



Statutory Document No. 126/04

THE MAINTENANCE ORDERS (RECIPROCAL ENFORCEMENT) ACT 1995

**THE MAINTENANCE ORDERS (RECIPROCATING COUNTRIES)
ORDER 2004**

Coming into operation 1st April 2004

In exercise of the powers conferred on the Council of Ministers by section 1(1) of, and paragraphs 1(2) and 10 of Schedule 2 to, the Maintenance Orders (Reciprocal Enforcement) Act 1995¹, and of all other enabling powers, the following Order is hereby made: —

1. Citation, commencement and interpretation

(1) This Order may be cited as the Maintenance Orders (Reciprocating Countries) Order 2004 and shall come into operation on the 1st April 2004.

(2) In this Order —

"the Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1995;

"reciprocating country" means a country specified in column 1 of Schedule 1;

"the relevant date", in relation to a reciprocating country, means the date specified in relation thereto in column 2 of Schedule 1.

2. Designation of reciprocating countries

The countries specified in column 1 of Schedule 1 are designated as reciprocating countries for the purposes of Part 1 of the Act as respects maintenance orders of the descriptions specified in relation thereto in column 3 of Schedule 1.

3. Transitional provision

(1) Sections 4, 11 to 14, 16 and 18 of the Act shall apply in relation to a maintenance order transmitted under paragraph 2 or 3 of Schedule 2 to the Act to a reciprocating country, being an order to which, immediately before the relevant date, Schedule 2 to the Act applied, as they apply in relation to a maintenance order sent to that country in pursuance of section 2 of the Act, or made by virtue of section 3 of the Act and confirmed by a competent court in that country.

¹ 1995 c.15
Price 70p Price Band A

(2) Sections 7 to 18 of the Act shall apply in relation to a maintenance order made in a reciprocating country to which, immediately before the relevant date, Schedule 2 to the Act applied, as they apply to a registered order.

4. Consequential amendment and revocation

(1) In the Schedule to the Maintenance Orders (Reciprocal Enforcement) (1921 Act Countries) Order 1996², for the entry relating to Canada substitute —

"Canada (except the provinces or territories of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Nunavut, Ontario and Prince Edward Island)"

(2) The orders specified in Schedule 2 are revoked.

² SD 76/96

Article 2.

SCHEDULE 1
RECIPROCATING COUNTRIES

<i>Country</i>	<i>Relevant date</i>	<i>Maintenance orders</i>
England and Wales	20th October 1983	All maintenance orders
Scotland	20th October 1983	All maintenance orders
Northern Ireland	20th October 1983	All maintenance orders
The following States and territories of Australia:	1st August 1986	Maintenance orders other than orders obtained by or in favour of a public authority
New South Wales		
Queensland		
South Australia		
Tasmania		
Victoria		
Western Australia		
Australian Capital Territory		
Northern Territory		
Norfolk Island		
Hong Kong	1st January 1995	All maintenance orders
New Zealand	1st January 1995	All maintenance orders
Republic of South Africa	1st January 1995	All maintenance orders except: (a) affiliation orders; and (b) other orders of the description specified in section 18(2)(b) of the 1995 Act
The following provinces and territories of Canada:		Maintenance orders, other than an affiliation order or order consequent on an affiliation order so far as it provides for the payment of a child's funeral expenses
Alberta	1st April 2004	
British Columbia	1st April 2004	
Manitoba	1st April 2004	
New Brunswick	1st April 2004	
Newfoundland and Labrador	1st April 2004	
Nova Scotia	1st April 2004	
Nunavut	1st March 2002	
Ontario	1st April 2004	
Prince Edward Island	1st April 2004	

Article 4(2).

SCHEDULE 2
ORDERS REVOKED

<i>Reference</i>	<i>Title</i>
SD 75/96	The Maintenance Orders (Reciprocating Countries) Order 1996.
SD 116/02	The Maintenance Orders (Reciprocating Countries) (Amendment) Order 2002.

MADE *2nd March* 2004

Mary Williams

Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces the Maintenance Orders (Reciprocating Countries) Order 1996 (as amended), which designates countries and territories as "reciprocating countries" for the purpose of Part 1 of the Maintenance Orders (Reciprocal Enforcement) Act 1995. It adds the Canadian provinces and territories of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario and Prince Edward Island to the list of reciprocating countries.