

SCHEDULE 2

PART I OF THE ACT AS MODIFIED BY SCHEDULE 1

Supplemental

Interpretation of Part 1.

21.—(1) In this Part of this Act—

“affiliation order” means an order (however described) adjudging, finding or declaring a person to be the father of a child, whether or not it also provides for the maintenance of the child;

“the appropriate court”, in relation to a person residing in England and Wales or in Northern Ireland means a magistrates' court, and in relation to a person residing in Scotland means the sheriff court, within the jurisdiction of which that person is residing;

“certificate of arrears”, in relation to a maintenance order, means a certificate certifying that the sum specified in the certificate is to the best of the information or belief of the officer giving the certificate the amount of the arrears due under the order at the date of the certificate except any arrears due under the order in respect of a period ending before 1st April 1975 or, as the case may be, that to the best of his information or belief there are no arrears due thereunder at the date of the certificate;

“certified copy”, in relation to an order of a court, means a copy of the order certified by the proper officer of the court to be a true copy;

“court” includes any tribunal or person having power to make, confirm, enforce, vary or revoke a maintenance order;

“maintenance order” means an order (however described) of any of the following descriptions, that is to say—

- (a) an order (including an affiliation order or order consequent upon an affiliation order) which provides for the periodical payment of sums of money towards the maintenance of any person, being a person whom the person liable to make payments under the order is, according to the law applied in the place where the order was made, liable to maintain;
- (aa) an order which has been made in Scotland, on or after the granting of a decree of divorce, for the payment of a periodical allowance by one party to the marriage to the other party; and
- (b) an affiliation order or order consequent upon an affiliation order, being an order which provides for the payment by a person adjudged, found or declared to be a child's father of expenses incidental to the child's birth or, where the child has died, of his funeral expenses,

and, in the case of a maintenance order which has been varied, means that order as varied;

“order”, as respects Scotland, includes any interlocutor, and any decree or provision contained in an interlocutor;

“payee”, in relation to a maintenance order, means the person entitled to the payments for which the order provides;

“payer”, in relation to a maintenance order, means the person liable to make payments under the order;

“prescribed”, in relation to a magistrates' court in England and Wales or in Northern Ireland, means prescribed by rules made under section 144 of the Magistrates' Courts Act 1980 or by rules made in accordance with Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981, as the case may be, and in relation to any other court means prescribed by rules of court;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“provisional order” means an order made by a court in England and Wales or Northern Ireland which is provisional only and has no effect unless and until confirmed, with or without alteration, by that court;

“registered order” means a maintenance order which is for the time being registered in a court in the United Kingdom under this Part of this Act;

“registering court”, in relation to a registered order, means the court in which that order is for the time being registered under this Part of this Act;

“the responsible authority”, in relation to the Republic of Ireland, means any person who in that country has functions similar to those of the Lord Chancellor or the Secretary of State under this Part of this Act; and

“revoke” and “revocation” include discharge.

(2) For the purposes of this Part of this Act an order shall be taken to be a maintenance order so far (but only so far) as it relates to the periodical payment of sums of money as mentioned in paragraph (a) of the definition of “maintenance order” in subsection (1) above, to the payment of a periodical allowance as mentioned in paragraph (aa) of that definition, or to the payment by a person adjudged, found or declared to be a child’s father of any such expenses as are mentioned in paragraph (b) of that definition.

(3) Any reference in this Part of this Act to the payment of money for the maintenance of a child shall be construed as including a reference to the payment of money for the child’s education.