

SCHEDULE 1

Part 3

1950 ACT: FORMS

Form 1

Notice to person liable to make payments that sums payable under a maintenance order registered in a magistrates' court in England and Wales have become payable through a collecting officer

.....Magistrates' Court (*Code*)

Date:

To:

Address:

You are hereby given notice that the sums payable by you under (*insert particulars of maintenance order*) made on the day of..... 20..., by (*state court in Scotland or Northern Ireland by which order was made*) and registered in this Court under Part 2 of the Maintenance Orders Act 1950, have, under an order of this Court dated the..... day of 20..., become payable through (*or to*) the Collecting Officer of this Court (*or the.....Magistrates' Court*).

Payments under the order (including payments in respect of any sums due at the date of the receipt by you of this notice) should henceforth be sent to me (*or to the said Collecting Officer*) at (*state address*).

A.B,

Designated Officer and Collecting Officer for the Court

Status: This is the original version (as it was originally made).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

Form 2

Notice to person liable to make payments that sums payable under a maintenance order made by a magistrates' court in England and Wales have ceased to be payable to or through any officer or person

..... Magistrates' Court (Code)

Date:

To:

Address:

You are hereby given notice that the sums payable by you under *(insert particulars of maintenance order)* made on the day of 20..., by this Court have, by reason of the registration of the said order in *(state court in Scotland or Northern Ireland in which order is registered)*, ceased to be payable through *(or to)* *(state officer or person through or to whom payments have hitherto been required to be made)*.

Payments under the order (including payments in respect of any sums due at the date of the receipt by you of this notice) should henceforth be paid to *(state name and address of person entitled to payments under the order)* (, unless you receive, or have meanwhile received, notice from the clerk of the said court in Northern Ireland that they are to be paid to any other person).

A.B,

Designated Officer and Collecting Officer for the Court

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Form 3

Certificate of arrears

I hereby certify that the arrears due at the date of this certificate under (*insert particulars of maintenance order*) made on the day of 20...., by the magistrates' court sitting at....., the payments under which are at present required to be made to (*or through*) me, amount to

Dated the day of 20....

A.B.

Designated Officer of theMagistrates' Court

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Form 4

Notice of cancellation of registration of maintenance order in a magistrates' court

..... Magistrates' Court (*Code*)

Date:

To:

Address:

You are hereby given notice that the registration in this Court under Part 2 of the Maintenance Orders Act 1950 of (*insert particulars of maintenance order*) made on the day of..... 20..., by (*state court in Scotland or Northern Ireland by which order was made*) has been cancelled.

(Sums payable by you under the order have, by reason of the cancellation of the registration of the order, ceased to be payable through the designated officer for (this court) (the magistrates' court at.....) (by the following method of payment falling within section 59(6) of the Magistrates' Courts Act 1980 (standing order etc.), namely.....), (by an attachment of earnings order).

Payments under the order (including payments in respect of any sums due at the date of receipt by you of this notice) should henceforth be paid to (*state name and address of person entitled to payments under the order*), unless you receive, or meanwhile have received, notice from the designated officer for a competent court that they are to be paid to any other person.

A.B.

Designated officer for the Court

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SCHEDULE 2

Part 4

1958 ACT: FORMS

Form 1

Certificate in respect of interest recoverable under a maintenance order
(Maintenance Orders Act 1958, section 2A(1))

I hereby certify that the rate of interest shown in accordance with section 2A(1) of the Maintenance Orders Act 1958 to be recoverable in respect of *(insert particulars of maintenance order, or, if applicable relates only to part of the order relating to a lump sum, insert particulars of the part of the order)* is and that the date from which it is so recoverable is.....
to.....

Dated the..... day of 20
A.B.
Clerk of theMagistrates' Court.

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Form 2

Notice that payments have become payable through the designated officer for a
magistrates' court
(Maintenance Orders Act 1958, section 2(6)
Maintenance Orders Act 1950, section 19(4))

..... Magistrates' Court (*Code*)

Date:

To:

Address:

You are hereby given notice that the sums payable by you under (*insert particulars of maintenance order*) made on the day of..... 20.... by the (High Court) (..... County Court) (Court of Session) (High Court in Northern Ireland) and registered in this Court under Part 1 of the Maintenance Orders Act 1958, have under an order of this Court dated the..... day of 20....., become payable through (me) (the designated officer forMagistrates' Court).

Payments under the order (including payments in respect of any sums due at the date of the receipt by you of this notice) should henceforth be sent to the designated officer for the Magistrates' Court at (*state address*).

A.B.

Designated officer for the Court

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Form 3

Notice that payments have ceased to be payable through the designated officer for the
magistrates' court
(Maintenance Orders Act 1958, section 2(5)
Maintenance Orders Act 1950, section 19(4))

..... Magistrates' Court (Code)

Date:

To:

Address:

You are hereby given notice that the sums payable by you under *(insert particulars of maintenance order)* made on the day of..... 20....., by (this Court) *(state court in Scotland or Northern Ireland which made the order)* and registered in this Court under Part 2 of the Maintenance Orders Act 1950 have by reason of the registration of the order in the High Court ceased to be payable to *(state designated officer for magistrates' court to whom payments have hitherto been required to be made)*.

Payments under the order (including payments in respect of any sums due at the date of the receipt by you of this notice) should henceforth be paid to *(state name and address of the person entitled to payments under the order)*.

A.B.

Designated officer for the Court.

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Form 4

Notice of cancellation of registration (Maintenance Orders Act 1958, section 5(5))

..... Magistrates' Court

Date:

To:

Address:

You are hereby given notice that the registration in this Court under Part 1 of the Maintenance Orders Act 1958, of *(insert particulars of maintenance order)* made on the day of..... 20....., by the (High Court) (.....County Court) (Court of Session) (High Court in Northern Ireland) has been cancelled.

Sums payable by you under the said order have by reason of the cancellation of the registration of the order ceased to be payable through the designated officer for (this court) (the Magistrates' Court), (by the following method of payment falling within section 59(6) of the Magistrates' Courts Act 1980 (standing order etc), namely.....), (by an attachment of earnings order) (by direct payment to.....).

Payments under the order (including payments in respect of any sums due on the date of the receipt by you of this notice) should henceforth be paid to *(state name and address of person entitled to payments under the order)*.

A.B.

Designated officer for the Court.

SCHEDULE 3

Rule 64

1972 ACT: FORM

Form of Notice

Notice under section 35(3) of the Maintenance Orders (Reciprocal Enforcement) Act
1972

..... Magistrates' Court

Date:

To the defendant.....

of.....

..... Complaint has been made by

The complainant.....

of.....

..... who states that by an order made on.....

..... under the..... Act

..... by the Magistrates' Court

..... you were ordered as follows:-

..... and applies for that order to be [revoked] [varied by an order requiring.....]

..... on the ground that

The hearing of the complaint will be on:

Date of hearing..... at [am/pm]

at the..... Magistrates' Court

A.B.

Designated officer for the Court

Note: if you do not appear at the time and place specified above the court may proceed in your absence. If you wish to make written representations to the court you may do so on the enclosed form.

SCHEDULE 4

Rule 68

1972 ACT: RULES OF PROCEDURE

Interpretation

1. In this Schedule, and in any rule where this Schedule applies to proceedings pursuant to that rule, unless the context otherwise requires—

“business day” means any day other than—

- (a) a Saturday, Sunday, Christmas or Good Friday; or
- (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁾, in England and Wales;

“directions appointment” means a hearing for directions under paragraph 4;

“file” means deposit with the designated officer for a magistrates’ court;

“note” includes a record made by mechanical or electronic means;

“permission” includes approval; and

“proceedings” means proceedings to which this Schedule applies, as provided in rule 68.

Transfer of proceedings

2.—(1) Where—

- (a) any proceedings are relevant proceedings within the meaning of section 93 of the 1989 Act⁽²⁾, and
- (b) the justices’ clerk or the court receives a request in writing from the resident party that the proceedings be transferred to another magistrates’ court,

the designated officer or the court must issue a certificate in the appropriate form, granting or refusing the request in accordance with any Order made by the Lord Chancellor under Part 1 of Schedule 11 to the 1989 Act⁽³⁾.

(2) Where a request is granted under paragraph (1), the designated officer must send a copy of the certificate to—

- (a) the resident party;
- (b) the Ministry of Justice; and
- (c) the magistrates’ court to which the proceedings are to be transferred.

(3) Any consent given or refused by a justices’ clerk in accordance with any Order made by the Lord Chancellor under Part 1 of Schedule 11 to the 1989 Act must be recorded in writing by the justices’ clerk at the time it is given or refused or as soon as practicable afterwards.

Service

3.—(1) Where service of a document is required by this Schedule or by a rule where this Schedule applies to proceedings pursuant to that rule, it may be effected, unless the contrary is indicated—

(1) 1971 c.80.

(2) Section 93 was amended by section 116 of and paragraph 22 of Schedule 16 to the Courts and Legal Services Act 1990 and section 122(2) of the Adoption and Children Act 2002.

(3) Part 1 of Schedule 11 was amended by section 45 of the Child Support Act 1991 (c.48), sections 83(5) and 85 of and paragraph 10 of Schedule 8 to Part 9 of Schedule 9 to the Child Support, Pensions and Social Security Act 2000, section 139(1) of and paragraphs 54 and 75 of Schedule 3 to the Adoption and Children Act 2002 and section 15(1) of and paragraphs 203 and 210 of Part 1 of Schedule 4 to the Constitutional Reform Act 2005.

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- (a) if the person to be served is not known by the person serving to be acting by a legal representative—
 - (i) by delivering it to that person personally; or
 - (ii) by delivering it at, or by sending it by first-class post to, that person’s residence or last known residence; or
 - (b) if the person to be served is known by the person serving to be acting by a legal representative—
 - (i) by delivering the document at, or sending it by first-class post to, the legal representative’s address for service;
 - (ii) where the legal representative’s address for service includes a numbered box at a document exchange, by leaving the document at that document exchange or at a document exchange which transmits documents on every business day to that document exchange; or
 - (iii) by sending a legible copy of the document by facsimile transmission to the legal representative’s office.
- (2) In this paragraph, “first-class post” means first-class post which has been pre-paid or in respect of which pre-payment is not required.
- (3) Unless the contrary is proved, a document will be deemed to have been served—
 - (a) in the case of service by first-class post, on the second business day after posting, and
 - (b) in the case of service in accordance with sub-paragraph (1)(b)(ii), on the second business day after the day on which it is left at the document exchange.
- (4) In any proceedings where this Schedule, or a rule where this Schedule applies, requires a document to be served, the court or the justices’ clerk may, without prejudice to any power under paragraph 4, direct that—
 - (a) the requirement will not apply;
 - (b) the time specified by the rules for complying with the requirement will be abridged to such extent as may be specified in the direction;
 - (c) service is to be effected in such manner as may be specified in the direction.

Directions

- 4.—(1) The court or the justices’ clerk may give, vary or revoke directions for the conduct of the proceedings, including—
 - (a) the timetable for the proceedings;
 - (b) varying the time within which or by which an act is required by this Schedule, or by a rule where this Schedule applies to proceedings pursuant to that rule, to be done;
 - (c) the service of documents; and
 - (d) the submission of evidence.
- (2) Where the designated officer receives such an application or any document by which proceedings are commenced, the justices’ clerk must consider whether any directions need to be given under sub-paragraph (1).
- (3) Where the justices’ clerk or a single justice who is holding a directions appointment considers, for whatever reason, that it is inappropriate to give a direction on a particular matter, the matter must be referred to the court, which may give any appropriate direction.
- (4) Directions under sub-paragraph (1) may be given, varied or revoked—

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- (a) of the justices' clerk's or the court's own motion, having given the resident party an opportunity to attend and be heard or to make written representations; or
 - (b) on the written request of either party, specifying the direction sought.
- (5) Where the designated officer receives a request under sub-paragraph (4)(b), the justices' clerk must—
- (a) make the direction sought; or
 - (b) fix a date for a hearing to consider the request.

Timing of proceedings

5.—(1) Any period of time fixed by this Schedule, or by a rule where this Schedule applies to proceedings pursuant to that rule, or by any order or direction, for doing any act is to be reckoned in accordance with this rule.

(2) Where the period, being a period of seven days or fewer, would include a day which is not a business day, that day will be excluded.

(3) Where the time fixed for filing a document with the designated officer expires on a day on which the office of the designated officer is closed, and for that reason the document cannot be filed on that day, the document will be filed on time if it is filed on the next day on which the office of the designated officer is open.

(4) Where this Schedule, or a rule where this Schedule applies to proceedings pursuant to that rule, provides a period of time within which, or by which, a certain act is to be performed in the course of relevant proceedings, that period may not be extended otherwise than by a direction of the justices' clerk or the court under paragraph 4(1) above.

(5) Sub-paragraphs (6) and (7) apply at the—

- (a) transfer to a court of proceedings;
- (b) postponement or adjournment of any hearing or directions appointment in the course of relevant proceedings; or
- (c) conclusion of any such hearing or direction appointment other than one at which the proceedings are determined, or as soon as is practicable after that point.

(6) The justices' clerk must fix a date on which the proceedings will come before the justices' clerk or the court again for such purposes as the justices' clerk or the court directs, which date will, where sub-paragraph (5)(a) applies, be as soon as possible after the transfer.

(7) The designated officer must give notice to the resident party of the date fixed in accordance with sub-paragraph (6).

Attendance at a directions appointment and a hearing

6.—(1) The resident party must attend a directions appointment of which that party has been given notice, unless the justices' clerk or the court directs otherwise.

(2) Where at the time and place appointed for a hearing or directions appointment the resident party does not appear, the justices' clerk or the court must not proceed with the hearing or appointment unless—

- (a) the proceedings relate to an application filed by the resident party; or
- (b) the court is satisfied that the resident party has received reasonable notice of the hearing or appointment.

(3) Where at the time and place appointed for a hearing or directions appointment the non-resident party does not appear, the court may proceed with the hearing or appointment where the proceedings relate to an order or application sent by the Lord Chancellor to the court under the 1972 Act.

(4) Nothing in this Schedule is to be taken as preventing either party from appearing at any hearing or directions appointment.

Documentary evidence

7.—(1) A party must file, at or by such time as the justices' clerk or the court directs or, in the absence of a direction, before the hearing or directions appointment—

- (a) written statements of the substance of the oral evidence which the party intends to adduce at a hearing or directions appointment, which must—
 - (i) be dated;
 - (ii) be signed by the person making the statement;
 - (iii) contain a declaration that the maker of the statement believes it to be true and understands that it may be placed before the court; and
 - (iv) show in the top right-hand corner of the first page—
 - (aa) the initials and surname of the person making the statement;
 - (bb) the number of the statement in relation to the maker;
 - (cc) the date on which the statement was made; and
 - (dd) the party on whose behalf it is filed; and
- (b) copies of any documents on which the party intends to rely at a hearing or a directions appointment.

(2) Subject to any direction of the justices' clerk or the court about the timing of statements under this paragraph, a party may file a statement which is supplementary to a statement filed under sub-paragraph (1).

(3) Where a non-resident party files a statement or document under this paragraph, that party must also file a copy of it for service on the resident party and, on receipt of that copy, the designated officer must serve it on the resident party.

(4) At a hearing or directions appointment a party may not without the permission of the justices' clerk (in the case of a directions appointment) or the court—

- (a) adduce evidence; or
- (b) seek to rely on a document,

in respect of which the party has failed to comply with the requirements of sub-paragraph (1) and, where applicable, sub-paragraph (3).

Amendment

8.—(1) A party amending a document must file the amended document with the designated officer, and the amendments must be identified.

(2) Paragraph 7(3) applies to an amended document filed under this paragraph.

Oral evidence

9. The justices' clerk or the court must keep a note of the substance of any oral evidence given at a hearing or directions appointment.

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Hearing

10.—(1) Before the hearing, the justice or justices who will be dealing with the case must read any documents which have been filed under paragraph 7 in respect of the hearing.

(2) The justices’ clerk at a directions appointment, or the court at a hearing or directions appointment, may give directions as to the order of speeches and evidence.

(3) After the final hearing, the court must make its decision as soon as is practicable.

(4) Before the court makes an order or refuses an application, the justices’ clerk must record in writing—

- (a) the names of the justice or justices constituting the court by which the decision is made; and
- (b) in consultation with the justice or justices, the reasons for the court’s decision and any findings of fact.

(5) As soon as is practicable after the court announces its decision, the justices’ clerk must make a record in writing of any order.

(6) Sub-paragraph (7) applies where, under section 7(4) of the Domestic Proceedings and Magistrates’ Courts Act 1978, a court decides to treat an application under section 7 as if it were an application for an order under section 2 of that Act(4).

(7) The court must indicate orally which of grounds (a) and (b) in that subsection it considers applicable and a memorandum of that decision and the grounds for it must be entered in the register.

Confidentiality of documents

11.—(1) No document, other than a record of an order, held by the court and relating to any proceedings may be disclosed, other than to—

- (a) a party;
- (b) the legal representative of a party;
- (c) the Ministry of Justice; or
- (d) the Legal Services Commission,

without the permission of the justices’ clerk or the court.

SCHEDULE 5

Rule 82

REVOCATIONS

<i>(1) Statutory Instrument revoked</i>	<i>(2) Reference</i>	<i>(3) Extent of revocation</i>
The Maintenance Orders Act 1950 (Summary Jurisdiction) Rules 1950	S.I. 1950/2035	The whole Rules.
The Magistrates’ Courts (Maintenance Orders Act 1958) Rules 1959	S.I. 1959/3	The whole Rules.
The Magistrates’ Courts (Attachment of Earnings) Rules 1971	S.I. 1971/809	Rule 3(1) to the extent that it relates to amendments to the Magistrates’ Courts

(4) Section 2 was amended by [S.I. 1992/709](#) and by sections 15(1) and 146 of and paragraph 96 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005.

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<i>(1) Statutory Instrument revoked</i>	<i>(2) Reference</i>	<i>(3) Extent of revocation</i>
		(Maintenance Orders Act 1958) Rules 1959 and rule 3(2).
The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) Rules 1974	S.I. 1974/668	The whole Rules to the extent that they remain in force.
The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Republic of Ireland) Rules 1975	S.I. 1975/286	The whole Rules to the extent that they remain in force.
The Magistrates' Courts (Recovery Abroad of Maintenance) Rules 1975	S.I. 1975/488	The whole Rules.
The Magistrates' Courts (Maintenance Orders Act 1958) (Amendment) Rules 1977	S.I. 1977/1890	The whole Rules.
The Magistrates' Courts (Recovery Abroad of Maintenance) (Amendment) Rules 1979	S.I. 1979/1561	The whole Rules.
The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Hague Convention Countries) Rules 1980	S.I. 1980/108	The whole Rules to the extent that they remain in force.
The Magistrates' Courts (Recovery Abroad of Maintenance) (Amendment) Rules 1980	S.I. 1980/1584	The whole Rules
The Magistrates' Courts (Maintenance Orders Act 1950) (Amendment) Rules 1980	S.I. 1980/1895	The whole Rules.
The Magistrates' Courts (Maintenance Orders Act 1958) (Amendment) Rules 1980	S.I. 1980/1896	The whole Rules.
The Magistrates' Courts (Civil Jurisdiction and Judgments Act 1982) Rules 1986	S.I. 1986/1962	The whole Rules to the extent that they remain in force.
The Magistrates' Courts (Family Law Act 1986) Rules 1988	S.I. 1988/329	The whole Rules.
The Magistrates' Courts (Family Law Reform Act 1987) (Miscellaneous Amendments) Rules 1989	S.I. 1989/384	Rule 2 to the extent that it relates to amendments to the Magistrates' Courts (Maintenance Orders Act 1985) Rules 1959. Paragraph 2 of the Schedule.
The Family Proceedings Courts (Children Act 1989) Rules 1991	S.I. 1991/1395	The whole Rules to the extent that they remain in force.

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<i>(1) Statutory Instrument revoked</i>	<i>(2) Reference</i>	<i>(3) Extent of revocation</i>
The Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991	S.I. 1991/1991	The whole Rules to the extent that they remain in force.
The Magistrates' Courts (Maintenance Enforcement Act 1991) (Miscellaneous Amendments) Rules 1992	S.I. 1992/457	Rule 2 to the extent that it relates to the paragraphs of the Schedule set out below. Paragraphs 4, 5, 6, 7, 8, 9 of the Schedule.
The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Miscellaneous Amendments) Rules 1993	S.I. 1993/617	The whole Rules to the extent that they remain in force.
The Family Proceedings Courts (Children Act 1989) (Amendment) (No 2) Rules 1994	S.I. 1994/3156	The whole Rules to the extent that they remain in force.
The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (United States of America) Rules 1995	S.I. 1995/2802	The whole of Rules to the extent that they remain in force, save that they are to continue in force to the extent required for the purposes of rule 4(2) of the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Miscellaneous Amendments) Rules 2007 (S.I. 2007/2267).
The Family Proceedings Courts (Matrimonial Proceedings etc) (Amendment) Rules 1997	S.I. 1997/1894	The whole Rules to the extent that they remain in force.
The Family Proceedings Courts (Children Act 1989) (Amendment) Rules 1997	S.I. 1997/1895	The whole Rules to the extent that they remain in force.
The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Hague Convention Countries) Rules 1999	S.I. 1999/2002	The whole Rules to the extent that they remain in force.
The Magistrates' Courts (Civil Jurisdiction and Judgments Act 1982) (Amendment) Rules 2002	S.I. 2002/194	The whole Rules to the extent that they remain in force.
The Magistrates' Courts (Miscellaneous Amendments) Rules 2005	S.I. 2005/2930	Rule 2(a), (d) and (e). In Schedule 1: paragraph 1, paragraphs 10 to 32 to the extent that they amend

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<i>(1) Statutory Instrument revoked</i>	<i>(2) Reference</i>	<i>(3) Extent of revocation</i>
		<p>provisions of S.I. 1991/1991 which remain in force.</p> <p>paragraphs 33 to 51 to the extent that they amend provisions of S.I. 1991/1395 which remain in force.</p>
<p>The Family Proceedings Courts (Matrimonial Proceedings etc.) (Amendment) Rules 2007</p>	<p>S.I. 2007/1628</p>	<p>The whole Rules to the extent that they remain in force.</p>
<p>The Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Miscellaneous Amendments) Rules 2007</p>	<p>S.I. 2007/2267</p>	<p>The whole Rules to the extent that they remain in force, except rules 1 and 4(2).</p>
<p>The Magistrates' Courts (Enforcement of Children Act 1989 Contact Orders) Rules 2008</p>	<p>S.I. 2008/2859</p>	<p>The whole Rules.</p>