

**CHAPTER 11:04 - JUDGMENTS (INTERNATIONAL ENFORCEMENT): SUBSIDIARY
LEGISLATION**

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Judgments (Maintenance Orders (Facilities for Enforcement)) Rules

Judgments (Reciprocal Enforcement of Maintenance) Order

**JUDGMENTS (RECIPROCAL ENFORCEMENT OF
MAINTENANCE) ORDER**

(under section 14)

(5th May, 1922)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Reciprocal enforcement

Schedule

HCN 42, 1922,
HCN 61, 1922,
HCN 79, 1923,
HCN 141, 1924,
HCN 19, 1925,
HCN 22, 1925,
HCN 46, 1925,
HCN 49, 1925,
HCN 52, 1925,
HCN 55, 1925,
HCN 58, 1925,
HCN 61, 1925,
HCN 74, 1925,
HCN 12, 1926,
HCN 122, 1926,
HCN 11, 1929,
HCN 37, 1949,
HCN 170, 1954,
HCN 128, 1955,
HCN 123, 1956,
HCN 36, 1957,
HCN 103, 1962,
HMC Order 1, 1963,
G.N. 99, 1964,
L.N. 84, 1966.

1. Citation

This Order may be cited as Judgments (Reciprocal Enforcement of Maintenance) Order.

2. Reciprocal enforcement

The provisions of the Act shall apply to maintenance orders made by courts in the countries specified in the Schedule.

SCHEDULE

Court

Lesotho
Swaziland
Zambia
Zimbabwe
Republic of South Africa
Zanzibar
New South Wales
Malawi
Western Australia
Uganda
Queensland
Kenya
New Zealand
Tasmania
South Australia
Victoria
Commonwealth of Australia
Cook Islands
Island of Jersey
India (except the States of Jammu and Kashmir)
Bailiwick of Guernsey
Pakistan
Isle of Man

JUDGMENTS (MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT)) RULES

(under section 6)

(21st June, 1923)

ARRANGEMENT OF RULES

RULE

1. Citation
2. Dealing with order
3. Provisional order
4. Entry in register
5. Confirmation of order
6. Order registered in court
7. Collection of moneys
8. Further evidence

HCN 57, 1923,
HMC 1, 1963,
L.N. 84, 1966.

1. Citation

These Rules may be cited as Judgments (Maintenance Orders (Facilities for Enforcement)) Rules.

2. Dealing with order

The copy of any order made by a court outside Botswana and received by the Minister under section 15(3) of the Act shall be sent to the registrar or clerk of the court of the district in which the defendant is alleged to be living.

3. Provisional order

The copy of a provisional order made by a court outside Botswana and received by the Minister under section 16 of the Act shall be sent to the court of the district in which the

defendant is alleged to be living, with the accompanying documents and a requisition for the issue of a summons.

4. Entry in register

The registrar or clerk of the court to whom any order is sent in accordance with the above rules shall enter it in his register on the date on which he receives it in the same manner as though the order had been made at his court distinguishing it from the other entries in such manner as he may find most convenient, so as to show that it is entered in pursuance of the Act.

5. Confirmation of order

When a provisional order made outside Botswana has been confirmed with or without modification under section 16 of the Act by a magistrate's court or the court has decided not to confirm it, the registrar or clerk of the court shall send notice thereof to the court from which it was issued and also to the Minister.

6. Order registered in court

When an order has been registered in a magistrate's court under section 15(3) of the Act or a provisional order has been confirmed under section 16, that court shall, unless satisfied that it is undesirable to do so, direct that all payments due thereunder shall be made through an officer of the court, or such other person as it may specify for the purpose. Such direction may be given without any complaint or application.

7. Collection of moneys

The person through whom the payments are directed to be made shall send the moneys, when so collected, to the court from which the order originally issued:

Provided that if the court from which the order originally issued is in England the moneys so collected shall be paid to the Crown Agents in London, for transmission to the officers of court or other person to whom they are due.

8. Further evidence

When a provisional order made under section 16 of the Act has been remitted under subsection (2) of that section to a magistrate's court for the purpose of taking further evidence in accordance with the provisions of subsection (6) of the said section 16, notice specifying the further evidence required and the time and place fixed for taking it shall be sent by the registrar or clerk of the court to the person on whose application the provisional order was made.