

1979 No. 115

MAINTENANCE OF DEPENDANTS

**The Reciprocal Enforcement of Maintenance Orders
(Designation of Reciprocating Countries) Order 1979**

<i>Made - - - -</i>	<i>6th February 1979</i>
<i>Laid before Parliament</i>	<i>14th February 1979</i>
<i>Coming into Operation</i>	<i>1st April 1979</i>

At the Court at Buckingham Palace, the 6th day of February 1979

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that, in the event of the benefits conferred by Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972(a) being applied to, or to particular classes of, maintenance orders made by the courts of each of the countries and territories specified in column (1) of the Schedule to this Order, similar benefits will in that country or territory be applied to, or to those classes of, maintenance orders made by the courts of the United Kingdom:

And whereas Her Majesty considers the provisions contained in Article 6 of this Order expedient for the purpose of securing the matters set out in section 24 of the said Act of 1972:

Now, therefore, Her Majesty, in exercise of the powers conferred by sections 1, 24 and 45(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1979 and shall come into operation on 1st April 1979.

2. In this Order—

“the Act of 1972” means the Maintenance Orders (Reciprocal Enforcement) Act 1972;

“the Act of 1920” means the Maintenance Orders (Facilities for Enforcement) Act 1920(b);

“the Order of 1974” means the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1974(c);

“column (1)” and “column (2)” in Articles 3 and 6 below mean respectively columns (1) and (2) of the Schedule to this Order.

3. Each of the countries and territories specified in column (1) is hereby designated as a reciprocating country for the purposes of Part I of the Act of 1972 as regards maintenance orders of the description specified in respect of that country or territory in column (2).

(a) 1972 c. 18.

(b) 1920 c. 33.

(c) S.I. 1974/556.

4. The Order of 1974 shall be varied by omitting in column (2) of the Schedule to that Order the words “(a) provisional affiliation orders, and” in respect of the following countries or territories (which are specified in column (1) of that Schedule):—

Australian Capital Territory;
New South Wales;
Northern Territory of Australia;
Queensland;
South Australia;
Tasmania;
Victoria.

5. The Order of 1974 shall be varied by omitting in column (2) of the Schedule to that Order in respect of Ontario the words “(a) provisional affiliation orders,” and the words “(c) provisional maintenance orders made by virtue of the Matrimonial Proceedings (Polygamous Marriages) Act 1972 or any corresponding legislation in Ontario”.

6.—(1) Sections 5, 12 to 15, 17, 18 and 21 of the Act of 1972 shall apply in relation to a maintenance order transmitted under section 2 or 3 of the Act of 1920 to one of the countries and territories specified in column (1), being an order of the description specified in respect of that country or territory in column (2) to which immediately before the coming into operation of this Order the Act of 1920 applied, as they apply in relation to a maintenance order sent to that country or territory in pursuance of section 2 of the Act of 1972 or made by virtue of section 3 or 4 of the Act of 1972 and confirmed by a competent court in that country or territory.

(2) Sections 8 to 21 of the Act of 1972 shall apply in relation to a maintenance order made in one of the countries and territories specified in column (1), being an order of the description specified in respect of that country or territory in column (2) to which immediately before the coming into operation of this Order the Act of 1920 applied and not being an order which immediately before that date is registered in the High Court or the High Court of Justice in Northern Ireland under section 1 of the Act of 1920, as they apply in relation to a registered order.

(3) A maintenance order made by a court in one of the countries and territories specified in column (1) being an order of the description specified in respect of that country or territory in column (2) which has been confirmed by a court in England, Wales or Northern Ireland under section 4 of the Act of 1920 and is in force immediately before the coming into operation of this Order, shall be registered under section 7(5) of the Act of 1972 in like manner as if it had been confirmed by that court in England, Wales or Northern Ireland under subsection (2) of that section.

(4) Any proceedings brought under or by virtue of any provision of the Act of 1920 in a court in England, Wales or Northern Ireland which are pending immediately before the coming into operation of this Order, being proceedings affecting a person resident in one of the countries and territories specified in column (1), shall be continued as if they had been brought under or by virtue of the corresponding provision of the Act of 1972.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

Article 2.

COUNTRIES AND TERRITORIES DESIGNATED AS RECIPROCATING COUNTRIES

(1) Country or territory	(2) Description of maintenance orders to which designation extends
Alberta	Maintenance orders other than— (a) provisional affiliation orders; (b) maintenance orders of the description contained in paragraph (b) of the definition of “maintenance order” in section 21(1) of the Act of 1972; (c) orders obtained by or in favour of a public authority.
Fiji	Maintenance orders generally.
Hong Kong	Maintenance orders generally.
Norfolk Island	Maintenance orders other than orders obtained by or in favour of a public authority.
Saskatchewan	Maintenance orders other than— (a) provisional affiliation orders; and (b) maintenance orders of the description contained in the said paragraph (b).
Singapore	Maintenance orders generally.
Turks and Caicos Islands	Maintenance orders other than— (a) affiliation orders; (b) maintenance orders of the description contained in the said paragraph (b); and (c) orders obtained by or in favour of a public authority.
United Republic of Tanzania (except Zanzibar)	Maintenance orders other than— (a) affiliation orders; (b) maintenance orders of the description contained in the said paragraph (b); and (c) orders obtained by or in favour of a public authority.
Western Australia	Maintenance orders other than orders obtained by or in favour of a public authority.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Article 3 of this Order designates as reciprocating countries for the purposes of Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 the following countries and territories: Alberta, Fiji, Hong Kong, Norfolk Island, Saskatchewan, Singapore, Turks and Caicos Islands, the United Republic of Tanzania (except Zanzibar) and Western Australia.

The Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1974 designated (*inter alia*) certain Australian States and territories and Ontario for the purposes of Part I of the Act of 1972 subject to the exclusion of certain categories of order to which the designation did not extend. Articles 4 and 5 of this Order vary the Order of 1974 in relation to those Australian States and territories and Ontario by removing certain provisional orders from the categories of orders to which the designation does not extend.

As from the date of the coming into operation of this Order the whole of Australia is (by virtue of the said Order of 1974 and of Articles 3 and 4 of this Order) designated for the purposes of Part I of the Act of 1972 and the designation extends to all maintenance orders other than orders obtained by or in favour of a public authority.

Article 6 of this Order contains transitional provisions in respect of maintenance orders and proceedings to which the Maintenance Orders (Facilities for Enforcement) Act 1920 applied before the coming into operation of the Order.

SI 1979/115
ISBN 0-11-093115-7



780110 931159