
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Maintenance Orders Act 1958 (c. 39). (See end of Document for details)

SCHEDULES

SCHEDULE 10

THE FAMILY COURT

PART 2

THE FAMILY COURT: FURTHER AMENDMENTS

Maintenance Orders Act 1958 (c. 39)

- 3 The Maintenance Orders Act 1958 is amended as follows, but sections 2(1) to (5), 2A and 5(2) to (4) of that Act as applied by section 36(3) of the Civil Jurisdiction and Judgments Act 1982 (re-registration in different Northern Ireland court of orders made in England and Wales or Scotland and registered in a Northern Ireland court) have effect without the amendments made in them by this Schedule.

Commencement Information

- II Sch. 10 para. 3 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 4 (1) Section 1 (application of Part 1) is amended as follows.
- (2) In subsection (1) (purpose of Part 1) for the words from “to be registered” to the end substitute “ to be registered in the family court and, subject to those provisions, while so registered to be enforced in like manner as an order made by the family court and to be varied by that court. ”
- (3) In subsection (2) (registered orders deemed to be made by court in which registered) for each of “England” and “the court in England in which it is so registered” substitute “ the High Court ”.
- (4) In subsection (2A) (orders to which Part applies)—
- (a) in paragraph (a) omit “or a county court or a magistrates' court”, and
- (b) in paragraph (b) for “England” substitute “ the High Court ”.
- (5) In subsection (3) for the definition of “High Court order”, “county court order” and “magistrates' court order” substitute—
- ““High Court order” means an order made by the High Court;”.
- (6) Omit subsections (4) to (6) (registration in magistrates' courts).

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Commencement Information

I2 Sch. 10 para. 4 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 5 (1) Section 2 (registration of orders) is amended as follows.
- (2) In subsection (1) for “or county court order may apply for registration of the order to the original court, and the court” substitute “ order may apply to the High Court for registration of the order in the family court, and the High Court ”.
- (3) In subsection (2) (original court to send certified copy of order if satisfied no enforcement steps being taken)—
- (a) for “original court”, in both places, substitute “ High Court ”, and
 - (b) in paragraph (b) for the words from “sent” to “appears to be” substitute “ sent to the family court ”.
- (4) Omit subsections (3) to (4) and (6) (registration of a magistrates' court order).
- (5) In subsection (5) (order to be registered on receipt of certified copy)—
- (a) for “The officer of, or for, a court” substitute “ An officer of the family court ”, and
 - (b) for “him” substitute “ the court ”.
- (6) In subsection (6ZA) (registration of High Court or county court order)—
- (a) in the words before paragraph (a)—
 - (i) omit “or county court”, and
 - (ii) for “a magistrates” substitute “ the family ”, and
 - (b) omit paragraph (b) and the word “and” preceding it.
- (7) Omit subsection (6ZB) (variation or revocation of orders registered in a magistrates' court).
- (8) In subsection (6ZC)—
- (a) omit “or any order under subsection (6ZA)(b) of this section”, and
 - (b) for “the designated officer for a magistrates' court” substitute “ the family court ”.
- (9) In subsection (6A) omit the definition of “magistrates' court order” and the “and” preceding the definition.

Commencement Information

I3 Sch. 10 para. 5 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 6 In section 2A (interest on registered orders)—
- (a) omit subsections (1) to (4) (magistrates' court orders),
 - (b) in subsection (5) (registered orders do not carry interest) omit “Except as provided by this section”, and
 - (c) for the title substitute “ No interest on sums recoverable under registered orders ”.

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- I4** Sch. 10 para. 6 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 7 In section 3 (enforcement of registered orders) omit subsections (2) to (2B) and (3A) (orders registered in magistrates' courts).

Commencement Information

- I5** Sch. 10 para. 7 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 8 (1) Section 4 (variation etc of orders registered in a magistrates' court) is amended as follows.
- (2) In subsection (1) (orders in relation to which section 4 applies) for “orders registered in magistrates' courts” substitute “ High Court orders registered in the family court ”.
- (3) In subsection (2)(a) (court of registration may vary rate of payments specified by order)—
- (a) for “court of registration” substitute “ family court ”, and
- (b) for “original court” substitute “ High Court ”.
- (4) In subsection (2)(b) (general rule that variation of rate of payments specified by registered order is to be by court of registration) for the words from “court of registration” to the end substitute “ family court. ”
- (5) Omit subsections (2A) to (2C), (5A), (5B) and (7).
- (6) In subsection (4) (power of court of registration to remit application for variation of rate of payments to original court)—
- (a) omit “it appears to the court to which”,
- (b) after “registered order” insert “ and it appears to the family court ”,
- (c) for “original court”, in both places, substitute “ High Court ”, and
- (d) for “first-mentioned court” substitute “ family court ”.
- (7) In subsection (5) (other circumstances in which original court has jurisdiction to vary rate of payments) for “original court” substitute “ High Court ”.
- (8) In subsection (6A) (with the exception of power to make provision as to means of payment, magistrates' courts in England and Wales have no power to vary certain orders made by Court of Session or by High Court in Northern Ireland)—
- (a) for the words before “variation” substitute “ Although such an order as is mentioned in this subsection may be varied under section 1 of the Maintenance Enforcement Act 1991 as applied by section 4A(2) of this Act, no application for any other ”,
- (b) for “any court” substitute “ the family court ”,
- (c) for “that court” substitute “ the family court ”, and
- (d) for “section 1(2)” substitute “ sections 1(2) and 2(6A) ”.
- (9) In subsection (6B) (no application to be made to a magistrates' court for variation of certain orders) for “any court” substitute “ the family court ”.

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I6 Sch. 10 para. 8 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- (1) Section 4A (variation etc of orders registered in High Court) is amended as follows.
 - (2) Omit subsection (1) (orders to which section applies).
 - (3) In subsection (2), and in the title, for “High Court”, in each place, substitute “ family court ”.
 - (4) In subsection (2) omit paragraph (a) (including the “and” at the end).

Commencement Information

I7 Sch. 10 para. 9 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- (1) Section 5 (cancellation of registration) is amended as follows.
 - (2) In subsection (2) for “a magistrates' court” substitute “ the family court ”.
 - (3) Omit subsection (3) (orders registered in High Court).
 - (4) In subsection (4)(c)(ii) for “a magistrates' court”, in both places, substitute “ the family court ”.
 - (5) In subsection (5)—
 - (a) in the words before paragraph (a), and in the words after paragraph (b), omit “or county court”, and
 - (b) for paragraphs (a) and (b) substitute—
 - “(a) any order which requires payments under the order in question to be made by any method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991 (standing order, etc), other than an order which requires payments to be made to the family court, is to continue to have effect, and
 - (b) any order which requires payments under the order in question to be made to the family court (whether or not by any method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991) is to cease to have effect;”.
 - (6) Omit subsection (6) (registration of a magistrates' court order).
 - (7) In subsection (7)—
 - (a) for “subsections (5) and (6)” substitute “ subsection (5) ”, and
 - (b) omit “and “magistrates' court order””.

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I8 Sch. 10 para. 10 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

11 Section 18 (powers of magistrates to review committals etc) is repealed.

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I9 Sch. 10 para. 11 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 12 (1) Section 20 (registration, variation and arrears) is amended as follows.
- (2) Omit subsections (1) and (2) (magistrates' courts: applications for registration, revocation or variation of maintenance orders).
- (3) In subsection (8) (repeated complaints to enforce payment)—
- (a) for “a complaint” substitute “ an application ”, and
- (b) for “complaint”, in the second and third places, substitute “ application ”.
- (4) For the title substitute “ Repeat applications to enforce payment of maintenance arrears ”.

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Commencement Information

I10 Sch. 10 para. 12 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

13 In section 21(1) omit the definition of “magistrates' court”.

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I11 Sch. 10 para. 13 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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