

CHAPTER 242

MAINTENANCE ORDERS (RECIPROCAL ENFORCEMENT) ACT

To make new provision in place of the Maintenance Orders (Facilities for Enforcement) Ordinance (Cap. 48); to make provision with a view to the accession by Malta to international conventions relating to maintenance; to make other provision for facilitating the recovery of maintenance by or from persons in Malta from or by persons in other countries; and for purposes connected with the matters aforesaid.

(26th March, 1974)*

(1st May, 1975)[†]

(12th December, 1977)[‡]

(17th April, 1978)[§]

ACT XX of 1974, as amended by Legal Notice 148 of 1975; Acts LVIII of 1974, [XIII of 1983](#), and [XXIV of 1995](#); and [Legal Notice 411 of 2007](#).

PRELIMINARY

1. The short title of this Act is the Maintenance Orders (Reciprocal Enforcement) Act. Short title.

2. (1) In this Act, unless the context otherwise requires -
"affiliation order" means an order (however described) adjudging, finding or declaring a person to be the father of a child, whether or not it also provides for the maintenance of the child;

Interpretation.
Amended by:
L.N. 148 of 1975;
XXIV. 1995.362.

"certificate of arrears", in relation to a maintenance order, means a certificate certifying that the sum specified in the certificate is to the best of the information or belief of the officer giving the certificate the amount of the arrears due under the order at the date of the certificate or, as the case may be, that to the best of his information or belief there are no arrears due thereunder at that date;

"certified copy", in relation to an order of a court, means a copy of the order certified by the registrar or other proper officer of the court to be a true copy;

"competent Maltese court" means the Civil Court, First Hall;

"court" includes any tribunal or person having power to make, confirm, enforce, vary or revoke a maintenance order;

"creditor", in relation to a maintenance order, means the person entitled to the payments for which the order provides;

"debtor", in relation to a maintenance order, means the person liable to make payments under the order;

*See Government Notice No. 216 of 26th March, 1974.

[†]See Legal Notice 48 of 1975.

[‡]See Legal Notice 153 of 1977.

[§]See Legal Notice 44 of 1978.

"maintenance order" means an order (however described) of any of the following description, that is to say -

- (a) an order (including an affiliation order or order consequent upon an affiliation order) which provides for the periodical payment of sums of money towards the maintenance of any person, being a person whom the person liable to make payments under the order is, according to the law applied in the place where the order was made, liable to maintain; and
- (b) an affiliation order or order consequent upon an affiliation order, being an order which provides for the payment by a person adjudged, found or declared to be a child's father of expenses incidental to the child's birth or, where the child has died, of his funeral expenses,

and, in the case of a maintenance order which has been varied, means that order as varied;

"Malta" has the same meaning as is assigned to it by article 124 of the [Constitution of Malta](#);

"Minister" means the Minister responsible for justice;

"order" includes any decree or other decision, including an interlocutory decree;

"Ordinance" means the Maintenance Orders (Facilities for Enforcement) Ordinance;

"provisional order" means (according to the context) -

- (a) an order made by a court in Malta which is provisional only and has no effect unless and until confirmed, with or without alteration, by a competent court in a reciprocating country; or
- (b) an order made by a court in a reciprocating country which is provisional only and has no effect unless and until confirmed, with or without alteration, by the competent Maltese court;

"reciprocating country" has the meaning assigned to it by article 3;

"registered order" means a maintenance order which is for the time being registered, or deemed to be registered, in the competent Maltese court under this Act;

"Registrar" means the Registrar of Courts of Malta;

"the responsible authority", in relation to a reciprocating country means any person who in that country has functions similar to those of the Minister under this Act;

(2) For the purposes of this Act an order shall be taken to be a maintenance order so far (but only so far) as it relates to periodical payment of sums of money as mentioned in paragraph (a) of the definition of "maintenance order" in subarticle (1) or to the person adjudged, found or declared to be a child's father of any such

expenses as are mentioned in paragraph (b) of that definition.

(3) Any reference in this Act to the payment of money for the maintenance of a child shall be construed as including a reference to the payment of money for the child's education.

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS MADE IN MALTA OR RECIPROCATING COUNTRY

3.* (1) The President of Malta, if satisfied that, in the event of the benefits conferred by this Act being applied to, or to particular classes of, maintenance orders made by the courts of any country or territory outside Malta, similar benefits will in that country or territory be applied to, or to those classes of, maintenance orders made by the courts of Malta, may by Order designate that country or territory as a reciprocating country for the purposes of this Act; and, subject to subarticle (2), in this Act "reciprocating country" means a country or territory that is for the time being so designated.

Orders designating reciprocating countries.
Amended by:
LVIII. 1974.68.

(2) A country or territory may be designated under subarticle (1) as a reciprocating country either as regards maintenance orders generally, or as regards maintenance orders other than those of any specified class, or as regards maintenance orders of one or more specified classes only; and a country or territory which is for the time being so designated otherwise than as regards maintenance orders generally shall, for the purposes of this Act, be taken to be a reciprocating country only as regards maintenance orders of the class to which the designation extends.

ORDERS MADE BY COURTS IN MALTA

4. (1) Subject to subarticle (2), where the debtor under a maintenance order made, whether before or after the commencement of this article, by a court in Malta is residing in a reciprocating country, the creditor under the order may apply for the order to be sent to that country for enforcement.

Transmission of maintenance order made in Malta for enforcement in reciprocating country.

(2) Subarticle (1) shall not have effect in relation to a provisional order.

(3) Every application under this article shall be made to the court which made the maintenance order to which the application relates.

(4) If on an application duly made under this article, the court is satisfied that the debtor under the maintenance order to which the application relates is residing in a reciprocating country, the following documents, that is to say:

- (a) a certified copy of the maintenance order;
- (b) a certificate signed by the registrar of the court certifying that the order is enforceable in Malta;
- (c) a certificate of arrears so signed;

*See Legal Notices 56 and 57 of 1984.

- (d) a statement giving such information as the said registrar possesses as to the whereabouts of the debtor;
- (e) a statement giving such information as the said registrar possesses for facilitating the identification of the debtor; and
- (f) where available a photograph of the debtor,

shall be sent by the court to the Minister with a view to their being transmitted by the Minister to the responsible authority in the reciprocating country if he is satisfied that the statement relating to the whereabouts of the debtor gives sufficient information to justify that being done.

(5) Nothing in this article shall be taken as affecting any jurisdiction of any court in Malta with respect to a maintenance order to which this article applies, and any such order may be enforced, varied or revoked accordingly.

Power of court to make a provisional maintenance order against person residing in a reciprocating country.

5. (1) Where an application is made to a court in Malta for a maintenance order against a person residing in a reciprocating country and it is shown to the court that it would have jurisdiction by virtue of any enactment to make a maintenance order if -

- (a) that person were domiciled in Malta; and
- (b) a summons to appear before the court to answer to the demand had been duly served on him,

the court shall have jurisdiction to hear the application and may, subject to subarticle (2), make a maintenance order on the application as if a summons had been duly served on the person aforesaid and such person had failed to make appearance at the hearing.

(2) A maintenance order made by virtue of this article shall be a provisional order.

(3) Where a court makes a maintenance order which is by virtue of this article a provisional order, the following documents, that is to say -

- (a) a certified copy of the maintenance order;
- (b) a document, authenticated by the registrar of the court making the order, setting out or summarising the evidence given in the proceedings;
- (c) a certificate signed by the said registrar certifying that in the opinion of the court the grounds stated in the certificate are the grounds on which the making of the order might have been opposed by the debtor under the order;
- (d) a statement giving such information as was available to the court as to the whereabouts of the debtor;
- (e) a statement giving such information as the said registrar possesses for facilitating the identification of the debtor; and
- (f) where available, a photograph of the debtor,

shall be sent by the court to the Minister with a view to their being transmitted by the Minister to the responsible authority in the reciprocating country in which the debtor is residing if he is satisfied that the statement relating to the whereabouts of the debtor gives sufficient information to justify that being done.

(4) A maintenance order made by virtue of this article which has been confirmed by a competent court in a reciprocating country shall be treated for all purposes as if the court which made the order had made it in the form in which it was confirmed and as if the order had never been a provisional order, and subject to article 6, any such order may be enforced, varied or revoked accordingly.

6. (1) This article applies to a maintenance order a certified copy of which has been sent to a reciprocating country in pursuance of article 4 and to a maintenance order made by virtue of article 5 which has been confirmed by a competent court in such a country.

Variation and revocation of maintenance order made in Malta.

(2) A court in Malta having power to vary a maintenance order to which this article applies shall have power to vary that order by a provisional order.

(3) Where the court hearing an application for the variation of a maintenance order to which this article applies proposes to vary it by increasing the rate of the payments under the order then, unless either -

- (a) both the applicant and the debtor under the order appear in the proceedings; or
- (b) the applicant appears and the appropriate process has been duly served on the other party,

the order varying the order shall be a provisional order.

(4) Where a court in Malta makes a provisional order varying a maintenance order to which this article applies, that court shall send, to the court in a reciprocating country having power to confirm the provisional order a certified copy of the provisional order together with a document, duly authenticated setting out or summarising the evidence given in the proceedings.

(5) Where a certified copy of a provisional order made by a court in a reciprocating country, being an order varying or revoking a maintenance order to which this article applies, together with a document, duly certified, setting out or summarising the evidence given in the proceedings in which the provisional order was made, is received by the court in Malta which made the maintenance order, that court may confirm or refuse to confirm the provisional order and, if that order is an order varying the maintenance order, confirm it either without alteration or with such alterations as it thinks reasonable.

(6) For the purpose of determining whether a provisional order should be confirmed under subarticle (5), the court shall proceed as if an application for the variation or revocation, as the case may be, of the maintenance order in question had been made to it, and for this purpose a copy of the provisional order shall be served on the debtor together with an intimation that unless he makes an

appearance at the hearing, or otherwise enters a reply at or before the hearing, the court will confirm the provisional order under this article.

(7) Where a maintenance order to which this article applies has been varied by an order (including a provisional order which has been confirmed) made by a court in Malta or by a competent court in a reciprocating country, the maintenance order shall, as from the date on which the order was made, have effect as varied by that order and, where that order was a provisional order, as if that order had been made in the form in which it was confirmed and as if it had never been a provisional order.

(8) Where a maintenance order to which this article applies has been revoked by an order made by a court in Malta or by a competent court in a reciprocating country, including a provisional order made by the last-mentioned court which has been confirmed by a court in Malta, the maintenance order shall, as from the date on which the order was made, be deemed to have ceased to have effect except as respect any arrears due under the maintenance order at that date.

(9) Where before a maintenance order made by virtue of article 5 is confirmed a document, duly certified, setting out a summarising evidence taken in a reciprocating country for the purpose of proceedings relating to the confirmation of the order is received by the court in Malta which made the order, or that court, in compliance with a request made to it by a court in such a country, takes the evidence of a person residing in Malta for the purpose of such proceedings, the court in Malta which made the order shall consider that evidence and if, having done so, it appears to it that the order ought not to have been made -

- (a) it shall, give to the person on whose application the maintenance order was made an opportunity to consider that evidence, to make representations with respect to it and to adduce further evidence; and
- (b) after considering all the evidence and any representations made by that person, it may revoke the maintenance order.

ORDERS MADE BY COURTS IN RECIPROCATING COUNTRIES

Registration in
Malta court of
maintenance order
made in
reciprocating
country.

7. (1) This article applies to a maintenance order made, whether before or after the commencement of this article, by a court in a reciprocating country, including such an order made by such a court which has been confirmed by a court in another reciprocating country but excluding a provisional order which has not been confirmed.

(2) Where a certified copy of an order to which this article applies is received by the Minister from the responsible authority in a reciprocating country, and it appears to the Minister that the debtor under the order is residing in Malta, he shall send the copy of the order to the Registrar.

(3) Where the Registrar receives from the Minister a certified

copy of an order to which this article applies, he shall, subject to subarticle (4) register the order in the competent Maltese court.

(4) Before registering an order under this article the Registrar shall take such steps as he thinks fit for the purpose of ascertaining whether the debtor under the order is residing in Malta, and if after taking those steps he is satisfied that the debtor is not so residing he shall return the certified copy of the order to the Minister with a statement giving such information as he possesses as to the whereabouts of the debtor.

8. (1) This article applies to a maintenance order made, whether before or after the commencement of this article, by a court in a reciprocating country being a provisional order.

Confirmation by court in Malta of provisional maintenance order made in reciprocating country.

(2) Where a certified copy of an order to which this article applies together with -

- (a) a document, duly authenticated, setting out or summarising the evidence given in the proceedings in which the order was made; and
- (b) a statement of the grounds on which the making of the order might have been opposed by the debtor under the order,

is received by the Minister from the responsible authority in a reciprocating country, and it appears to the Minister that the debtor under the order is residing in Malta, he shall send the copy of the order and documents which accompanied it to the Registrar, and the competent Maltese court, shall -

- (i) if the debtor under the order establishes any such defence as he might have raised in the proceedings in which the order was made, refuse to confirm the order; and
- (ii) in any other case, confirm the order either without relation or with such alterations as it thinks reasonable.

(3) In any proceedings for the confirmation under this article of a provisional order, the statement received from the court which made the order of the grounds on which the making of the order might have been opposed by the debtor under the order shall be conclusive evidence that the debtor might have raised a defence on any of those grounds in the proceedings in which the order was made.

(4) For the purpose of determining whether a provisional order should be confirmed under this article the court shall proceed as if an application for a maintenance order against the debtor under the provisional order had been made to it and for this purpose a copy of the order shall be served on the debtor under the order together with an intimation that unless he makes appearance at the hearing, or otherwise enters a reply at or before the hearing, the court will confirm the order under this article.

(5) If the court confirms the order, the Registrar shall register the order in that court, and if the court refuses to confirm the order,

the Registrar shall return the certified copy of the order and the documents which accompanied it to the Minister.

(6) If an intimation to appear in the proceedings for the confirmation of the provisional order cannot be duly served on the debtor under that order the Registrar shall return that copy and the documents which accompanied it to the Minister with a statement giving such information as he possesses as to the whereabouts of the debtor.

Enforcement of
maintenance order
registered in a
Maltese court.
Amended by:
XIII. 1983.5;
L.N. 411 of 2007.

9. (1) A registered order may be enforced in Malta as if it had been made by the registering court and as if that court had had jurisdiction to make it; and proceedings for or with respect to the enforcement of any such order may be taken accordingly.

(2) Any person for the time being under an obligation to make payments in pursuance of a registered order shall give notice of any change of address to the Registrar, and any person failing without reasonable excuse to give such notice shall be liable on conviction to a fine (*multa*) not exceeding twenty-three euro and twenty-nine cents (23.29).

(3) In any proceedings for or with respect to the enforcement of an order which is for the time being registered under this Act a certificate of arrears sent to the Registrar shall be evidence of the facts stated therein.

(4) Subject to subarticle (5), sums of money payable under a registered order shall be payable in accordance with the order as from the date on which the order was made.

(5) The court having power under article 8 to confirm a provisional order may, if it decides to confirm the order, direct that the sums of money payable under it shall be deemed to have been payable in accordance with the order as from such date, being a date later than the date on which the order was made, as it may specify; and subject to any such direction, a maintenance order registered under the said article 8 shall be treated as if it had been made in the form in which it was confirmed and as if it had never been a provisional order.

Variation and
revocation of
maintenance order
registered in a
Maltese court.

10. (1) Subject to the provisions of this article, the competent Maltese court -

- (a) shall have the like power, on an application made by the debtor or creditor under a registered order to vary or revoke the order as if it had been made by the competent Maltese court and as if that court had had jurisdiction to make it; and
- (b) shall have the power to vary or revoke a registered order by a provisional order.

(2) The competent Maltese court shall not vary a registered order otherwise than by a provisional order unless -

- (a) both the debtor and the creditor under the registered order are for the time being residing in Malta; or
- (b) the application is made by the creditor under the

registered order; or

- (c) the variation consists of a reduction in the rate of the payments under the registered order and is made solely on the ground that there has been a change in the financial circumstances of the debtor since the registered order was made or, in the case of an order registered under article 8, since the registered order was confirmed, and the courts in the reciprocating country in which the maintenance order in question was made do not have the power, according to the law in force in that country, to confirm provisional orders varying maintenance orders.

(3) The competent Maltese court shall not revoke a registered order except by a provisional order unless both the debtor and the creditor under the registered order are for the time being residing in Malta.

(4) On an application for the revocation of a registered order the competent Maltese court shall, unless both the debtor and the creditor under the registered order are for the time being residing in Malta, apply the law applied by the reciprocating country in which the registered order was made; but where by virtue of this subarticle the competent Maltese court is required to apply that law, that court may make a provisional order if it has reason to believe that the ground on which the application is made is a ground on which the order could be revoked according to the law applied by the reciprocating country, notwithstanding that it has not been established that it is such a ground.

(5) Where the competent Maltese court makes a provisional order varying or revoking a registered order the court shall send to the court in the reciprocating country which made the registered order a certified copy of the provisional order together with a document, duly authenticated, setting out or summarising the evidence given in the proceedings.

(6) Where a certified copy of a provisional order made by a court in a reciprocating country, being an order varying a registered order, together with a document, duly authenticated, setting out or summarising the evidence given in the proceedings in which the provisional order was made, is received by the competent Maltese court, that court may confirm the order either without alteration or with such alterations as it thinks reasonable or refuse to confirm the order.

(7) For the purpose of determining whether a provisional order should be confirmed under subarticle (6) the court shall proceed as if an application for the variation of the registered order has been made to it, and for this purpose a copy of the order shall be served on the debtor under the order together with an intimation that unless he makes appearance at the hearing, or otherwise enters a reply at or before the hearing, the court will confirm the provisional order under this article.

(8) Where a registered order has been varied by an order (including a provisional order which has been confirmed) made by

the competent Maltese court or by a competent court in a reciprocating country, the registered order shall, as from the date on which the order was made, have effect as varied by that order and, where that order was a provisional order, as if that order had been made in the form in which it was confirmed and as if it had never been a provisional order.

(9) When a registered order has been revoked by an order made by the competent Maltese court or by a competent court in a reciprocating country, including a provisional order made by the first-mentioned court which has been confirmed by a competent court in a reciprocating country, the registered order shall, as from the date on which the order was made, be deemed to have ceased to have effect except as respects any arrears due under the registered order at that date.

(10) The Registrar shall register any order varying a registered order other than a provisional order which is not confirmed.

Cancellation of
registration on
transfer of order.

11. (1) Where -

- (a) a registered order is revoked by an order made by the competent Maltese court; or
- (b) a registered order is revoked by a provisional order made by that court which has been confirmed by a court in a reciprocating country and notice of the confirmation is received by the competent Maltese court; or
- (c) a registered order is revoked by an order made by a court in such a country and notice of the revocation is received by the competent Maltese court,

the Registrar shall cancel the registration; but any arrears due under the registered order at the date when its registration is cancelled by virtue of this subarticle shall continue to be recoverable as if the registration had not been cancelled.

(2) Where the Registrar, after taking such steps as he thinks fit for the purpose of ascertaining whether the debtor under a registered order is residing in Malta, is satisfied, that the debtor under the order has ceased to reside in Malta, he shall cancel the registration of the order and shall send the certified copy of the order to the Minister, together with -

- (a) a certificate of arrears signed by him;
- (b) a statement giving such information as he possesses as to the whereabouts of the debtor; and
- (c) any relevant documents in his possession relating to the case.

Steps to be taken
where debtor under
certain orders is
not residing in
Malta.

12. (1) If it appears to the Minister that the debtor under a maintenance order, a certified copy of which has been received by him from a reciprocating country, is not residing in Malta or, in the case of an order which subsequently became a registered order, has ceased to reside in Malta, he shall send to the responsible authorities in that country or, if having regard to all the

circumstances he deems proper to do so, to the responsible authority in another reciprocating country -

- (a) the certified copy of the order in question and a certified copy of any order varying that order;
- (b) if the order has at any time been a registered order, a certificate of arrears signed by the Registrar;
- (c) a statement giving such information as the Minister possesses as to the whereabouts of the debtor; and
- (d) any other relevant documents in his possession relating to the case.

(2) Where the documents mentioned in subarticle (1) are sent to the responsible authority in a reciprocating country other than that in which the order in question was made, the Minister shall inform the responsible authority in the reciprocating country in which that order was made of what he has done.

APPEALS

13. (1) No appeal shall lie from a provisional order made in pursuance of any provision of this Act by the competent Maltese court. Appeals.

(2) Where in pursuance of any such provision the said court confirms or refuses to confirm a provisional order made by a court in a reciprocating country, whether a maintenance order or an order varying or revoking a maintenance order, the creditor or debtor under the maintenance order shall have the like right of appeal from the confirmation of, or refusal to confirm, the provisional order as he would have if that order were not a provisional order and the competent Maltese court had made or, as the case may be, refused to make it.

(3) Where in pursuance of any such provision the competent Maltese court makes, or refuses to make, an order varying or revoking a maintenance order made by a court in a reciprocating country, then, subject to subarticle (1), the debtor or creditor under the maintenance order shall have the like right of appeal from that order or from the refusal to make it as he would have if the maintenance order had been made by the competent Maltese court.

(4) Nothing in this article (except subarticle (1) thereof) shall be construed as affecting any right of appeal conferred by any other enactment.

EVIDENCE

14. (1) A statement contained in -

- (a) a document, duly authenticated, which purports to set out or summarise evidence given in proceedings in a court in a reciprocating country; or
- (b) a document, duly authenticated, which purports to set out or summarise evidence taken in such a country for the purpose of proceedings in a court in Malta under

Admissibility of evidence given in reciprocating country.

this Act, whether in response to a request made by such court or otherwise; or

- (c) a document, duly authenticated, which purports to have been received in evidence in proceedings in a court in such a country or to be a copy of a document so received,

shall in any proceedings in a court in Malta relating to a maintenance order to which this Act applies be admissible as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.

(2) A document purporting to set out or summarise evidence as mentioned in subarticle (1)(a), or taken as mentioned in paragraph (b) of that subarticle, shall be deemed to be duly authenticated for the purposes of that subarticle if the document purports to be certified by the judge, magistrate or other person before whom the evidence was given, or, as the case may be, by whom it was taken, to be the original document containing or recording, or, as the case may be, summarising, that evidence or a true copy of that document.

(3) A document purporting to have been received in evidence as mentioned in subarticle (1)(c), or to be a copy of a document so received, shall be deemed to be duly authenticated for the purposes of that subarticle if the document purports to be certified by a judge, magistrate or officer of the court in question to have been, or to be a true copy of a document which has been, so received.

(4) It shall not be necessary in any such proceedings as aforesaid to prove the signature or official position of the person appearing to have given such certificate.

(5) Nothing in this article shall prejudice the admission in evidence of any document which is admissible in evidence apart from this article.

Obtaining of
evidence needed
for certain
proceedings.

15. (1) Where for the purpose of any proceedings in a court in a reciprocating country relating to a maintenance order to which this Act applies a request is made by or on behalf of that court for the taking in Malta of the evidence of a person residing therein relating to matters specified in the request, the competent Maltese court shall have power to take that evidence and, after giving notice of the time and place at which the evidence is to be taken to such persons and in such manner as it thinks fit, shall take the evidence or cause the evidence to be taken in such manner as it may deem appropriate, or as may be prescribed under article 18.

(2) Evidence taken in compliance with such a request shall be sent by the Registrar to the court in the reciprocating country by or on behalf of which the request was made.

(3) A court in Malta may for the purpose of any proceedings in that court under this Act relating to a maintenance order to which this Act applies request a court in a reciprocating country to take or provide evidence relating to such matters as may be specified in the request and may remit the case to that court for that purpose.

16. For the purposes of this Act, unless the contrary is shown -
- (a) any order made by a court in a reciprocating country purporting to bear the seal of that court or to be signed by any person in his capacity as a judge, magistrate or officer of the court, shall be deemed to have been duly sealed or, as the case may be, to have been signed by that person;
 - (b) the person by whom the order was signed shall be deemed without further proof to have been a judge, magistrate or officer, as the case may be, of that court when he signed it and, in the case of an officer, to have been authorised to sign it; and
 - (c) a document purporting to be a certified copy of an order made by a court in a reciprocating country shall be deemed without further proof to be such a copy.
17. (1) The Minister may make, and when made vary, modify or, without prejudice to the making of new regulations, revoke, regulations to provide for any matter which in his opinion is expedient to give effect to any provision of this Act, and, without prejudice to the generality of the foregoing, to -
- (a) establish or regulate the procedure, method or manner to be followed and the time limits and other limitations to be observed, in respect of any matter provided for in this Act;
 - (b) prescribe the manner in which and the person by whom anything which is to be certified or authenticated or duly certified or authenticated under this Act is to be so certified or authenticated;
 - (c) prescribe the person who is to perform any of the functions or duties provided for in this Act.
- (2) Without prejudice to any regulations made under this article, proceedings under this Act shall be regulated by rules made under article 29 of the [Code of Organization and Civil Procedure](#) (including any rules so made in respect of proceedings under the Ordinance which shall remain in force and shall apply to proceedings under this Act) and, failing such rules or regulations, by the provisions of the Code aforesaid.

Order, etc., made abroad need not be proved.

Regulations and rules of procedure.

Cap. 12.

REPEAL AND TRANSITIONAL PROVISIONS

- *18. The [Maintenance Orders \(Facilities for Enforcement\) Ordinance](#) is hereby repealed, without prejudice to anything lawfully done thereunder and to the provisions of article 17(2).

Repeal.
Cap. 48.

* See footnote to Chapter 48.

Provision
respecting certain
orders and
proceedings under
the repealed
Ordinance.
Amended by:
LVIII.1974.68.

19. (1) Where a country or territory, being a country or territory to which immediately before the date of commencement of article 18, the Ordinance extended, becomes a reciprocating country, then, subject to such modifications, limitations and restrictions as may be contained in the order made under article 3 designating that country or territory as a reciprocating country -

(a) the provisions of this Act shall apply to maintenance orders, or maintenance orders of a class specified in the order aforesaid -

(i) made by a court in Malta against a person residing in that country or territory, or

(ii) made by a court in that country or territory against a person residing in Malta,

being orders to which, immediately before the date of commencement of the subarticle aforesaid, the Ordinance applied, and any such order which immediately before the date aforesaid was registered under the Ordinance shall be deemed to be and be treated as an order registered under this Act;

(b) any maintenance order, or maintenance orders of a class specified in the order aforesaid, made by a court in that country or territory which has been confirmed under article 6 of the Ordinance and is in force immediately before that date shall be registered by the Registrar under article 8 in like manner as an order confirmed under the said article 8;

(c) any proceedings brought under or by virtue of a provision of the Ordinance in a court in Malta which are pending at that date, being proceedings affecting a person resident in that country or territory or proceedings affecting a person resident in Malta, shall be continued as if they had been brought under or by virtue of the corresponding provision of this Act.

(2) An order made under article 3 may contain such further provision as the President of Malta may consider expedient to give effect to the provisions of subarticle (1).

POWER TO APPLY ACT TO OTHER ORDERS AND APPLICATIONS RESPECTING MAINTENANCE

Power to apply Act
to maintenance
orders and
applications for
recovery of
maintenance in
other cases.
Amended by:
LVIII. 1974.68.

20. (1) Where the President of Malta is satisfied -

(a) that arrangements have been or will be made in a country or territory outside Malta to ensure that maintenance orders made by courts in Malta against persons in that country or territory can be enforced in that country or territory or that applications by persons in Malta for the recovery of maintenance from persons in that country or territory can be entertained by courts in that country or territory; and

(b) that in the interest of reciprocity it is desirable to ensure that maintenance orders made by courts in that

country or territory against persons in Malta can be enforced in Malta or, as the case may be, that applications by persons in that country or territory for the recovery of maintenance from persons in Malta can be entertained by courts in Malta,

the President of Malta may by order make provision for applying the provisions of this Act, with such exceptions adaptations and modifications as may be specified in the order, to such orders or applications as are referred to in paragraphs (a) and (b) and to maintenance and other orders made in connection with such applications by courts in Malta or in that country or territory.

(2) The President of Malta may also in like manner make such further provision as he may deem necessary or expedient for any purposes aforesaid or with a view to or in view of the accession by Malta to any international convention relating to maintenance.
