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SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 151 In section 7(5B) (power of magistrates' court on confirming provisional order made in reciprocating country), for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court in England and Wales ”.
- 152 (1) Amend section 8 (enforcement of maintenance order registered in United Kingdom court) as follows.
- (2) In subsection (3A), for “justices' chief executive” substitute “ designated officer ”.
- (3) In subsection (4A), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court ”.
- 153 In section 9(1ZA) (variation and revocation of maintenance order registered in UK court)—
- (a) in paragraph (a), in the subsection (3A) to be regarded as inserted in section 60 of the 1980 Act, for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court ”,
- (b) in paragraph (b), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for “a justices' chief executive” substitute “ the designated officer for the court or for any other magistrates' court ”, and
- (c) in paragraph (c), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for “justices' chief executive for the court” substitute “ designated officer for the court ”.
- 154 In section 17(4) (proceedings in magistrates' courts)—
- (a) for “for the same petty sessions area” substitute “ in the same local justice area ”, and
- (b) after “Northern Ireland,” insert “ acting for the same ”.
- 155 (1) Amend section 18 (provision that may be made by magistrates' courts rules) as follows.
- (2) In subsection (1)—
- (a) for the words preceding paragraph (a) substitute “ Rules of court may make provision with respect to— ”;
- (b) in paragraph (a), for “for a particular petty sessions area” substitute “ in a particular local justice area ”, and for “for such other petty sessions area” substitute “ in such other local justice area ”.

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- (3) In subsection (1A), for “rules made under section 144 of the Magistrates' Courts Act 1980” substitute “ rules of court ”.
- 156 In section 21(1) (interpretation of Part 1), in the definition of “prescribed”, omit—
- (a) “in England and Wales or”,
 - (b) “by rules made under section 144 of the Magistrates' Courts Act 1980 or”, and
 - (c) “as the case may be.”.
- 157 In section 23(6) (maintenance orders registered in High Court under Maintenance Orders (Facilities for Enforcement) Act 1920), for “justices' chief executive” substitute “ designated officer ”.
- 158 In section 26(6) (application for recovery of maintenance in convention country)—
- (a) in paragraph (a), for “justices' chief executive for the petty sessions area” substitute “ designated officer for the local justice area in which the applicant is residing ”, and
 - (b) in paragraph (b), after “district” insert “ in which the applicant is residing ”.
- 159 (1) Amend section 27B (sending application to appropriate magistrates' court) as follows.
- (2) In subsection (1), for “justices' chief executive for a magistrates' court acting for the petty sessions” substitute “ designated officer for a magistrates' court which is acting in the local justice ”.
 - (3) In subsection (2), for “justices' chief executive for” substitute “ designated officer for ”.
 - (4) For subsection (4) substitute—

“(4) If the designated officer for a court to whom the application is sent under this section is satisfied that the respondent is residing within another local justice area, he shall send the application and accompanying documents to the designated officer for a magistrates' court acting in that other area and shall inform the Lord Chancellor that he has done so.”
 - (5) In subsection (5), for “justices' chief executive for” substitute “ designated officer for ”.
- 160 (1) Amend section 27C (application for recovery of maintenance in England and Wales) as follows.
- (2) In subsection (4), for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court in England and Wales ”.
 - (3) In subsection (7), for “justices' chief executive for” substitute “ designated officer for ”.
- 161 In section 32(2A) (transfer of orders), for “justices' chief executive” substitute “ designated officer ”.
- 162 In section 34(3)(a) (application from abroad to vary registered order), for “justices' chief executive” substitute “ designated officer ”.
- 163 (1) Amend section 34A (variation of orders by magistrates' courts) as follows.

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- (2) In subsection (3), for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court in England and Wales ”.
- (3) In subsection (4)—
- (a) for “a justices' chief executive” substitute “ the designated officer for the court or for any other magistrates' court in England and Wales ”, and
 - (b) omit “the clerk of”.
- (4) In subsection (5), for “the clerk” substitute “ a justices' clerk ”.
- 164 In section 47(3) (construction of references to the jurisdiction of a court), for the words from “construed in relation” onwards substitute “construed—
- (a) in relation to a magistrates' court in England and Wales as a reference to the local justice area in which the court acts, and
 - (b) in relation to a magistrates' court in Northern Ireland as a reference to the petty sessions district for which the court acts.”

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