1979 No. 461

JUDICATURE, NORTHERN IRELAND

MAGISTRATES' COURTS

Magistrates' Courts (Recovery Abroad of Maintenance) (Amendment) Rules (Northern Ireland) 1979

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

Coming into operation . . . 1*st 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 27(8)(9) and (11), 32(1) to (3), (6) and (8), 33(4) and (5), 35(5) and 38(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 (Recovery Abroad of Maintenance) (Amendment) Rules (Northern Ireland) 1979 and shall come into operation on 1st January 1980.

2.—(1) The provisions of the Magistrates' Courts (Recovery Abroad of Maintenance) Rules (Northern Ireland) 1975(**c**) shall apply in relation to an American State for the time being specified in the Recovery of Maintenance (United States of America) Order 1979(**d**) as they apply in relation to a Convention Country subject to the modification set out in paragraph (2) below.

(2) After rule 5 of the said rules of 1975 there shall be inserted the following rules:—

"5A. Where an application under section 26(1) or (2) of the Act or a certificate under section 26(3A) of the Act is required to be registered in a magistrates' court in pursuance of the Recovery of Maintenance (United States of America) Order 1979, the clerk of petty sessions shall enter and sign a minute or memorandum of the application or certificate in the Order Book".

Hailsham of St. Marylebone, C.

Dated 14th December 1979.

(**a**) 1964 c. 21 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)
(**b**) 1972 c. 18
(**c**) S.R. 1975 No. 58 (I, p. 295)
(**d**) S.I. 1979/1314

EXPLANATORY NOTE

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

These rules apply the provision of the Magistrates' Courts (Recovery Abroad of Maintenance) Rules (Northern Ireland) 1975 to the American States specified in the Recovery of Maintenance (United States of America) Order 1979, and make the modification set out in Rule 2(2).