
STATUTORY INSTRUMENTS

1995 No. 2802 (L.14)

MAGISTRATES' COURTS

The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (United States of America) Rules 1995

<i>Made</i>	- - - -	<i>27th October 1995</i>
<i>Laid before Parliament</i>		<i>30th October 1995</i>
<i>Coming into force</i>	- -	<i>1st December 1995</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980,⁽¹⁾ after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (United States of America) Rules 1995 and shall come into force on 1st December 1995.

Interpretation

2. In these Rules “the 1980 Rules” means the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Hague Convention Countries) Rules 1980⁽²⁾ and any reference to a rule by number alone shall be construed as a reference to the rule so numbered in the 1980 Rules.

Application of the 1980 Rules

3. Rules 2 to 12 of and Schedule 1A to the 1980 Rules shall apply in respect of the matters which are to be prescribed under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972⁽³⁾ as set out in Schedule 3 to the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995⁽⁴⁾ as if—

(1) 1980 c. 43; as extended by section 145 of that Act; by section 18 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18) (section 18 was amended by paragraph 11 of Schedule 1 to the Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56)); by section 18(1) as applied by the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995 (S.I.1995/2709); and by section 28 of the Justices' of the Peace Act 1979 (c. 55) as amended by section 117 of the Courts and Legal Services Act 1990 (c. 41).

(2) S.I. 1980/108 amended by S.I. 1986/1962, 1992/457 and 709 and 1993/617.

(3) 1972 c. 18.

(4) S.I. 1995/2709.

- (a) for the reference in rule 2 to the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Hague Convention Countries) Order 1979⁽⁵⁾ there were substituted a reference to the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (United States of America) Order 1995;
- (b) for rule 4(2)(b) there were substituted the following—
 - “(b) contain a sworn statement signed by the payee giving the following information—
 - (i) the address of the payee;
 - (ii) such information as is known as to the whereabouts of the payer; and
 - (iii) a description, so far as is known, of the nature and location of any assets of the payer available for execution;”;
- (c) rules 4A(1)(a) and 4B(2)(a) were omitted;
- (d) for the reference to section 5(4)(b) of the Act in rule 6 there were substituted a reference to rule 5(5)(c);
- (e) rule 7 were omitted;
- (f) for references in rules 4, 9, 11 and 12 to “Hague Convention country”, wherever they appear, there were substituted references to “specified State”.

Dated 27th October 1995

Mackay of Clashfern, C.

(5) S.I. 1979/1317 which, together with various amending instruments was revoked and replaced by S.I. 1993/593.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision, in relation to magistrates' courts, for the various matters which are to be prescribed under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 as set out in Schedule 3 to the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995. They apply for this purpose the provisions of the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Hague Convention Countries) Rules 1980 with some slight variations.