

2002 No. 788

MAINTENANCE OF DEPENDANTS

The Reciprocal Enforcement of Maintenance Orders
(Designation of Reciprocating Countries)
Order 2002

Made - - - - -	26th March 2002
Laid before Parliament	9th April 2002
Coming into force - -	28th May 2002

At the Court at Buckingham Palace, the 26th day of March 2002

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that, in the event of the benefits conferred by Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972(a) being applied to, or to particular classes of, maintenance orders made by the courts of the Country and territory specified in column (1) of the Schedule to this Order, similar benefits will in that Country or territory be applied to, or to those classes of, maintenance orders made by the courts of the United Kingdom:

And whereas Her Majesty considers the provisions contained in Article 4 of this Order expedient for the purpose of securing the matters set out in section 24 of the said Act of 1972(b):

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by sections 1 and 24 of the Maintenance Orders (Reciprocal Enforcement) Act 1972, 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 (Designation of Reciprocating Countries) Order 2002 and shall come into force on 28th May 2002.

2. In this Order—

- (a) “the 1920 Act” means the Maintenance Orders (Facilities for Enforcement) Act 1920(c);
- (b) “the 1972 Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972;
- (c) “column (1)” and “column (2)” mean respectively columns (1) and (2) of the Schedule to this Order.

3. The Country and the territory specified in column (1) is hereby designated as a reciprocating country for the purposes of Part I of the 1972 Act as regards maintenance orders of the description specified in respect of that Country or that territory in column (2).

(a) 1972 c.18.

(b) 1972 c.18. Section 24 was amended by section 37(1) and paragraph 16 of Part III of Schedule 11 to the Civil Jurisdiction and Judgments Act 1982 (c. 27).

(c) 1920 c. 33.

- 4.—(1) In this Article—
- (a) “commencement date” means the date on which this Order comes into force;
 - (b) “registered” means registered in the High Court or the High Court of Justice in Northern Ireland under section 1 of the 1920 Act;
 - (c) “relevant maintenance order” means an order, other than an order of affiliation, for the periodic payments of sums of money.
- (2) Paragraph (3) shall apply if—
- (a) a relevant maintenance order is transmitted under section 2 or 3 of the 1920 Act to the Country or the territory specified in column (1); and
 - (b) immediately before the commencement date the 1920 Act applied to that order.
- (3) Where this paragraph applies, sections 5, 12 to 15, 17, 18 and 21 of the 1972 Act shall apply in relation to a relevant maintenance order referred to in paragraph (1), as they apply in relation to a maintenance order of the same description—
- (a) sent to the Country or territory specified in column (1) pursuant to section 2 of the 1972 Act;
 - (b) made under section 3 or 4 of the 1972 Act; and
 - (c) confirmed by a competent court in that Country or territory.
- (4) Paragraph (5) shall apply if—
- (a) a relevant maintenance order is transmitted under section 2 or 3 of the 1920 Act to the Country or territory specified in column (1); and
 - (b) immediately before the commencement date—
 - (i) the 1920 Act applied to that order; and
 - (ii) the order was not registered.
- (5) Where this paragraph applies, sections 8 to 21 of the 1972 Act shall apply in relation to a relevant maintenance order referred to under paragraph (1), as they apply in relation to a maintenance order of the same description made under the 1972 Act which is so registered.
- (6) Paragraph (7) shall apply if—
- (a) a relevant maintenance order has been confirmed by a court in England, Wales or Northern Ireland under section 4 of the 1920 Act; and
 - (b) is in force immediately before the commencement date.
- (7) Where this paragraph applies, a relevant maintenance order as referred to under paragraph (1) shall be registered under section 7(5) of the 1972 Act in the same manner as if it had been confirmed by that court in England, Wales or Northern Ireland under subsection (2) of that section.
- (8) Any proceedings brought under or by virtue of any provision of the 1920 Act in a court in England, Wales or Northern Ireland which are pending immediately before the commencement date, being proceedings affecting a person resident in the Country or territory specified in column (1), shall be continued as if they had been brought under or by virtue of the corresponding provision of the 1972 Act.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

Country and territory designated as a reciprocating country and extent of designation

(1) Country or territory	(2) Description of maintenance orders to which designation extends
Brunei Darussalam Newfoundland and Labrador (formerly known as Newfoundland)	Maintenance orders other than lump sum orders Maintenance orders generally

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order designates Brunei Darussalam and Newfoundland and Labrador as reciprocating countries for the purposes of Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972.

Article 4 of this Order contains transitional provisions in respect of maintenance orders and proceedings to which the Maintenance Orders (Facilities for Enforcement) Act 1920 applied before the coming into operation of this Order.