

2008 No. 1202

MAINTENANCE OF DEPENDANTS

**The Reciprocal Enforcement of Maintenance Orders
(Designation of Reciprocating Countries) Order 2008**

Made - - - - - *7th May 2008*
Laid before Parliament- *14th May 2008*
Coming into force - - - *19th June 2008*

At the Court at Buckingham Palace, the 7th day of May 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty is satisfied that in the event of the benefits conferred by Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 being applied to maintenance orders made by the courts of Jersey, similar benefits will be applied in Jersey to maintenance orders made by the courts of the United Kingdom.

And Her Majesty considers the provisions contained in Article 4 of this Order are expedient for the purpose of securing the matters set out in section 24 of the Maintenance Orders (Reciprocal Enforcement) Act 1972(a).

In exercise of the powers conferred on Her by sections 1 and 24 of the Maintenance Orders (Reciprocal Enforcement) Act 1972, Her Majesty is pleased, by and with the advice of Her Privy Council, to order as follows:—

Citation and commencement

1. This Order may be cited as the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 2008 and shall come into force on 19 June 2008.

Interpretation

2. In this Order—

- (a) “the 1920 Act” means the Maintenance Orders (Facilities for Enforcement) Act 1920(b);
- (b) “the 1972 Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972; and

(a) 1972 c.18. There are relevant amendments to section 24 made by section 37 and paragraph 16 of Part III of Schedule 11 to the Civil Jurisdiction and Judgments Act 1982 (c.27).
(b) 1920 c.33.

- (c) “Jersey” means the Bailiwick of Jersey.

Designation

3. Jersey is hereby designated as a reciprocating country for the purpose of Part I of the 1972 Act, as it applies to the United Kingdom, as regards maintenance orders generally.

Maintenance Orders registered under the 1920 Act

4.—(1) In this Article—

- (a) “commencement date” means the date on which this Order comes into force;
- (b) “registered” means registered in the High Court or the High Court of Justice in Northern Ireland under section 1 of the 1920 Act; and
- (c) “relevant maintenance order” means an order, other than an order of affiliation, for the periodic payments of sums of money.

(2) Paragraph (3) shall apply if—

- (a) a relevant maintenance order is transmitted under section 2 or 3 of the 1920 Act to Jersey; and
- (b) immediately before the commencement date the 1920 Act applied to that order.

(3) Where this paragraph applies, sections 5, 12 to 15, 17, 18 and 21 of the 1972 Act shall apply in relation to Jersey, as they apply in relation to a maintenance order of the same description—

- (a) sent to Jersey pursuant to section 2 of the 1972 Act;
- (b) made under section 3 or 4 of the 1972 Act; and
- (c) confirmed by a competent court in Jersey.

(4) Paragraph (5) shall apply if—

- (a) a relevant maintenance order is transmitted under section 2 or 3 of the 1920 Act to Jersey; and
- (b) immediately before the commencement date—
 - (i) the 1920 Act applied to that order; and
 - (ii) the order was not registered.

(5) Where this paragraph applies, sections 8 to 21 of the 1972 Act shall apply in relation to a relevant maintenance order referred to under paragraph (1), as they apply in relation to a maintenance order of the same description made under the 1972 Act which is so registered.

(6) Paragraph (7) shall apply if—

- (a) a relevant maintenance order has been confirmed by a court in England, Wales or Northern Ireland under section 4 of the 1920 Act; and
- (b) is in force immediately before the commencement date.

(7) Where this paragraph applies, a relevant maintenance order as referred to under paragraph (1) shall be registered under section 7(5) of the 1972 Act in the same manner as if it had been confirmed by that court in England, Wales or Northern Ireland under subsection (2) of that section.

(8) Any proceedings brought under or by virtue of any provision of the 1920 Act in a court in England, Wales or Northern Ireland which are pending immediately before the commencement date, being proceedings affecting a person resident in Jersey, shall be continued as if they had been brought under or by virtue of the corresponding provision of the 1972 Act.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order designates Jersey (as defined in article 2) as a reciprocating country for the purposes of Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 as it applies in the United Kingdom.

Article 4 of this Order contains transitional provisions for England and Wales and Northern Ireland in respect of maintenance orders and proceedings to which the Maintenance Orders (Facilities for Enforcement) Act 1920 applied before the coming into operation of this Order.

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