



# Maintenance Orders (Reciprocal Enforcement) Act 1972

## 1972 CHAPTER 18

### PART II

#### RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

##### *Transfer, enforcement, variation and revocation of registered orders*

#### **[<sup>F1</sup> 34A Variation of orders by [<sup>F2</sup>the family court] in England and Wales.**

- (1) The provisions of this section shall have effect in relation to a registered order which is registered in [<sup>F3</sup>the family court] (whether or not the court made the order) in place of the following enactments, that is to say—
  - [<sup>F4</sup>(a) section 1(3A) of the Maintenance Enforcement Act 1991;]
  - (b) section 20ZA of the <sup>M1</sup> Domestic Proceedings and Magistrates' Courts Act 1978; and
  - (c) paragraph 6A of Schedule 1 to the <sup>M2</sup> Children Act 1989.
- (2) The power of [<sup>F5</sup>the family court] to vary a registered order shall include power, if the court is satisfied that payment has not been made in accordance with the order, to exercise one of its powers under subsection (3) below.
- (3) The powers of the court are—
  - (a) the power to order that payments under the order be made directly to [<sup>F6</sup>the court];
  - (b) the power to order that payments under the order be made to [<sup>F6</sup>the court], by such method of payment falling within section [<sup>F7</sup>1(5) of the Maintenance Enforcement Act 1991] (standing order, etc.) as may be specified;
  - (c) the power to make an attachment of earnings order under the <sup>M3</sup> Attachment of Earnings Act 1971 to secure payments under the order.

<sup>F8</sup>(4) .....

*Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 34A . (See end of Document for details)*

<sup>F8</sup>(5) .....

<sup>F8</sup>(6) .....

<sup>F8</sup>(7) .....

<sup>F8</sup>(8) .....

(9) In deciding, for the purposes of [<sup>F9</sup>subsection (2)] above, [<sup>F10</sup>whether to exercise any of its] powers under subsection (3) above <sup>F11</sup>... , the court shall have regard to any representations made by the debtor [<sup>F12</sup>or the creditor].

(10) [<sup>F13</sup>Subsection (6) of section 1 of the Maintenance Enforcement Act 1991] (power of court to require debtor to open account) shall apply for the purposes of subsection (3) above as it applies for the purposes of that section but as if for paragraph (a) there were substituted—

(a) the court proposes to exercise its power under paragraph (b) of section 34A(3) of the <sup>M4</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972, and

(11) In this section “creditor” and “debtor” have the same meaning as they have in [<sup>F14</sup>section 1 of the Maintenance Enforcement Act 1991].]

#### Textual Amendments

- F1** S. 34A inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17\), s. 10, Sch. 1 para. 19\(2\); S.I. 1992/455, art. 2](#)
- F2** Words in s. 34A heading substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 51\(9\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)
- F3** Words in s. 34A(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 51\(2\)\(a\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)
- F4** S. 34A(1)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 51\(2\)\(b\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)
- F5** Words in s. 34A(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 51\(3\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)
- F6** Words in s. 34A(3)(a)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 51\(4\)\(a\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)
- F7** Words in s. 34A(3)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 51\(4\)\(b\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)
- F8** Ss. 34A(4)-(8) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 51\(5\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)
- F9** Words in s. 34A(9) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 51\(6\)\(a\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)
- F10** Words in s. 34A(9) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 51\(6\)\(b\); S.I. 2014/954, art. 2\(e\) \(with art. 3\) \(with transitional provisions and savings in S.I. 2014/956, arts. 3-11\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 34A . (See end of Document for details)

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- F11** Words in s. 34A(9) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 51\(6\)\(c\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F12** Words in s. 34A(9) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 51\(6\)\(d\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** Words in s. 34A(10) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 51\(7\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F14** Words in s. 34A(11) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 51\(8\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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**Marginal Citations**

- M1** 1978 c. 22.  
**M2** 1989 c. 41.  
**M3** 1971 c. 32.  
**M4** 1972 c. 18.

**Changes to legislation:**

There are currently no known outstanding effects for the Maintenance Orders (Reciprocal Enforcement) Act 1972, Section 34A .