

ASHLEY SLAMAT

— ATTORNEYS AT LAW —

Success. Understood.

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS

ACT 8 OF 1963

The purpose of the Act is to consolidate and amend the laws relating to the reciprocal enforcement of maintenance orders made in the Republic and proclaimed countries, and to provide for incidental matters.

Section 1 - Definitions:

“Maintenance order” means any order, other than an order of affiliation, for the payment, for the payment, including the periodical payment, by any person of sums of money towards the maintenance of any other person whom he or she is liable to maintain in accordance with the law of the country in which the order is made.

“Proclaimed country” is a country or territory in respect of which the Act applies in terms of section 2.

“Provisional Maintenance order” is a maintenance order having no effect unless and until confirmed by a competent court in the country where the person against whom it has been made is resident.

Section 3 deals with the registration of a certified copy of a maintenance orders made in proclaimed countries, when handed to the Minister to transmit to a Maintenance court.

Section 4 - 5:

- A Maintenance court can make a provisional maintenance order, then the person can be summoned with a *subpoena* to appear in the court with any documents or other proof regarding his earnings signed by his employer.
- The court can then after the enquiry confirm or vary the order, make no order or remit the case for further evidence. An Appeal can be lodged against such orders made. The payment of maintenance monies can be ordered to be paid to the clerk of the court.

If a maintenance order is made against a person residing in a proclaimed country then the Minister can transmit such order to authorities in such country to be enforced. (Section 7)

Section 8: Procedure to be followed for persons residing in proclaimed countries.

- An enquiry can be made against such a parson in his/her absence regarding the maintenance of a person in the Republic and a provisional order can be made.
- The Minister shall transmit such a provisional order and all additional information to the authorities of such a proclaimed country to trace the person against whom the order is made. The provisional order is made a final order when it is confirmed as above.