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| **Act of Sederunt (Child Care and Maintenance Rules) 1997**  **Statutory Instrument 1997 No. 291 (S.19)**  **Applications lodged on or after 1 August 2014** | |
| **PART IV INCOMING ORDERS UNDER THE 1950 ACT** | |
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**Registration**

**5 .24** (1) On receiving a certified copy of a maintenance order made by a court in England or Northern Ireland, the sheriff clerk shall-

(a) retain any certificate or affidavit sent with the certified copy of the order as to the amount of any arrears due under the order;

(b) endorse on the certified copy order a declaration in Form 68 and retain such certified copy order and declaration; and

(c) notify the clerk of the court which made the order that it has been registered.

(2) The sheriff clerk may issue an extract of the order with the declaration thereon, and such extract shall have the same force and effect as, and may be enforced in all respects as if it was, an extract decree of the sheriff court in which the certified copy is registered.

**Variation of rate of payment**

**5.25** An application to a sheriff court under section 22(1) of the 1950 Act for variation of the rate of payment under a maintenance order made by a court in England or Northern Ireland and registered in that sheriff court shall be made by initial writ.

**Application to adduce evidence**

**5.26** (1) An application to a sheriff court under section 22(5) of the 1950 Act to adduce evidence in connection with a maintenance order made by a court in England or Northern Ireland and registered in that sheriff court shall be made by initial writ.

(2) Any evidence adduced in pursuance of such an application shall be recorded in such manner as the sheriff shall direct and the record of evidence certified by the sheriff shall be the transcript or summary of the evidence adduced.

(3) Where the sheriff clerk of a court in which an order is registered receives a transcript or summary of evidence connected with that order adduced under section 22(5) of the 1950 Act in the court where that order was made, he shall lodge such transcript or summary in the process of any proceedings for variation of the order before the sheriff court.

**Discharge and variation**

**5.27** (1) Where a maintenance order made by a court in England or Northern Ireland and registered under the 1950 Act in a sheriff court is varied by that sheriff court, the sheriff clerk shall give notice of the variation to the clerk of the court by which the order was made by sending him a certified copy of the interlocutor varying the order.

(2) Where a maintenance order made by a court in England or Northern Ireland and registered in a sheriff court is discharged or varied by any court other than that sheriff court, the sheriff clerk shall on receipt of a certified copy of the order discharging or varying the registered order notify the clerk of the appropriate court that the discharge or variation has been entered in the Maintenance Orders Register.

(3) Paragraphs (1)(a) and (b) and (2) of rule 5.24 shall apply to an order varying a registered order as they apply to the registered order.

**Cancellation of registration**

**5.28** (1) An application under section 24(1) of the 1950 Act for the cancellation of the registration of a maintenance order made by a court in England or Northern Ireland and registered in a sheriff court shall be made by lodging with the sheriff clerk-

(a) an application for that purpose which shall state the date of the registration of the order; and

(b) a copy of the order the registration of which is sought to be cancelled.

(2) Where under section 24(1) or (2) of the 1950 Act the sheriff clerk cancels the registration of a maintenance order, he shall-

(a) notify the clerk of the court by which the order was made; and

(b) notify the person liable to make payments under the order.