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**Changes to legislation:** There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Maintenance Orders Act 1950 (c. 37). (See end of Document for details)

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## SCHEDULES

### SCHEDULE 11

#### TRANSFER OF JURISDICTION TO FAMILY COURT

##### PART 1

##### AMENDMENTS OF ENACTMENTS

##### *Maintenance Orders Act 1950 (c. 37)*

15 The Maintenance Orders Act 1950 is amended as follows.

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**Commencement Information**

**II** Sch. 11 para. 15 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

16 In section 4(1) (court of summary jurisdiction in England has jurisdiction in proceedings for the recovery of sums under certain provisions against person residing in Scotland or Northern Ireland) for “A court of summary jurisdiction in England” substitute “ The family court ”.

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**Commencement Information**

**I2** Sch. 11 para. 16 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

17 (1) In section 15(2) and (3) (service of process: endorsement by, and declarations before, justices of the peace etc) for “justice of the peace” substitute “ judge of the family court ”.

(2) In Schedule 2 (forms)—

- (a) in the form numbered 1 (endorsement of summons) for “justice of the peace” substitute “ judge of the family court ”, and
- (b) in the form numbered 2 (declaration as to service) for “Justice of the Peace” substitute “ judge of the family court ”.

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**Commencement Information**

**I3** Sch. 11 para. 17 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

18 (1) Section 17 (procedure for registration of maintenance orders) is amended as follows.

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- (2) Omit subsection (1)(a) (authority to whom application is to be made for registration of maintenance order made by court of summary jurisdiction in England).
- (3) In subsection (3)(b) (court to whose officer certified copy of maintenance order is to be sent) for the words after “in any other case” substitute “—
  - (i) where the defendant appears to be in England and Wales, the family court;
  - (ii) where the defendant appears to be in Northern Ireland, a court of summary jurisdiction acting for the place in which the defendant appears to be;
  - (iii) where the defendant appears to be in Scotland, the sheriff court within the jurisdiction of which the defendant appears to be.”
- (4) In subsection (6) (court officer may apply, on behalf of person entitled to maintenance payments made to or through the officer, for registration of order under which they are made) for “made by a court of summary jurisdiction in England or Northern Ireland” substitute “made by the family court or a court of summary jurisdiction in Northern Ireland”.

**Commencement Information**

**I4** Sch. 11 para. 18 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 19 (1) Section 18 (enforcement of registered orders) is amended as follows.
  - (2) In subsection (1A) (interest)—
    - (a) after “under this Part of this Act in” insert “ the family court or ”,
    - (b) omit “England or”,
    - (c) omit “Part I of the Maintenance Orders Act 1958 or”, and
    - (d) omit “section 2A of the said Act of 1958 or”.
  - (3) Omit subsections (2) to (2ZB) (enforcement of registered orders in magistrates' courts).
  - (4) In subsection (2A) (offence of not giving notice of change of address to proper officer) omit “England or”.
  - (5) In subsection (2B) (meaning of “proper officer”) omit paragraph (a) (including the “and” at the end).

**Commencement Information**

**I5** Sch. 11 para. 19 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 20 (1) Section 19 (functions of collecting officer etc) is amended as follows.
  - (2) In subsection (1) (provisions in maintenance order about payment to court have no effect if order is registered)—
    - (a) for “or”, in the first place, substitute “ by the family court or in ”, and

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- (b) after “through or to any” insert “ court or ”.
- (3) In subsection (2) (court in which maintenance order registered to order payment to be made through collecting officer) omit—
  - (a) “England or” in both places, and
  - (b) “, as the case may be”.
- (4) Omit subsection (3)(a) (variation etc of orders made in England and Wales under subsection (2)).
- (5) In subsection (4) after “through or to any” insert “ court or ”.

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**Commencement Information**

- I6** Sch. 11 para. 20 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 21 In section 20(1)(a) (certificates as to arrears under registered maintenance orders)—
- (a) after “to or through” insert “ a court or ”, and
  - (b) after “signed by” insert “ an officer of that court or (as the case may be) ”.

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**Commencement Information**

- I7** Sch. 11 para. 21 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 22 (1) Section 22 (discharge and variation of maintenance orders registered in summary or sheriff courts) is amended as follows.
- (2) In subsection (1) (variation of maintenance order) for “a court of summary jurisdiction or” substitute “ the family court, a court of summary jurisdiction in Northern Ireland or a ”.
  - (3) For subsections (1A) to (1E) (powers of magistrates' courts in England and Wales to vary registered orders) substitute—

“(1A) The family court may exercise the same powers in relation to an order registered in the family court under this Part of this Act as are exercisable by the family court under section 1 of the Maintenance Enforcement Act 1991 in relation to a qualifying periodical maintenance order (within the meaning of that section) which has been made by the family court, including the power under subsection (7) of that section to revoke, suspend, revive or vary any means of payment order (within the meaning of that subsection) made by virtue of this subsection.”
  - (4) In subsection (4) (court in which order registered may vary it only under subsection (1)) for “a court of summary jurisdiction or” substitute “ the family court, a court of summary jurisdiction in Northern Ireland or a ”.
  - (5) In subsection (5) (evidence) for “a court of summary jurisdiction or” substitute “ the family court, a court of summary jurisdiction in Northern Ireland or a ”.

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**Commencement Information**

**I8** Sch. 11 para. 22 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 23 (1) Section 24 (cancellation of registration) is amended as follows.
- (2) In subsection (2) (notice by appropriate authority where defendant ceases to reside in England and Wales, Northern Ireland or Scotland) for “a court of summary jurisdiction in England or Northern Ireland” substitute “ the family court, a court of summary jurisdiction in Northern Ireland ”.
- (3) In subsection (5A) (effect of cancellation of registration in a magistrates' court in England and Wales)—
- (a) in the words before paragraph (a) for “a magistrates” substitute “ the family ”,
  - (b) in paragraph (a) omit “section 18(2ZA) or” and “or (1E)”, and
  - (c) in paragraph (b)—
    - (i) for “the designated officer for a magistrates' court in England and Wales” substitute “ the family court ”, and
    - (ii) for “59(6) of the Magistrates' Courts Act 1980” substitute “ 1(5) of the Maintenance Enforcement Act 1991 ”.
- (4) In subsection (6) (orders under section 19(2)) omit “England or”.

**Commencement Information**

**I9** Sch. 11 para. 23 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 24 In section 25(3) (rules as to procedure of courts of summary jurisdiction) for “a court of summary jurisdiction in England or Northern Ireland” substitute “ the family court or a court of summary jurisdiction in Northern Ireland ”.

**Commencement Information**

**I10** Sch. 11 para. 24 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 25 In section 28(1) (interpretation) in the definition of “collecting officer” omit “in relation to a court of summary jurisdiction in England, means the designated officer for the court, and”.

**Commencement Information**

**I11** Sch. 11 para. 25 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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