

## SCHEDULE 2

### PART I OF THE ACT AS MODIFIED BY SCHEDULE 1

#### *Orders made by courts in the Republic of Ireland*

#### **Registration in United Kingdom court of maintenance order made in the Republic of Ireland.**

6.—(1) This section applies to a maintenance order made whether before, on or after 5th April 1993 by a court in the Republic of Ireland.

(2) Where a certified copy of an order to which this section applies is received by the Lord Chancellor or the Secretary of State from the responsible authority in the Republic of Ireland, and it appears to him that the payer under the order is residing in the United Kingdom, he shall send the copy of the order and the accompanying documents to the prescribed officer of the appropriate court.

(3) Where the prescribed officer of the appropriate court receives from the Lord Chancellor or the Secretary of State a certified copy of an order to which this section applies, he shall, subject to the following subsections, register the order in the prescribed manner in that court.

(4) Before registering an order under this section an officer of a court shall take such steps as he thinks fit for the purpose of ascertaining whether the payer under the order is residing within the jurisdiction of the court, and if after taking those steps he is satisfied that the payer is not so residing he shall return the certified copy of the order and the accompanying documents to the Lord Chancellor or, as the case may be, the Secretary of State with a statement giving such information as he possesses as to the whereabouts of the payer.

(5) The order shall not be registered—

- (a) if such registration is contrary to public policy;
- (b) if the payer did not appear in the proceedings in the Republic of Ireland and he was not served in accordance with the law of the place where he was residing with the summons or other notice of the institution of the proceedings in sufficient time to enable him to arrange for his defence;
- (c) if the order is irreconcilable with a judgment given in the United Kingdom in proceedings between the same parties.

(6) If the order is registered under this section, the prescribed officer of the appropriate court shall serve notice in a prescribed form on the payer and give notice to the payee that the order has been registered.

(7) The payer may within one calendar month from the date of service of the said notice appeal to the court in which the order is registered to set aside the registration of the order on one of the grounds set out in subsection (5) above.

(8) If the payer appeals to the appropriate court to set aside the registration of the order, the prescribed officer of the court shall give notice to the payee of the appeal and of the date of the hearing of the appeal.

(9) If the payer appeals to the appropriate court to set aside the registration of the order, the court may, on the application of the payer, stay, or in Scotland sist, the proceedings if either—

- (a) enforcement of the maintenance order has been suspended in the Republic of Ireland pending the determination of any form of appeal; or
- (b) the time for an appeal has not yet expired and enforcement has been suspended pending the making of an appeal,

and in the latter case the court may lay down the time within which the proceedings will be stayed or sisted.

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

(10) If the order is not registered by virtue of subsection (5) above, the prescribed officer shall give notice to the payee in a prescribed form that the order has not been registered.

(11) A payee to whom notice has been given by the officer of any court under subsection (10) above may within one calendar month of the date of the notice appeal to that court to set aside the decision not to register the order.

(12) In the application of this section to Scotland—

- (a) in subsection (6), for the words “serve notice on” there shall be substituted the words “intimate to”;
- (b) in subsection (7), for the words “service of the said notice” there shall be substituted the words “the said intimation”; and
- (c) in subsections (7) to (11), for any reference to an appeal there shall be substituted a reference to an application and cognate expressions shall be construed accordingly.