
 S T A T U T O R Y I N S T R U M E N T S

1979 No. 170 (L. 4)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Amendment) Rules 1979

Made - - - 16th February 1979
Laid before Parliament 27th February 1979
Coming into Operation 1st April 1979

The Lord Chancellor, in exercise of the powers conferred on him by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b) and section 18(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972(c), and after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

1. These Rules may be cited as the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Amendment) Rules 1979 and shall come into operation on 1st April 1979.

2. In these Rules "the principal Rules" means the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) Rules 1974(d).

3. The proviso to rule 9(1) of the principal Rules shall be amended by inserting after the word "shall" the words "unless the Secretary of State otherwise directs".

4. Schedule 1 to the principal Rules shall be amended by inserting after the words "The Republic of South Africa" the following countries and territories:—

"Alberta
 Saskatchewan
 Turks and Caicos Islands
 United Republic of Tanzania (except Zanzibar)".

5. Schedule 2 to the principal Rules shall be amended by inserting after the word "Kenya" the following countries and territories:—

"Fiji
 Hong Kong
 Singapore
 Turks and Caicos Islands
 United Republic of Tanzania (except Zanzibar)".

Dated 19th February 1979.

Elwyn-Jones, C.

(a) 1949 c. 101.

(b) 1952 c. 55.

(c) 1972 c. 18.

(d) S.I. 1974/668, amended by S.I. 1975/2236.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) Rules 1974.

The proviso to rule 9(1) of the 1974 Rules provides (in the case of a maintenance order registered in a magistrates' court) that if the court which made the order is in one of the countries and territories specified in Schedule 2 to the 1974 Rules, the justices' clerk shall send any sums received by him under the order to Crown Agents for transmission to the person to whom they are due. Rule 3 of these Rules amends rule 9(1) so as to allow the Secretary of State, in those cases where sums would normally be sent to the Crown Agents for transmission, to direct that other arrangements for payment should be made.

Rules 4 and 5 add to Schedules 1 and 2 to the 1974 Rules (transmission of documents via the Secretary of State and transmission of sums via Crown Agents) certain of the countries and territories which are designated as reciprocating countries for the purposes of Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 by the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1979 (S.I. 1979/115) which comes into operation on the same date as these Rules.

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