
STATUTORY INSTRUMENTS

1980 No. 1584 (L.22)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Recovery Abroad
of Maintenance) (Amendment) Rules 1980

<i>Made</i>	- - - -	<i>17th October 1980</i>
<i>Laid before Parliament</i>		<i>28th October 1980</i>
<i>Coming into Operation</i>		<i>1st February 1981</i>

The Lord Chancellor, in exercise of the power conferred on him by section 15 of the Justices of the Peace Act 1949(1), 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 (Recovery Abroad of Maintenance) (Amendment) Rules 1980 and shall come into operation on 1st February 1981.

2. In rule 7(2) of the Magistrates' Courts (Recovery Abroad of Maintenance) Rules 1975(2) for the words “to four times the sum payable weekly under the order” there shall be substituted the words—

“(a) in the case of payments to be made monthly or less frequently, to twice the sum payable periodically; or

(b) in any other case, to four times the sum payable periodically”:

Provided that the amendment made by this rule shall not have effect in relation to any such order as is referred to in paragraph 3 of Schedule 1 to the Domestic Proceedings and Magistrates' Courts Act 1978 (transitional provisions) and, accordingly, the said Rules of 1975 shall have effect in relation to any such order as if these Rules had not been made.

Dated 17th October 1980

Hailsham of St. Marylebone, C

(1) as extended by section 122 of the Magistrates' Courts Act 1952 (c. 55) and section 33(4) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)
(2) to which there are amendments not relevant to these Rules.

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EXPLANATORY NOTE

1. These Rules amend the Magistrates' Courts (Recovery Abroad of Maintenance) Rules 1975 consequent upon the coming into force on 1st February 1981 (S.I. 1980/1478) of section 57 of the Domestic Proceedings and Magistrates' Courts Act 1978. Rule 7(2) which requires a justices' clerk to take enforcement proceedings in his own name when arrears of payments amount to four times the weekly payment is amended so as to require him to do so when the arrears amount to four times the periodical payment or, if due at intervals of a month or more, twice the periodical payment (rule 2).

2. In conformity with the transitional provisions contained in Schedule 1 to the Act of 1978 the amendment does not apply in relation to orders made before section 57 comes into force (rule 2, proviso).