

---

STATUTORY INSTRUMENTS

---

**1997 No. 291**

**Act of Sederunt (Child Care and Maintenance Rules) 1997**

**CHAPTER 5**

**MAINTENANCE ORDERS**

**PART III**

**OUTGOING ORDERS UNDER THE 1972 ACT**

**Provisions in relation to intimation and entering appearance**

**5.20.**—(1) Where the 1972 Act provides that on intimation to a payee of the receipt by the Court of a provisional order the payee is to enter appearance within a prescribed period, intimation shall be given in Form 67 and the period shall be—

- (a) 21 days from the date of posting where the payee is resident in Europe; and
- (b) 42 days from the date of posting where the payee is resident outside Europe.

(2) To enter appearance in terms of section 5(6) of the 1972 Act, the payee shall lodge an application—

- (a) stating that he opposes confirmation of the order; and
- (b) setting forth averments in answer to the case upon which the provisional order was made, supported by the appropriate pleas-in-law.

(3) Where the payee enters appearance in terms of section 5(6) of the 1972 Act, the sheriff shall appoint a diet for the hearing of evidence or make such other order as may be appropriate to enable the court to proceed in accordance with the procedure and practice in ordinary civil proceedings in the sheriff court as if the application for the variation or revocation of the maintenance order had been made to it.