



# Maintenance Enforcement Act 1991

## 1991 CHAPTER 17

### *Magistrates' courts*

#### **4 Revocation, variation, etc. of orders for periodical payment in magistrates' courts: general.**

For section 60 of the <sup>M1</sup>Magistrates' Courts Act 1980 (revocation, variation etc., of orders for periodical payment) there shall be substituted the following section—

**“60 Revocation, variation, etc. of orders for periodical payment.**

- (1) Where a magistrates' court has made an order for money to be paid periodically by one person to another, the court may, by order on complaint, revoke, revive or vary the order.
- (2) The power under subsection (1) above to vary an order shall include power to suspend the operation of any provision of the order temporarily and to revive the operation of any provision so suspended.
- (3) Where the order mentioned in subsection (1) above is a maintenance order, the power under that subsection to vary the 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 paragraphs (a) to (d) of section 59(3) above.
- (4) In any case where—
  - (a) a magistrates' court has made a maintenance order, and
  - (b) payments under the order are required to be made by any method of payment falling within section 59(6) above,an interested party may apply in writing to the clerk of the court for the order to be varied as mentioned in subsection (5) below.
- (5) Subject to subsection (8) below, where an application has been made under subsection (4) above, the clerk, after giving written notice (by post or otherwise) of the application to any other interested party and allowing that party, within the period of 14 days beginning with the date of the giving of that notice, an

---

*Changes to legislation: There are currently no known outstanding effects for the Maintenance Enforcement Act 1991, Section 4. (See end of Document for details)*

---

opportunity to make written representations, may vary the order to provide that payments under the order shall be made to the clerk.

- (6) The clerk may proceed with an application under subsection (4) above notwithstanding that any such interested party as is referred to in subsection (5) above has not received written notice of the application.
- (7) In subsections (4) to (6) above “interested party”, in relation to a maintenance order, means—
- (a) the debtor;
  - (b) the creditor; and
  - (c) if the person who applied for the maintenance order is a person other than the creditor, that other person.
- (8) Where an application has been made under subsection (4) above, the clerk may, if he considers it inappropriate to exercise his power under subsection (5) above, refer the matter to the court which may vary the order by exercising one of its powers under paragraphs (a) to (d) of section 59(3) above.
- (9) Subsections (4), (5) and (7) of section 59 above shall apply for the purposes of subsections (3) and (8) above as they apply for the purposes of that section.
- (10) None of the powers of the court, or of the clerk of the court, conferred by subsections (3) to (9) above shall be exercisable in relation to a maintenance order which is not a qualifying maintenance order (within the meaning of section 59 above).
- (11) For the purposes of this section—
- (a) “creditor” and “debtor” have the same meaning as they have in section 59 above; and
  - (b) the reference in subsection (1) above to money paid periodically by one person to another includes, in the case of a maintenance order, a reference to a lump sum paid by instalments by one person to another.”

---

**Commencement Information**

**II** S. 4 wholly in force at 1.4.1992 see s. 12(2) and [S.I. 1992/455, art. 2](#)

---

**Marginal Citations**

**M1** 1980 c. 43.

**Changes to legislation:**

There are currently no known outstanding effects for the Maintenance Enforcement Act 1991, Section 4.