



Jersey

MAINTENANCE ORDERS (ENFORCEMENT) (AMENDMENT No. 2) (JERSEY) LAW 2007

Arrangement

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MAINTENANCE ORDERS (ENFORCEMENT) (AMENDMENT No. 2) (JERSEY) LAW 2007

A LAW to amend further the Maintenance Orders (Enforcement) (Jersey) Law 1999.

<i>Adopted by the States</i>	<i>26th October 2006</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>21st March 2007</i>
<i>Registered by the Royal Court</i>	<i>30th March 2007</i>

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

1 Interpretation

In this Law, “principal Law” means the Maintenance Orders (Enforcement) (Jersey) Law 1999¹.

2 Article 1 amended

In Article 1 of the principal Law –

- (a) after the definition “maintenance order” there shall be inserted the following definitions –
- “ ‘payer’ means, in relation to a maintenance order, the person liable to make payments under the order;
 - ‘recipient’ means, in relation to a maintenance order, the person for whose benefit the order is made;”;
- (b) for the definition “wages” there shall be substituted the following definition –
- “ ‘wages’ has the same meaning as in the Employment (Jersey) Law 2003² save that it shall include pensions contributions paid by the employer and any other ancillary non-monetary benefits.”.

3 Article 2 amended

In paragraph (1) of Article 2 of the principal Law –

- (a) for the words “a person (hereafter referred to as the ‘payer’)” there shall be substituted the words “the payer”;
- (b) for the words “the person for whose benefit that order was made (hereafter referred to as the ‘recipient’)” there shall be substituted the words “the recipient”.

4 Article 2A inserted

After Article 2 of the principal Law there shall be inserted the following Article –

“2A Order for arrest of wages attaching to maintenance order

- (1) The Royal Court or the Petty Debts Court, as the case may be, when making a maintenance order or at any time after that, may on the application of the recipient or of its own motion authorize an arrest to be made on the wages of the payer.
- (2) The Court shall not authorize an arrest under paragraph (1) –
 - (a) on the application of the recipient, unless it has given the payer an opportunity to be heard; or
 - (b) of its own motion, unless it has given the parties an opportunity to be heard.
- (3) The Court shall not authorize an arrest under paragraph (1) unless it has had regard to the means of the payer.
- (4) An arrest under paragraph (1) may not exceed one half of the wages of the payer.
- (5) Paragraph (4) shall not affect the discretion of the Court under Article 2(5) to make an order for an arrest of wages in such amount as the Court thinks just.”.

5 Citation and commencement

This Law may be cited as the Maintenance Orders (Enforcement) (Amendment No. 2) (Jersey) Law 2007 and shall come into force on the seventh day following its registration.

A.H. HARRIS

Deputy Greffier of the States

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- ¹ *chapter 12.500*
² *chapter 05.255*