



# Maintenance Orders (Reciprocal Enforcement) Act 1972

## 1972 CHAPTER 18

### PART I

#### RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS MADE IN UNITED KINGDOM OR RECIPROCATING COUNTRY

#### *[<sup>F1</sup> Supplemental*

#### **[<sup>F1</sup>17 Proceedings in magistrates' courts.**

<sup>F2</sup>(1) .....

- (4) Anything authorised or required by this Part of this Act to be done by, to or before the magistrates' court by, to or before which any other thing was done may be done by, to or before any magistrates' court acting [<sup>F3</sup>in the same local justice area] (or, in Northern Ireland, [<sup>F4</sup>acting for the same] petty sessions district) as that court.

<sup>F5</sup>(5) .....

[ Where the respondent to an application for the variation or revocation of—

- <sup>F6</sup>(5A) (a) a maintenance order made by a magistrates' court in England and Wales, being an order to which section 5 of this Act applies; or  
(b) a registered order which is registered in such a court,

is residing in a reciprocating country, a magistrates' court in England and Wales shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been [<sup>F7</sup>habitually resident] in England and Wales.]

[ Where the respondent to an application for the variation or revocation of—

- <sup>F8</sup>(6) (a) a maintenance order made by a magistrates' court in Northern Ireland, being an order to which section 5 of this Act applies; or

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(b) a registered order which is registered in such a court, is residing in a reciprocating country, a magistrates' court in Northern Ireland shall have jurisdiction to hear the application (where it would not have jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been [<sup>F9</sup>habitually resident] in Northern Ireland.]

- (7) Where the [<sup>F10</sup>respondent] to [<sup>F11</sup>an application] for the variation or revocation—
- (a) of a maintenance order made by a magistrates' court, being an order to which section 5 of this Act applies; or
  - (b) of a registered order registered in a magistrates' court,
- does not appear at the time and place appointed for the hearing of [<sup>F11</sup>the application], but the court is satisfied that the [<sup>F10</sup>respondent] is residing in a reciprocating country, the court may proceed to hear and determine [<sup>F11</sup>the application] at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the [<sup>F10</sup>respondent] had appeared at that time and place.

[ In the application of this section to Northern Ireland, in subsection (7)—

- <sup>F12</sup>(7A) (a) for the word “respondent”, in each place where it occurs, there shall be substituted “defendant”; and
- (b) for the words “an application” and “the application”, in each place where they occur, there shall be substituted “a complaint” and “the complaint” respectively.]

<sup>F13</sup>(8) . . . . . ]

#### Textual Amendments

- F1** S. 8(4A)(4B) inserted (E.W.) (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF: 49:3\)](#), s. 10, **Sch. 1 para. 13(2)**, S.I. 1992/455, art. 2
- F2** S. 17(1)–(3) repealed by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), s. 89, **Sch. 3**
- F3** Words in s. 17(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 8 para. 154(a)**; S.I. 2005/910, art. 3(y)
- F4** Words in s. 17(4) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 8 para. 154(b)**; S.I. 2005/910, art. 3(y)
- F5** S. 17(5) repealed (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), **Sch. 10** (with Sch. 8 paras. 1(1), 23(4)); S.R. 1996/297, **art. 2(2)**
- F6** S. 17(5A) inserted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, **Sch. 1 Pt. II para. 10(3)**; S.I. 1993/618, **art. 2**
- F7** Words in s. 17(5A) substituted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(2), **Sch. 5 para. 2(3)(a)**
- F8** S. 17(6) substituted (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 70** (with Sch. 8 para. 1(1)); S.R. 1996/297, **art. 2(2)**
- F9** Words in s. 17(6) substituted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(2), **Sch. 5 para. 2(3)(b)**
- F10** Words in s. 17(7) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, **Sch. 1 Pt. II para. 10(4)(a)**; S.I. 1993/618, **art. 2**
- F11** Words in s. 17(7) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, **Sch. 1 Pt. II para. 10(4)(b)**; S.I. 1993/618, **art. 2**
- F12** S. 17(7A) added (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\)](#), s. 1, **Sch. 1 Pt. II para. 10(5)**; S.I. 1993/618, **art. 2**; and repealed (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), **Sch. 10** (with Sch. 8 paras. 1(1), 23(4)); S.R. 1996/297, **art. 2(2)**
- F13** S. 17(8) repealed by S.I. 1981/1675 (N.I. 26), **Sch. 7**

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**Modifications etc. (not altering text)**

- C1** Ss. 8-21 applied (28.5.2002) by [The Reciprocal Enforcement of Maintenance Orders \(Designation of Reciprocating Countries\) Order 2002 \(S.I. 2002/788\)](#), **art. 4(4)(5)**
- C2** Ss. 5, 12-15, 17, 18, 21 applied (28.5.2002) by [The Reciprocal Enforcement of Maintenance Orders \(Designation of Reciprocating Countries\) Order 2002 \(S.I. 2002/788\)](#), **art. 4(2)(3)**
- C3** Ss. 8-21 applied (19.6.2008) by [The Reciprocal Enforcement of Maintenance Orders \(Designation of Reciprocating Countries\) Order 2008 \(S.I. 2008/1202\)](#), arts. 1, **4(5)**
- C4** S. 17 applied (19.6.2008) by [The Reciprocal Enforcement of Maintenance Orders \(Designation of Reciprocating Countries\) Order 2008 \(S.I. 2008/1202\)](#), arts. 1, **4(3)**

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