

SCHEDULE 1

MODIFICATIONS TO PART I OF THE ACT

- 8.—**(1) Section 8 shall be amended as follows.
- (2) In subsection (1), for the words “subsection (2)” there shall be substituted the words “subsections (1A), (2), (2A) and (2B)”.
- (3) After subsection (1) there shall be inserted—
- “(1A) During the period within which an appeal to set aside the registration of a registered order may be made under section 6(7) and until any such appeal has been determined, no measures of enforcement may be taken against the property of the payer other than those designed to protect the interests of the payee:
- Provided that nothing in this subsection shall be construed as preventing a registered order from being registered as mentioned in subsection (2) below.”.
- (4) After subsection (2) there shall be inserted—
- “(2A) Where in a maintenance order made in the Republic of Ireland there are provisions which are not enforceable, this section shall apply only to the remaining provisions of the order.
- (2B) The payee under a registered order may request the partial enforcement of that order.”.
- (5) In subsection (4), after the words “magistrates' court” where they first occur, there shall be inserted the words “in England and Wales”.
- (6) In subsection (5), the words “or facilitating the enforcement of” shall be omitted.
- (7) For subsections (7), (8) and (9) there shall be substituted—
- “(7) Subject to subsection (8) below, sums of money payable under a registered order shall be payable in accordance with the order, or such part thereof as the payee may have requested should be enforced, as from the date on which the order took effect.
- (8) No sums of money accruing before 1st April 1975 under a registered order shall be payable in accordance with the order.
- (9) In the application of this section to Scotland—
- (a) in subsection (1A), for any reference to an appeal there shall be substituted a reference to an application;
- (b) subsections (2) to (5) shall be omitted; and
- (c) in subsection (6), for the word “evidence” there shall be substituted the words “sufficient evidence”.”.