



Maintenance and Affiliation Orders Act (Northern Ireland) 1966

1966 CHAPTER 35

An Act to remove restrictions on certain orders which may be made by courts of summary jurisdiction; to extend the periods for which payments may be continued under certain orders; to extend the powers of courts to make orders in respect of children in connection with certain proceedings; to make provision for the registration in the High Court or a court of summary jurisdiction of maintenance and affiliation orders and with respect to the enforcement and variation of orders so registered; and otherwise to make further provision with respect to certain orders; and for purposes connected with the matters aforesaid.

[15th November 1966]

PART I

REMOVAL OF RESTRICTIONS ON POWERS OF COURT TO MAKE CERTAIN ORDERS

S. 1 rep. by 1995 NI 2

S. 2 rep. by 1970 c.16 (NI); 1980 NI 5

Ss. 3#5 rep. by 1995 NI 2

S. 6 rep. by 1980 NI 5

S. 7 rep. by 1978 NI 15; 1980 NI 5.

S. 8 rep. by 1980 NI 5

Changes to legislation: Maintenance and Affiliation Orders Act (Northern Ireland) 1966 is up to date with all changes known to be in force on or before 07 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART II

REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

9 Application of this Part.

[^{F1}Without prejudice to section 36 of the Civil Jurisdiction and Judgments Act 1982,] The provisions of this Part shall have effect for the purpose of enabling maintenance orders to which this Part applies to be registered—

- (a) in the case of an order made by the High Court[^{F2} or a county court], in a court of summary jurisdiction; and
- (b) in the case of an order made by a court of summary jurisdiction, in the High Court;

and, subject to those provisions, while so registered—

- (i) to be enforced in like manner as an order made by the court of registration; and
- (ii) in the case of an order registered in a court of summary jurisdiction, to be varied by a court of summary jurisdiction.

F1 [1982 c. 27](#)

F2 [1989 NI 4](#)

10 Orders to which this Part applies.

- (1) This Part applies to maintenance orders made by the High Court[^{F3}, a county court], or a court of summary jurisdiction, other than orders registered under Part II of the Maintenance Orders Act 1950 .

[^{F4}(1A) This Part, except sections 11, 11A and 14(2) and (3), also applies in accordance with section 36 of the Civil Jurisdiction and Judgments Act 1982[^{F5} or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters] to maintenance orders made by a court in England and Wales or Scotland and registered in Northern Ireland under Part II of the Maintenance Order Act 1950.]

- (2) . . . ^{F6} in this Part “maintenance order” means [^{F7} an order made outside the United Kingdom and registered in a court of summary jurisdiction in Northern Ireland under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 [^{F4} or Part I of the Civil Jurisdiction and Judgments Act 1982] or] an order for . . . ^{F8}, maintenance or other payments made under any of the following enactments:—
 - (a) sections 17(2), 19(2) to (7), 20(2), 22 or 28(1) of the Matrimonial Causes Act (Northern Ireland) 1939 ;
 - (b) section 4(1) of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1951 ;
 - ^{F9}(bb) Article 24, 25(1)(a) or (d), (2) or (4) or 29(5) or (6)(a) or (d) of the Matrimonial Causes (Northern Ireland) Order 1978 ;]
 - ^{F10}(c) the Domestic Proceedings (Northern Ireland) Order 1980 ;]
 - (d) section 1^{F11} of the Act of 1924, section 12 of the Welfare Services Act (Northern Ireland) 1949 ^{F11} . . . ^{F12}[^{F13} Article 26 of the Social Security (Northern Ireland) Order 1986] [^{F14} or section 159 of the Children and Young Persons Act (Northern Ireland) 1968 ;]

Changes to legislation: Maintenance and Affiliation Orders Act (Northern Ireland) 1966 is up to date with all changes known to be in force on or before 07 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) section 11 of the Welfare Services Act (Northern Ireland) 1949^{F15} . . . ^{F12}[^{F16}section 101 of the Social Security Administration (Northern Ireland) Act 1992] [^{F14} or section 156 or 157 of the Children and Young Persons Act (Northern Ireland) 1968;]
- ^{F17}(f) section 27 of the Judicature (Northern Ireland) Act 1978 ;]
- [^{F3}(g) Article 21(a) of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989;]
- [^{F18}(h) Article 41 of, or Schedule 1 to, the Children (Northern Ireland) Order 1995;]
- [^{F19}(i) paragraph 2(1)(a) or (d), 33, 34(3) or 36(1)(a) or (d) of Schedule 15, Schedule 16, or paragraph 9 of Schedule 17 so far as that paragraph applies Part 1 of Schedule 15, to the Civil Partnership Act 2004;]
- and includes any such order which has been discharged if any arrears are recoverable thereunder.
- (3) Subject to subsection (4) for the purposes of this Part an order for the payment by the defendant of any costs incurred in proceedings relating to a maintenance order, being an order for the payment of costs made while the maintenance order is not registered, shall be deemed to form part of that maintenance order.
- (4) For the purposes of the enforcement under section 12 of an order registered under this Part such costs as are referred to in subsection (3) shall not be deemed to be a periodical payment of money.
- ^{F7}(5) For the purposes of this Part an order [^{F20}, decision, settlement [^{F21}, arrangement] or instrument] made outside the United Kingdom and registered in a court of summary jurisdiction [^{F22}in Northern Ireland under—
- (a) Part I of the Maintenance Orders (Reciprocal Enforcement) Act [^{F23}1972,
 - (b) [^{F4}Part I of the Civil Jurisdiction and Judgments Act][^{F24}1982,
 - (c) [^{F5}Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and][^{F25}commercial matters, or
 - (d) the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007,
- shall] be deemed to be a maintenance order made by that court.]
- ^{F26}(6)
- ^{F27}(7)

F3	1989 NI 4
F4	1982 c. 27
F5	SI 2001/3929
F6	1980 NI 5
F7	1972 c.18
F8	1978 NI 15
F9	1978 NI 15
F10	1980 NI 5
F11	1972 NI 14
F12	1968 c.34 (NI)
F13	1986 NI 18
F14	1968 c.34 (NI)
F15	1972 NI 14

Changes to legislation: Maintenance and Affiliation Orders Act (Northern Ireland) 1966 is up to date with all changes known to be in force on or before 07 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F16** 1992 c. 9
- F17** 1978 c.23
- F18** 1995 NI 2
- F19** 2004 c.33
- F20** Words in s. 10(5) inserted (18.6.2011) by Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 9, **Sch. 7 para. 17(3)**
- F21** Word in s. 10(5) inserted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), **Sch. 4 para. 1(a)**
- F22** Words in s. 10(5) substituted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), **Sch. 4 para. 1(b)**
- F23** Words in s. 10(5) substituted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), **Sch. 4 para. 1(c)**
- F24** Words in s. 10(5) substituted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), **Sch. 4 para. 1(d)**
- F25** Words in s. 10(5) substituted (1.8.2014) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), **Sch. 4 para. 1(e)**
- F26** S. 10(6) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 2(2)(a)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F27** S. 10(7) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 2(2)(b)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

11 Registration of orders.

- (1) A person entitled to receive payments under an order made by the High Court^{F28} or a county court] may apply for the registration of the order to the original court, and the court may, if it thinks fit, grant the application.
- (2) Where an application for the registration of such an order is granted—
 - (a) no proceedings shall be begun, and no writ, warrant or other process shall be issued, for the enforcement of the order before the registration of the order or the expiration of the prescribed period from the grant of the application, whichever first occurs; and
 - (b) the original court shall, on being satisfied within the period aforesaid by the person who made the application that no such proceedings or process begun or issued before the grant of the application remain pending or in force, cause a certified copy of the order to be sent to the clerk of petty sessions^{F29} ...;
 but if at the expiration of the period aforesaid the original court has not been so satisfied, the grant of the application shall become void.
- (3) A person entitled to receive payments under an order made by a court of summary jurisdiction, who considers that the order could be more effectively enforced if it were registered, may apply for the registration of the order to the original court, and that court^{F30} may if it thinks fit, grant the application].

^{F30}(3A) Without prejudice to subsection (3), where an order made by a court of summary jurisdiction provides both for the payment of a lump sum and for the making of

Changes to legislation: Maintenance and Affiliation Orders Act (Northern Ireland) 1966 is up to date with all changes known to be in force on or before 07 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

periodical payments, a person entitled to receive a lump sum under the order who considers that, so far as it relates to that sum the order could be more effectively enforced if it were registered may apply to the original court for the registration of the order so far as it so relates, and the court may, if it thinks fit, grant the application.

(3B) Where an application under subsection (3A) is granted in the case of an order made by a court of summary jurisdiction, the provisions of this Part shall have effect in relation to that order as if so far as it relates to the payment of a lump sum it were a separate order.]

(4) Where an application for the registration of an order made by a court of summary jurisdiction is granted—

- (a) no proceedings for the enforcement of the order shall be begun before the registration takes place and no warrant or other process for the enforcement thereof shall be issued in consequence of any such proceedings begun before the grant of the application;
- (b) any warrant of commitment issued for the enforcement of the order shall cease to have effect when the person in possession of the warrant is informed of the grant of the application, unless the defendant has then already been detained in pursuance of the warrant; and
- (c) the original court shall, on being satisfied in the prescribed manner that no process for the enforcement of the order issued before the grant of the application remains in force, cause a certified copy of the order to be sent to the prescribed officer of the High Court.

(5) The officer or clerk of a court who receives a certified copy of an order sent to him under this section shall cause the order to be registered in that court.

[^{F31}(5A) Where an order made by a court of summary jurisdiction is registered under this Part in the High Court, then—

- (a) if payments under the order of the court of summary jurisdiction are required to be made (otherwise than to the collecting officer) by any method of payment falling within Article 85(7) of the Magistrates' Courts (Northern Ireland) Order 1981 (standing order, etc.), any order requiring payment by that method shall continue to have effect after registration;
- (b) any order by virtue of which sums payable under the order of the court of summary jurisdiction are required to be paid to the collecting officer (whether or not by any method of payment falling within Article 85(7) of that Order) on behalf of the person entitled thereto shall cease to have effect.

(5B) Where an order made by the High Court or a county court is registered under this Part in a court of summary jurisdiction, then—

- (a) if a means of payment order (within the meaning of Article 96A(7) of the Judgments Enforcement (Northern Ireland) Order 1981) has effect in relation to the order in question, it shall continue to have effect after registration; and
- (b) in any other case, the court of summary jurisdiction shall order that all payments to be made under the order in question (including any arrears accrued before registration) shall be made to the collecting officer.

(5C) Any such order as to payment—

- (a) as is referred to in subsection (5A)(a) may be revoked, suspended, revived or varied by an exercise of the powers conferred by section 13A; and