

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33). (See end of Document for details)

SCHEDULES

SCHEDULE 11

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

- 4 (1) The Maintenance Orders (Facilities for Enforcement) Act 1920 is amended in accordance with paragraphs 5 to 11.
- (2) The amendments made by paragraphs 5 to 11 cease to have effect on the coming into force of the repeal of the Maintenance Orders (Facilities for Enforcement) Act 1920 by section 22(2)(a) of the Maintenance Orders (Reciprocal Enforcement) Act 1972.

Commencement Information

- I1** Sch. 11 para. 4 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)

- 5 In section 1(2) (courts in which maintenance orders from Her Majesty's dominions outside the United Kingdom are to be registered) after “and, if the court was not a court of superior jurisdiction, be” insert “the family court or, in Northern Ireland, ”.

Commencement Information

- I2** Sch. 11 para. 5 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)

- 6 (1) Section 3 (power of courts in England and Wales, or Northern Ireland, to make provisional orders of maintenance against certain persons resident outside the United Kingdom) is amended as follows.
- (2) In subsection (1) (circumstances in which provisional orders may be made) for “a court of summary jurisdiction in England or Ireland” substitute “the family court, or in Northern Ireland to a court of summary jurisdiction, ”.
- (3) In subsection (4) (taking of evidence by court of summary jurisdiction at request of court in a part of Her Majesty's dominions outside the United Kingdom)—
- (a) omit “of summary jurisdiction” in the first place, and
 - (b) after “that court or” insert “, in Northern Ireland, ”.

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- (4) In subsection (5) (confirmation of order does not affect any power of court of summary jurisdiction to vary or revoke order, provided certain requirements are met) —
- (a) after “any power of” insert “ the family court, or ”, and
 - (b) after “summary jurisdiction” insert “ in Northern Ireland, ”.
- (5) Omit subsection (7) (variation etc in a magistrates' court in England and Wales).

Commencement Information

I3 Sch. 11 para. 6 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)

- 7 (1) Section 4 (power of court of summary jurisdiction to confirm maintenance order made outside the United Kingdom) is amended as follows.
- (2) In subsection (1) (procedure for determining whether order should be confirmed by court of summary jurisdiction)—
- (a) after “confirmed by” insert “ the family court or by ”,
 - (b) omit “England or” in the first place,
 - (c) after “send the said documents” insert “ to the family court if it appears to the Lord Chancellor that the person is resident in England and Wales or ”, and
 - (d) after “court of summary jurisdiction”, in the second place, insert “ in Northern Ireland if it appears to the Lord Chancellor that the person is resident in Northern Ireland ”.
- (3) In subsection (5A) (exercise of powers where a magistrates' court in England and Wales confirms a provisional order)—
- (a) for “a magistrates” substitute “ the family ”, and
 - (b) for “shall” substitute “ may ”.
- (4) In subsection (5B) (available powers)—
- (a) in each of paragraphs (a) and (b) for “the designated officer for the court or for any other magistrates' court” substitute “ the family court ”, and
 - (b) in paragraph (b) for “59(6) of the Magistrates' Courts Act 1980” substitute “ 1(5) of the Maintenance Enforcement Act 1991 ”.
- (5) In subsection (5C) (deciding on exercise of powers)—
- (a) for “which of the” substitute “ whether to exercise any of its ”, and
 - (b) omit “it is to exercise”.
- (6) In subsection (5D) (power to require account to be opened) for “Subsection (4) of section 59 of the Magistrates' Courts Act 1980” substitute “ Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ”.
- (7) In subsection (6) omit “Subject to subsection (6A),”.
- (8) Omit subsection (6A) (modifications of section 60 of the Magistrates' Courts Act 1980).

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I4 Sch. 11 para. 7 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)

- 8 (1) Section 4A (variation and revocation of maintenance orders) is amended as follows.
- (2) In subsection (2) (jurisdiction of magistrates' court where respondent resides in a part of Her Majesty's dominions outside the United Kingdom to which the Act extends) for “a magistrates' court in England and Wales” substitute “ the family court ”.
- (3) In subsection (4) (magistrates' court hearings in absence of respondent), in paragraph (a) for “a magistrates' court in England and Wales” substitute “ the family court ”.
- (4) In subsection (5) (application of subsection (4) to Northern Ireland with modifications) in paragraph (c) for ““a magistrates' court in England and Wales”” substitute “ “the family court” ”.

Commencement Information

I5 Sch. 11 para. 8 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)

- 9 (1) Section 6 (mode of enforcing orders) is amended as follows.
- (2) In subsection (1) (enforcement steps to be taken by court of summary jurisdiction) omit “of summary jurisdiction”.
- (3) For subsection (2) substitute—
- “(2) Every such order registered in or confirmed by the family court is enforceable as if it were an order made by the family court and as if that court had had jurisdiction to make it.”
- (4) In subsection (3) (execution of a warrant in a part of the United Kingdom in which the issuing court does not have jurisdiction) after “issued by” insert “ the family court or ”.

Commencement Information

I6 Sch. 11 para. 9 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)

- 10 In section 9 (use of depositions taken outside United Kingdom) after “courts of summary jurisdiction” insert “ , or the family court, ”.

Commencement Information

I7 Sch. 11 para. 10 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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- 11 In section 11(za) (application of section 3 to Northern Ireland) for “for subsection (7) of that section there shall be substituted” substitute “ after subsection (6) of that section there shall be inserted ”.

Commencement Information

- 18** Sch. 11 para. 11 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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