

SCHEDULE 2

PART I OF THE ACT AS MODIFIED BY SCHEDULE 1

Orders made by courts in the United Kingdom

Variation and revocation of maintenance order made in United Kingdom.

5.—(1) This section applies to a maintenance order a certified copy of which has been sent to the Republic of Ireland in pursuance of section 2 of this Act and to a provisional order made in pursuance of section 3 of this Act which has been confirmed by a court in England and Wales or Northern Ireland under that section.

(2) Where subsection (1) of section 60 of the Magistrates' Courts Act 1980⁽¹⁾ (revocation, variation etc. of orders for periodical payment) applies in relation to a maintenance order to which this section applies, that subsection shall have effect as if for the words “by order on complaint,” there were substituted “on an application being made, by order”.

(3) Where an application is made to a court in England and Wales or Northern Ireland by the payee for the variation or revocation of an order to which this section applies, and the payer is residing in the Republic of Ireland, the prescribed officer of the court shall send to the Lord Chancellor a certified copy of the application, together with a document, authenticated in the prescribed manner, setting out or summarising the evidence in support of the application, with a view to their being transmitted by him to the responsible authority in the Republic of Ireland for service on the payer.

(4) A court in England and Wales or Northern Ireland shall not vary or revoke such an order before the expiry of three weeks from the date of service of the documents mentioned in subsection (3) above and before varying or revoking the order shall take into account any representations made and any evidence adduced by or on behalf of the payer.

(5) Where such an order is varied or revoked by a court in England and Wales or Northern Ireland a certified copy of the order of the court and a statement as to the service of the documents mentioned in subsection (3) above on the payer shall be sent to the court in the Republic of Ireland by which the order is being enforced.

(6) Where a maintenance order to which this section applies has been varied by an order made by a court in the United Kingdom, the maintenance order shall, as from the date on which the order of variation was made, have effect as varied by that order.

(7) Where a maintenance order to which this section applies has been revoked by an order made by a court in the United Kingdom, the maintenance order shall, as from the date on which the order of revocation was made, be deemed to have ceased to have effect except as respects any arrears due under the maintenance order at that date.

(1) 1980 c. 43; section 60(1) was substituted by section 4 of the Maintenance Enforcement Act 1991 (c. 17).