I para 2(3)**; S.I. 1993/618, **art. 2**
- F26** Word in s. 4(3) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. I para 2(4)(a)**; S.I. 1993/618, **art. 2**
- F27** Words in s. 4(3) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. I para 2(4)(b)**; S.I. 1993/618, **art. 2**
- F28** Word in s. 4(4) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. I para 2(5)**; S.I. 1993/618, **art. 2**
- F29** Words in s. 4(5) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. I para 2(6)(a)**; S.I. 1993/618, **art. 2**
- F30** Words in s. 4(5) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. I para 2(6)(b)**; S.I. 1993/618, **art. 2**
- F31** S. 4(5A)-(5D) inserted (01.04.1992) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 10, **Sch. 1 para. 1(1)**; S.I. 1992/455, **art. 2**.
- F32** Words in s. 4(5A) substituted (temp.) (E.W.) (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(3)(a); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F33** Word in s. 4(5A) substituted (temp.) (E.W.) (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(3)(b); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F34** Words in s. 4(5B) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 69(2) (with Sch. 8 para. 69(4))**; S.I. 2005/910, art. 3(y)
- F35** Words in s. 4(5B)(a)(b) substituted (temp.) (E.W.) (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(4)(a); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F36** Words in s. 4(5B)(b) substituted (temp.) (E.W.) (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(4)(b); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F37** Words in s. 4(5C) substituted (temp.) (E.W.) (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(5)(a); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F38** Words in s. 4(5C) omitted (temp.) (E.W.) (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(5)(b); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F39** Words in s. 4(5D) substituted (temp.) (E.W.) (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(6); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F40** S. 4(6)(6A)(6B) substituted (01.04.1992) for s. 4(6) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 10, **Sch. 1 para. 1(2)**; S.I. 1992/455, **art. 2**.
- F41** Words in s. 4(6) omitted (temp.) (E.W.) (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(7); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F42** S. 4(6A) omitted (temp.) (E.W.) (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 paras. 4(2), 7(8); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- F43** S. 4(6A)(za) substituted (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. I para 2(7)**; S.I. 1993/618, **art. 2**
- F44** Words in s. 4(6A)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 69(3) (a) (with Sch. 8 para. 69(4))**; S.I. 2005/910, art. 3(y)
- F45** Words in s. 4(6A)(b) repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(7)** (with Sch. 14. para. 7(2)); S.I. 2001/916, **art. 2(c)(ii)** (with Sch. 2 para. 2)
- F46** Words in s. 4(6A)(c) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 69(3) (b) (with Sch. 8 para. 69(4))**; S.I. 2005/910, art. 3(y)

<sup>F47</sup> **[ 4A Variation and revocation of maintenance orders. U.K.**

- (1) This section applies to—
- (a) any maintenance order made by virtue of section 3 of this Act which has been confirmed as mentioned in that section; and
  - (b) any maintenance order which has been confirmed under section 4 of this Act.
- (2) Where the respondent to an application for the variation or revocation of a maintenance order to which this section applies is residing in a part of Her Majesty’s dominions outside the United Kingdom to which this Act extends, [<sup>F48</sup>the family court] shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if that court would have had jurisdiction to hear it had the respondent been [<sup>F49</sup>habitually resident] in England and Wales.
- (3) Where the defendant to a complaint for the variation or revocation of a maintenance order to which this section applies is residing in a part of Her Majesty’s dominions outside the United Kingdom to which this Act extends, a court of summary jurisdiction in Northern Ireland shall have jurisdiction to hear the complaint if that court would have had jurisdiction to hear it had the defendant been [<sup>F50</sup>habitually resident] in Northern Ireland.
- (4) Where—
- (a) the respondent to an application for the variation or revocation of a maintenance order to which this section applies does not appear at the time and place appointed for the hearing of the application by [<sup>F51</sup>the family court], and
  - (b) the court is satisfied that the respondent is residing in a part of Her Majesty’s dominions outside the United Kingdom to which this Act extends,
- the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the respondent had appeared at that time and place.
- (5) Subsection (4) shall apply to Northern Ireland with the following modifications—
- (a) for the word “respondent” (in each place where it occurs) there shall be substituted “defendant”,
  - (b) for the words “an application” and “the application” (in each place where they occur) there shall be substituted “a complaint” and “the complaint” respectively, and
  - (c) for the words [<sup>F52</sup>“the family court”] there shall be substituted “a court of summary jurisdiction in Northern Ireland”.
- (6) In this section “ revocation ” includes discharge. ]



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### Textual Amendments

- F47** S. 4A inserted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\), s. 1, Sch. 1 Pt. I para. 3](#); [S.I. 1993/618, art.2](#)
- F48** Words in s. 4A(2) substituted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 paras. 4\(2\), 8\(2\)](#); [S.I. 2014/954, art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F49** Words in s. 4A(2) substituted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\), reg. 1\(2\), Sch. 5 para. 1\(3\)\(a\)](#)
- F50** Words in s. 4A(3) substituted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\), reg. 1\(2\), Sch. 5 para. 1\(3\)\(b\)](#)
- F51** Words in s. 4A(4)(a) substituted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 paras. 4\(2\), 8\(3\)](#); [S.I. 2014/954, art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F52** Words in s. 4A(5)(c) substituted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 paras. 4\(2\), 8\(4\)](#); [S.I. 2014/954, art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

## 5 Power of Secretary of State to make regulations for facilitating communications between courts. **U.K.**

The Secretary of State may make regulations as to the manner in which a case can be remitted by a court authorised to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between such courts.

## 6 Mode of enforcing orders. **U.K.**

- (1) A court <sup>F53</sup>... in which an order has been registered under this Act or by which an order has been confirmed under this Act, and the officers of such court, shall take all such steps for enforcing the order as may be prescribed.
- (2) <sup>F57</sup> In this subsection “magistrates’ court maintenance order” has the same meaning as in section 150(1) of the Magistrates’ Courts Act 1980. ]]
- <sup>F54</sup> Every such order registered in or confirmed by the family court is enforceable as if it were an order made by the family court and as if that court had had jurisdiction to make it.]
- (3) A warrant of distress<sup>F58</sup>, control ] or commitment issued by <sup>F59</sup> the family court or ] a court of summary jurisdiction for the purpose of enforcing any order so registered or confirmed may be executed in any part of the United Kingdom in the same manner as if the warrant had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the warrant is executed.
- <sup>F60</sup>(4) For the purposes of its execution under subsection (3) in England and Wales, a warrant of distress has effect as a warrant of control.
- (5) For the purposes of its execution under subsection (3) elsewhere than in England and Wales, a warrant of control has effect as a warrant of distress.]

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### Textual Amendments

- F53** Words in s. 6(1) omitted (temp.) (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 paras. 4\(2\), 9](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F54** [S. 6\(2\)](#) substituted (E.W.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 4\(2\)](#)[Sch. 11 para. 9\(3\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F55** Words substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1), [Sch. 2 para. 1\(a\)](#)
- F56** Words in s. 6(2) substituted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, [Sch. 1 para.2](#); [S.I. 1992/455](#), [art.2](#)
- F57** Definition inserted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1), [Sch. 2](#), para. 1(b)
- F58** Word in s. 6(3) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 22\(2\)](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)
- F59** Words in s. 6(3) inserted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 paras. 4\(2\), 9\(4\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F60** [S. 6\(4\)\(5\)](#) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 22\(3\)](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)

## 7 Application of Summary Jurisdiction Acts. **U.K.**

[<sup>F61</sup>(1)] The Summary Jurisdiction Acts shall apply to proceedings before courts of summary jurisdiction under this Act in like manner as they apply to proceedings under those Acts, . . . <sup>F62</sup>

- <sup>F63</sup>[( 2 ) [<sup>F64</sup>Without prejudice to the generality of the power to make rules under section 144 of the Magistrates' Courts Act 1980 (magistrates' courts rules), for the purpose of giving effect to this Act such rules<sup>F64</sup>For the purpose of giving effect to this Act rules of court]] may make, in relation to any proceedings brought under or by virtue of this Act, any provision which—
- (a) falls within subsection (2) of section 93 of the Children Act 1989, and
  - (b) may be made in relation to relevant proceedings under that section.]

### Textual Amendments

- F61** [S. 7](#) renumbered as [s. 7\(1\)](#) (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, [Sch. 1 Pt. I para.4](#); [S.I. 1993/618](#), [art.2](#)
- F62** Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), s. 46(2), [Sch. 7 Pt. II](#)
- F63** [S. 7\(2\)](#) added (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, [Sch. 1 Pt. I para. 4](#); [S.I. 1993/618](#), [art.2](#)
- F64** Words in [s. 7\(2\)](#) substituted (E.W.S.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 70\(1\)](#); [S.I. 2005/910](#), art. 3(y)

## 8 Proof of documents signed by officers of court. **U.K.**

Any document purporting to be signed by a judge or officer of a court outside the United Kingdom shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until

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the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

## 9 Depositions to be evidence. **U.K.**

Depositions taken in a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for the purposes of this Act, may be received in evidence in proceedings before courts of summary jurisdiction [<sup>F65</sup>, or the family court, ] under this Act.

### Textual Amendments

**F65** Words in s. 9 inserted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 paras. 4\(2\), 10; S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)

## 10 Interpretation. **U.K.**

For the purposes of this Act, the expression “maintenance order” means an order other than an order of affiliation for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made, and the expression “dependants” means such persons as that person is, according to the law in force in the part of His Majesty's dominions in which the maintenance order was made, liable to maintain; the expression “certified copy” in relation to an order of a court means a copy of the order certified by the proper officer of the court to be a true copy, and the expression “prescribed” means prescribed by rules of court.

## 11 Application to Ireland. **U.K.**

In the application of this Act to Ireland the following modifications shall be made:—

- (a) The Lord Chancellor of Ireland may make rules regulating the procedure of courts of summary jurisdiction under this Act, and other matters incidental thereto:
- (b) Orders intended to be registered or confirmed in Ireland shall be transmitted by the Secretary of State to the prescribed officer of a court in Ireland through the Lord Chancellor of Ireland:
- (c) The expression “maintenance order” includes an order or decree for the recovery or repayment of the cost of relief or maintenance made by virtue of the provisions of the Poor Relief (Ireland) Acts, 1839 to 1914.
- [<sup>F66</sup>(d) the amendments of section 3(1), (3) and (6) and section 4 made by the Maintenance Orders (Reciprocal Enforcement) Act 1992 shall be disregarded.]

### Textual Amendments

**F66** [S. 11\(d\) inserted \(5.4.1993\) by Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\), s. 1, Sch. 1 Pt. I para. 5; S.I. 1993/618, art. 2](#)

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## 12 Extent of Act. **U.K.**

- (1) Where His Majesty is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of maintenance orders made by courts within England and Ireland, His Majesty may by Order in Council extend this Act to that part, and thereupon that part shall become a part of His Majesty's dominions to which this Act extends.
- (2) His Majesty may by Order in Council extend this Act to any British protectorate, and where so extended this Act shall apply as if any such protectorate was a part of His Majesty's dominions to which this Act extends.

### Modifications etc. (not altering text)

**C9** S. 12 extended by [Maintenance Orders Act 1958 \(c. 39\)](#), ss. 19, 23(2)

## 13 Short title. **U.K.**

This Act may be cited as the Maintenance Orders (Facilities for Enforcement) Act, 1920.

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Maintenance Orders (Facilities for Enforcement) Act 1920**

Commencement Orders bringing legislation that affects this Act into force:

- [S.R. 2016/387 art. 2 commences \(2015 c. 9 \(N.I.\)\)](#)