

Jersey Law 3/1999

**MAINTENANCE ORDERS (ENFORCEMENT) (JERSEY) LAW
1999**

A LAW to make additional provision for the enforcement of maintenance orders, sanctioned by Order of Her Majesty in Council of the

16th day of DECEMBER 1998

(Registered on the 22nd day of January 1999)

STATES OF JERSEY

The 22nd day of September 1998

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

ARTICLE 1

Interpretation

- (1) In this Law, unless the context otherwise requires –
- “maintenance order” means an order for the payment of a sum, or periodic sums, of money made –
- (a) by the Royal Court –
- (i) under Article 29, 30A, 31 or 32 of the Matrimonial Causes (Jersey) Law 1949,¹ or

¹ Tome VII, pages 594–596, Volume 1979–1981, page 4, Volume 1982–1983, page 156, Volume 1986–1987, page 21, Volume 1994–1995, page 612 and Volume 1996–1997, pages 316 and 317.

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- (ii) for *pension alimentaire* in proceedings for an affiliation order; or
- (b) by the Petty Debts Court under Article 2, 3, 6, 6A or 8 of the Separation and Maintenance Orders (Jersey) Law 1953,²

and “maintenance” shall be construed accordingly;

“wages” has the same meaning as in the Payment of Wages (Jersey) Law 1962.³

(2) Unless the context otherwise requires, where this Law refers to an enactment, the reference is to that enactment as amended from time to time, and includes a reference to that enactment as extended or applied by or under another enactment including any other provision of that enactment.

ARTICLE 2

Enforcement of maintenance orders

(1) If a person (hereinafter referred to as “the payer”) fails to comply with a maintenance order, the person for whose benefit that order was made (hereinafter referred to as “the recipient”) may proceed for recovery of any sum due under that order in accordance with the following provisions of this Article.

(2) The recipient may apply *ex parte* to the Bailiff or, as the case may be, to the Judge of the Petty Debts Court, for an *ordre provisoire* to distrain upon the movables (*biens-meubles*) of the payer and to make a provisional arrest of his wages.

(3) An application under paragraph (2) of this Article shall be supported by an affidavit setting out the terms of the maintenance

² Tome VII, pages 200, 201, 203 and 204.

³ Volume 1961–1962, page 485, Volume 1975–1978, page 259, Volume 1982–1983, page 7 and Volume 1998–1999, page 303.

order and the circumstances of the alleged failure of the payer to comply therewith.

(4) The recipient shall, as soon as may be after the issue of the *ordre provisoire* summons the payer to appear before the Royal Court, or, as the case may be, the Petty Debts Court, to witness confirmation of the distraint or arrest or both, as the case may be.

(5) Upon the hearing of a summons issued in accordance with paragraph (4) of this Article, the Court may confirm or discharge the distraint or arrest or both and, upon the application of the recipient, the Court may, if it thinks fit, order that the maintenance order shall have effect as if it authorized an arrest to be made on the wages of the payer in such amount as the Court thinks just.

(6) The Court shall have the same powers upon the return of a summons issued other than in reliance upon the provisions of this Law for the recovery of arrears of maintenance as it has under paragraph (5) of this Article.

ARTICLE 3

Short title

This Law may be cited as the Maintenance Orders (Enforcement) (Jersey) Law 1999.

G.H.C. COPPOCK

Greffier of the States.