1979 No. 462

JUDICATURE, NORTHERN IRELAND

MAGISTRATES' COURTS

Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Amendment) Rules (Northern Ireland) 1979

Made . . . . . *14th December* 1979

Coming into operation . . . *1st January* 1980

The Lord Chancellor, in exercise of the powers conferred on him by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a) as extended by section 18(2) of the Maintenance Orders (Reciprocal Enforcement) Act 1972(b) on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Amendment) Rules (Northern Ireland) 1979 and shall come into operation on 1st January 1980.

Interpretation

2. In these rules "the principal rules" means the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) Rules (Northern Ireland) 1974(c).

Payment of sums under Registered Orders

3. In rule 9(2) of the principal rules after the word "shall" there shall be inserted the words ",unless the Secretary of State otherwise directs,".

Amendment of Schedule 1 to principal rules

4. Schedule 1 to the principal rules shall be amended by inserting after the words "The Republic of South Africa" the following countries and territories:—

"Alberta

Saskatchewan

Turks and Caicos Islands

United Republic of Tanzania (except Zanzibar)".

(a) 1964 c. 21 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)
(b) 1972 c. 18
(c) S.R. 1974 No. 68 (I, p. 199) as amended by S.R. 1976 No. 12 (I, p. 43)

Amendment of Schedule 2 to the principal rules

5. Schedule 2 to the principal rules shall be amended by inserting after the word "Kenya" the following countries and territories:—

"Fiji

Hong Kong

Singapore

Turks and Caicos Islands

United Republic of Tanzania (except Zanzibar)".

Dated the 14th day of December 1979.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(*This note is not part of the rules, but is intended to indicate their general purport.*)

These rules amend the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) Rules (Northern Ireland) 1974.

Rule 9(2) of the 1974 Rules provides (in the case of a maintenance order registered in a court of summary jurisdiction) that if the court which made the order is in one of the countries and territories specified in Schedule 2 to the 1974 Rules, the clerk of petty sessions shall send any sums received by him under the order to the Crown Agents for transmission to the person to whom they are due. Rule 3 of these rules amends rule 9(2) so as to allow the Secretary of State, in those cases where sums would normally be sent to the Crown Agents for transmission, to direct that other arrangements shall be made.

Rules 4 and 5 add to Schedules 1 and 2 to the 1974 Rules (transmission of documents via the Secretary of State and transmission of sums via Crown Agents respectively) certain of the countries and territories which are designated as reciprocating countries for the purposes of Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 by the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1979 (S.I. 1979/115).