

**2007 No. 2267 (L.21)**

**MAINTENANCE OF DEPENDANTS**

**The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Miscellaneous Amendment) Rules 2007**

<i>Made</i>	- - - -	<i>25th July 2007</i>
<i>Laid before Parliament</i>		<i>1st August 2007</i>
<i>Coming into force</i>	- -	<i>1st October 2007</i>

The Lord Chief Justice with the concurrence of the Lord Chancellor, after having consulted with the rule committee appointed under section 144(A1) of the Magistrates' Courts Act 1980(a), makes the following Rules in exercise of the powers conferred by section 144 of the Magistrates' Courts Act 1980:

**Citation and commencement**

1. These Rules may be cited as the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Miscellaneous Amendment) Rules 2007 and shall come into force on 1st October 2007.

**Amendments to the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (United States of America) Rules 1995**

2.—(1) The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (United States of America) Rules 1995(b) ("the 1995 Rules") shall be amended in accordance with this rule.

(2) For "the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995(c)", wherever it appears, substitute "Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007(d)".

(3) In rule 3—

(a) for "Schedule 3", substitute "Schedule 2";

(b) for paragraph (c) substitute—

"(c) rules 4A(1)(a), 4A(1)(c), 4B(2)(a) and 4B(2)(c) were omitted;";

(c) after paragraph (e), insert—

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(a) 1980 c.43; section 144 was amended by the Courts and Legal Services Act 1990 (c.41), section 125(3), Schedule 18, paragraph 25; the Access to Justice Act 1999 (c.22), section 78, Schedule 11, paragraph 29 and Schedule 13, paragraph 116; the Courts Act 2003 (c.39), section 109(1) and (3), Schedule 8, paragraph 245(1), (2), (3) and (5), Schedule 10 and by the Constitutional Reform Act 2005 (c.4), section 15(1), Schedule 4, Part I, paragraph 99. The section is further amended by the Courts Act 2003, section 109 (1) and (3), Schedule 8, paragraphs 245(1), (2) and (3), Schedule 10 and the Constitutional Reform Act section 59(5), Schedule 11 Part 2, paragraphs 4(1) and (3) from a date to be appointed.

(b) S.I. 1995/2802.

(c) S.I. 1995/2709; as amended by S.I. 2003/776.

(d) S.I. 2007/2005.

- “(ee) in rule 8B there were omitted—
  - (i) in paragraph (1), “or section 9(1ZA)” ; and
  - (ii) paragraph (3);”;
- (d) for paragraph (f) substitute—
  - “(f) for references to “Hague Convention Country” or “a Hague Convention Country”, wherever they appear, there were substituted references to “the United States of America”.”.

**Amendments to the Magistrates’ Courts (Recovery Abroad of Maintenance) Rules 1975**

**3.**—(1) The Magistrates’ Courts (Recovery Abroad of Maintenance Rules) 1975 (“the 1975 Rules”) (a) shall be amended in accordance with paragraph (2).

(2) In rule 5A, for “the Recovery of Maintenance (United States of America) Order 1979(b)”, substitute “the Recovery of Maintenance (United States of America) Order 2007(c)”.

**Transitional provisions**

**4.**—(1) The amendments in rule 2 shall have effect in relation to matters to which the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007 (“the 2007 Reciprocal Enforcement Order”) applies as set out in article 3(1) of that Order.

(2) Where, by virtue of article 6(2) of the 2007 Reciprocal Enforcement Order, the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995 continues in full force and effect, the 1995 Rules shall apply as if they had not been amended by these Rules.

(3) The amendment in rule 3 shall have effect in relation to matters to which the Recovery of Maintenance (United States of America) Order 2007 (“the 2007 Recovery of Maintenance Order”) applies as set out in article 5(1) of that Order.

(4) Where by virtue of article 5(2) of the 2007 Recovery of Maintenance Order, the Recovery of Maintenance (United States of America) Order 1993 continues in full force and effect, the 1975 Rules shall apply as if they had not been amended by these Rules.

*Phillips of Worth Matravers, CJ*

20th July 2007

I concur

25th July 2007

*Jack Straw,*  
Lord Chancellor

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(a) S.I. 1975/488. Rule 5A was inserted by S.I. 1979/1561 and amended by S.I. 2001/615 and 2005/617.  
(b) S.I. 1979/1314; This Order was revoked and replaced by S.I. 1993/591  
(c) S.I. 2007/2006.

## **EXPLANATORY NOTE**

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

These Rules make amendments to the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (United States of America) Rules 1995 ("the 1995 Rules") in consequence of the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007 and to the Magistrates' Courts (Recovery Abroad of Maintenance Rules) 1975 ("the 1975 Rules") in consequence of the Recovery of Maintenance (United States of America) Order 2007.

Where proceedings have been commenced before the coming into force of the 2007 Orders, transitional provisions apply so that the 1995 Rules or 1975 Rules, as appropriate, apply to any subsequent step taken in those proceedings as if they had not been amended.

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