



Maintenance Orders (Reciprocal Enforcement) Act 1972

1972 CHAPTER 18

PART I

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

Supplemental

17 Proceedings in magistrates' courts

- (1) Subject to subsection (2) below, the proceedings which are domestic proceedings within the meaning of the Magistrates' Courts Act 1952 shall include all proceedings in a magistrates' court under this Part of this Act other than proceedings for the variation or enforcement of a maintenance order.
- (2) The magistrates' court before which there fall to be heard any proceedings for the variation of a maintenance order to which this Part of this Act applies may, if it thinks fit, order that those proceedings and any other proceedings being heard therewith shall be treated for the purposes of the said Act of 1952 as domestic proceedings.
- (3) The said Act of 1952 shall have effect in accordance with subsections (1) and (2) above notwithstanding anything in subsection (1) of section 56 thereof or section 5 of the Legitimacy Act 1959 (definition of " domestic proceedings ").
- (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 for the same petty sessions area (or, in Northern Ireland, petty sessions district) as that court.
- (5) Any application which by virtue of a provision of this Part of this Act is made to a magistrates' court shall be made by complaint.

- (6) A magistrates' court in Northern Ireland shall have jurisdiction to hear a complaint for the variation or revocation—
- (a) of a maintenance order made by such a court, being an order to which section 5 of this Act applies; or
 - (b) of a registered order which is registered in that court,
- if the defendant to the complaint is residing in a reciprocating country and the court would have jurisdiction to hear the complaint had the defendant been residing in Northern Ireland.
- (7) Where the defendant to a complaint 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 the complaint, but the court is satisfied that the defendant is residing in a reciprocating country, the court may proceed to hear and determine the complaint at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the defendant had appeared at that time and place.
- (8) At the end of paragraph (a) of section 98 of the Magistrates' Courts Act (Northern Ireland) 1964 (definition of " domestic proceedings ") there shall be inserted the words " or Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 ".