1977 No. 173

MAGISTRATES' COURTS

Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Republic of Ireland) (Amendment) Rules (Northern Ireland) 1977

Made . . . . . *20th June* 1977

Coming into operation . . . *1st September* 1977

To be laid before Parliament

The Secretary of State(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(b) as extended by section 18 of the Maintenance Orders (Reciprocal Enforcement) Act 1972(c) as extended by article 3 of the Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1974(d) which section is set out in Schedule 2 to that Order, on the recommendation 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 (Reciprocal Enforcement of Maintenance Orders) (Republic of Ireland) (Amendment) Rules (Northern Ireland) 1977 and shall come into operation on 1st September 1977.

Amendment of 1975 *rules*

2. For rules 15 and 16 of the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Republic of Ireland) Rules (Northern Ireland) 1975(e) there shall be substituted the following rules:

"*Service of notice of institution of proceedings in the Republic of Ireland*

15.—(1) Where the clerk of petty sessions receives from the Secretary of State a notice of the institution of proceedings in the Republic of Ireland for the making, variation or revocation of a maintenance order and it appears to the clerk that the person against whom those proceedings have been instituted is residing within the petty sessions district for which the clerk acts, the clerk of petty sessions shall serve the notice by sending a copy of it in an envelope by registered post or by the recorded delivery service (using the advice of delivery form) addressed to him at his last known or usual place of abode.

(2) Where it appears to a clerk of petty sessions who has received such a notice that the person against whom the proceedings have been instituted is not residing in such petty sessions district, the clerk shall return the notice to the Secretary of State by post.

(a) Formerly the Minister of Home Affairs for Northern Ireland; *see* S.I. 1973/2163 (1973 III, p. 7541)
(b) 1964 c. 21 (N.I.)
(c) 1972 c. 18
(d) S.I. 1974/2140 (1974 III p. 8401)
(e) S.R. 1975 No. 52 (I, p. 239)