

1970 No. 1791 (L.31)

MAGISTRATES' COURTS**PROCEDURE****The Magistrates' Courts (Amendment) (No. 2) Rules 1970***Made* - - - 27th November 1970*Laid before Parliament* 11th December 1970*Coming into Operation* 1st January 1971

The Lord Chancellor, in exercise of the power conferred on him by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules :—

1. These Rules may be cited as the Magistrates' Courts (Amendment) (No. 2) Rules 1970 and shall come into operation on 1st January 1971.

2. After Rule 37 of the Magistrates' Courts Rules 1968(c), as amended (d), there shall be inserted the following Rule :—

“Duty of clerk to notify remarriage of person entitled to payments under a maintenance order

37A.—(1) Where the clerk of a magistrates' court to whom any payments under an order to which this Rule applies are required to be made is notified in writing by or on behalf of the person entitled to payments under such an order, the person liable to make payments under such an order or the personal representatives of either of those persons that the person so entitled has remarried, the clerk shall forthwith in writing so notify the clerk or other appropriate officer of each of the courts mentioned in paragraph (2) of this Rule of which he is not the clerk.

(2) The courts referred to in paragraph (1) of this Rule are—

- (a) any court which has made a relevant order or, in the case of a provisional order made under section 3 of the Maintenance Orders (Facilities for Enforcement) Act 1920(e), the court which confirmed the order ;
- (b) if a relevant order has been transmitted abroad for registration under section 2 of the Maintenance Orders (Facilities for Enforcement) Act 1920, the court in which the order is registered, and
- (c) if a complaint for the enforcement of a relevant order has been sent to a court under Rule 49(2) of these Rules, that court.

(a) 1949 c. 101.

(b) 1952 c. 55.

(c) S.I. 1968/1920 (1968 III, p. 5175).

(d) The amending Rules are not relevant to the subject matter of these Rules.

(e) 1920 c. 33.

(3) This Rule applies to an order in relation to which section 7(4) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(a) applies, an order to which section 22 of the Matrimonial Proceedings and Property Act 1970(b) applies and an attachment of earnings order made to secure payments under either of the above-mentioned orders and in paragraph (2) of this Rule "relevant order" means any such order to which the payments referred to in paragraph (1) of this Rule relate."

Dated 27th November 1970.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

Under the Matrimonial Proceedings and Property Act 1970, certain orders for the maintenance of a party to a marriage cease to have effect on the remarriage of that party. The relevant provisions come into operation on 1st January 1971. These Rules provide that where the clerk of a magistrates' court to whom payments under such an order are required to be made is notified in writing by or on behalf of the party entitled to maintenance, the person liable to make the payments or their personal representatives of the remarriage of the party so entitled, the clerk shall notify the clerk or other appropriate officer of any other court which has made the order or is concerned with the enforcement of the order.

(a) 1960 c. 48.

(b) 1970 c. 45.

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