



Maintenance Orders (Facilities for Enforcement) Act 1920

1920 CHAPTER 33 10 and 11 Geo 5

^{F1}[4A Variation and revocation of maintenance orders.

- (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, [^{F2}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 [^{F3}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 [^{F4}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 [^{F5}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—

Changes to legislation: Maintenance Orders (Facilities for Enforcement) Act 1920, Section 4A is up to date with all changes known to be in force on or before 21 May 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

- (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 [^{F6}“the family court”] there shall be substituted “a court of summary jurisdiction in Northern Ireland”.

(6) In this section “ revocation ” includes discharge.]

Textual Amendments

- F1** 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](#)
- F2** 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)
- F3** 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\(3\)\(a\)](#)
- F4** 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\(3\)\(b\)](#)
- F5** 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)
- F6** 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)

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 \(N.I.\)\)](#)