

## SCHEDULE

### AMENDMENTS TO RULES

#### **The Magistrates' Courts Rules 1981**

**16.** For rule 39 of the Magistrates' Courts Rules 1981 there shall be substituted the following rule:

**“Method of making periodical payments**

**39.**—(1) Where a magistrates' court makes a means of payment order, the clerk of the court shall record on the order for periodical payments to which the means of payment order relates, the means of payment which the court has ordered and notify in writing, as soon as practicable, the person liable to make payments under the order of how payments are to be made.

(2) Where the court orders that payments by the debtor to the creditor are to be made to the clerk of the court or to the clerk of any other magistrates' court under section 59(3) (b) of the Act of 1980, the clerk to whom the payments are ordered to be made shall notify the person liable to make the payments of the hours during which, and the place at which, payments are to be made.

(3) The clerk of the court to whom any periodical payments are made shall send them by post to—

- (a) the person entitled to them; or
- (b) if the person entitled to them is a child, to the child or to the person with whom the child has his home:

Provided that the clerk may—

- (a) at the request of the person entitled to the payments; or
- (b) if the person entitled to them is a child, at the request of the child or the person with whom the child has his home,

make other arrangements for making the payments.

(4) If a person makes any periodical payments to the clerk of a magistrates' court otherwise than in person at the clerk's office, he shall do so at his own risk and expense.

(5) Where the court orders that payments by the debtor to the creditor be made by a method of payment falling within section 59(6) of the Act of 1980 (standing order, etc.), the clerk of the court shall notify the person liable to make payments under the order of the number and location of the account into which the payments should be made.

(6) Where the clerk of a magistrates' court receives an application from an interested party under section 20ZA(2) of the Act of 1978, section 60(4) of the Act of 1980 or paragraph 6A(2) of Schedule 1 to the Children Act 1989 for the method of payment to be varied, the clerk shall notify in writing, as soon as practicable, that party and, where practicable, any other interested party, of the result of the application, including any decision to refer the matter to the court; where the clerk grants the application, he shall record the variation on the order for periodical payments to which the variation relates.

(7) In this rule “means of payment order” means an order of a magistrates' court under paragraphs (a) to (d) of section 59(3) of the Act of 1980.”