

**2001 No. 410**

**MAINTENANCE OF DEPENDANTS**

**The Reciprocal Enforcement of Maintenance Orders  
(Variation) Order 2001**

*Made* - - - - - *14th February 2001*

*Laid before Parliament* *26th February 2001*

*Coming into force* - - *1st April 2001*

At the Court at Buckingham Palace, the 14th day of February 2001

Present

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that arrangements have been made in the countries and territories specified in the Orders cited in Article 2 of this Order to ensure that maintenance orders made by courts in the United Kingdom against persons in those countries and territories can be enforced there:

And whereas Her Majesty is satisfied that in the interests of reciprocity it is desirable to ensure that maintenance orders made by courts in the countries and territories so specified against persons in the United Kingdom can be enforced in the United Kingdom:

Now, therefore, Her Majesty, in exercise of the powers conferred on her by sections 40 and 45(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972(a) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Reciprocal Enforcement of Maintenance Orders (Variation) Order 2001 and shall come into force on 1st April 2001.

2. The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993(b), the Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1993(c) and the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995(d) are amended in accordance with the provisions of the Schedule to this Order.

*A. K. Galloway*  
Clerk of the Privy Council

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(a) 1972 c. 18; section 40 is amended by sections 37(1) and 54 of, and Schedules 11 and 14 to, the Civil Jurisdiction and Judgments Act 1982 (c. 27) and the Act is amended by section 1(2) of, and Part II of Schedule 1 to, the Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56) and by section 90 of, and paragraphs 71 to 81 of Schedule 13 to, the Access to Justice Act 1999 (c. 22).

(b) S.I. 1993/593 amended by S.I. 1994/1902 and 1999/1318.

(c) S.I. 1993/594.

(d) S.I. 1995/2709.

**The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993**

In section 8 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 as set out in Schedule 3 to the above-mentioned order—

- (i) in subsection (3) for the word “clerk” substitute the words “appropriate officer” and after that subsection insert:
  - “(3A) In subsection (3) above “appropriate officer” means—
  - (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
  - (b) in relation to a court elsewhere, the clerk of the court.”; and
- (ii) in subsection (4A), in the subsection to be regarded as substituted as subsection (5) of that section, for the words—
  - (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
  - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”, substitute the words “a justices’ chief executive”.

In section 9 of the said Act of 1972 as so set out, in subsection (1ZA)—

- (i) in the subsection to be regarded as inserted as subsection (3A) of that section, for the words—
  - (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
  - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”; and
- (ii) in the subsection to be regarded as substituted for subsection (4)(b) of that section for the words “the clerk of the court, or to the clerk of any other magistrates’ court”, substitute the words “a justices’ chief executive”.

**The Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1993**

In section 8 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 as set out in Schedule 2 to the above-mentioned order—

- (i) in subsection (3) for the word “clerk” substitute the words “appropriate officer” and after that subsection insert:
  - “(3A) In subsection (3) above “appropriate officer” means—
  - (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
  - (b) in relation to a magistrates’ court elsewhere, the clerk of the court.”; and
- (ii) in subsection (4A), in the subsection to be regarded as substituted as subsection (5) of that section, for the words—
  - (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
  - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”, substitute the words “a justices’ chief executive”.

**The Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995**

In section 8 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 as set out in Schedule 3 to the above-mentioned order—

- (i) in subsection (3) for the word “clerk” substitute the words “appropriate officer” and after that subsection insert:
  - “(3A) In subsection (3) above “appropriate officer” means—
  - (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
  - (b) in relation to a court elsewhere, the clerk of the court.”; and
- (ii) in subsection (4A), in the subsection to be regarded as substituted as subsection (5) of that section, for the words—
  - (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
  - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”, substitute the words “a justices’ chief executive”.

In section 9 of the said Act of 1972 as so set out, in subsection (1ZA)—

- (i) in the subsection to be regarded as inserted as subsection (3A) of that section, for the words—
  - (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
  - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”; and

(ii) in the subsection to be regarded as substituted for subsection (4)(b) of that section for the words “the clerk of the court, or to the clerk of any other magistrates’ court,”, substitute the words “a justices’ chief executive”.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the following Orders:

The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993

The Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1993

The Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995

The amendments correspond to the amendments to the Maintenance Orders (Reciprocal Enforcement) Act 1972 effected by Schedule 13 to the Access to Justice Act 1999, which implement the transfer of various administrative functions of justices' clerks to justices' chief executives.

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