

LAWS OF TRINIDAD AND TOBAGO

**MAINTENANCE ORDERS (FACILITIES FOR
ENFORCEMENT) ACT**

CHAPTER 45:53

**Act
12 of 2000**

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-26	.. 1/2006

LAWS OF TRINIDAD AND TOBAGO

2 **Chap. 45:53** *Maintenance Orders
(Facilities for Enforcement)*

Index of Subsidiary Legislation

	<i>Page</i>
Reciprocal Enforcement Maintenance Order 	26

Note on Reciprocal Enforcement Maintenance Order

See section 33 with respect to extension of Act to Commonwealth territories.

CHAPTER 45:53

**MAINTENANCE ORDERS (FACILITIES
FOR ENFORCEMENT) ACT**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

SECTION

1. Short title.
2. Commencement.
3. Interpretation.

PART II

**REGISTRATION AND CONFIRMATION
ABROAD OF ORDERS MADE IN
TRINIDAD AND TOBAGO**

4. Transmission of maintenance orders made in Trinidad and Tobago for registration in a reciprocating State.
5. Confirmation by a reciprocating State of provisional orders made in Trinidad and Tobago.
6. Further proceedings in respect of provisional orders made in Trinidad and Tobago.
7. Provisional orders to cease to have effect upon remarriage except in relation to a child or other dependant.

PART III

**VARIATION AND REVOCATION OF ORDERS MADE
IN TRINIDAD AND TOBAGO AND REGISTERED
OR CONFIRMED ABROAD**

8. Variation and revocation of orders made in Trinidad and Tobago by a Court in Trinidad and Tobago.
9. Variation and revocation of orders made in Trinidad and Tobago by a Court in a reciprocating State.
10. Effect of variation or revocation of orders.

LAWS OF TRINIDAD AND TOBAGO

4

Chap. 45:53

*Maintenance Orders
(Facilities for Enforcement)*

ARRANGEMENT OF SECTIONS— *Continued*

PART IV

**REGISTRATION AND CONFIRMATION
IN TRINIDAD AND TOBAGO OF
ORDERS MADE ABROAD**

SECTION

11. Registration in Trinidad and Tobago of maintenance orders made in a reciprocating State.
12. Setting aside of registration of orders.
13. Confirmation by Trinidad and Tobago of provisional orders made in a reciprocating State.
14. Enforcement of orders registered in Trinidad and Tobago.
15. Change of address to be notified.
16. Court for registration or confirmation of orders made in a reciprocating State.
17. Conversion of currency under orders made in a reciprocating State.

PART V

**VARIATION AND REVOCATION OF ORDERS MADE
ABROAD AND REGISTERED OR CONFIRMED
IN TRINIDAD AND TOBAGO**

18. Variation and revocation of orders registered or confirmed in Trinidad and Tobago.

PART VI

**CANCELLATION OF REGISTRATION AND TRANSFER
OF ORDERS MADE ABROAD AND REGISTERED
IN TRINIDAD AND TOBAGO**

19. Cancellation of registration where orders revoked.
20. Cancellation of registration where payer ceases to reside or have assets in jurisdiction of the Court.
21. Cancellation of registration where payer ceases to reside or have assets in Trinidad and Tobago.

LAWS OF TRINIDAD AND TOBAGO

*Maintenance Orders
(Facilities for Enforcement)*

Chap. 45:53

5

SECTION

22. Transfer of orders where payer resides in Trinidad and Tobago.
23. Transfer of orders where payer ceases to reside or have assets in Trinidad and Tobago.

PART VII

SUPPLEMENTAL

24. Appeals.
 25. Evidence.
 26. Admissibility of evidence given in a reciprocating State.
 27. Judicial notice.
 28. Orders in a foreign language.
 29. Designation of reciprocating States.
 30. Power to apply certain provisions of the Act to certain reciprocating States.
 31. Proceedings in Summary Court.
 32. Rules of Court.
 33. Extension of Act to Commonwealth territories.
-

CHAPTER 45:53

MAINTENANCE ORDERS (FACILITIES
FOR ENFORCEMENT) ACT

12 of 2000. **An Act to consolidate and revise the law and to make new provisions to facilitate the enforcement of maintenance orders abroad.**

[ASSENTED TO 15TH JUNE 2000]*

PART I

PRELIMINARY

Short title. **1.** This Act may be cited as the Maintenance Orders (Facilities for Enforcement) Act.

Commencement. **2.** This Act came into operation on 31st January 2001.
[18/2001].

Interpretation. **3.** (1) In this Act—
“certificate of arrears” in relation to a maintenance order, means a certificate certifying that the sum specified therein, is to the best of the information and 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 and 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 proper officer of the Court to be a true copy;
“Court” includes any tribunal or person having power to make, register, confirm, enforce, vary or revoke a maintenance order;
“maintenance order” or “order” means an order (whether final or provisional) (however described in any other law), for the payment of a lump sum or the periodical payment of money towards the maintenance of any person being a person whom the person liable to make payments under

*See section 2 for date of commencement of this Act.

the order is, according to the law applied in the place where the order was made, liable to maintain;

“payee” means a person entitled to the payments for which an order provides;

“payer” means a person liable to make payments under an order;

“proper officer” means in the case of the High Court, the Registrar of the Supreme Court and in the case of the Magistrate’s Court, the Clerk of the Peace for the Magisterial district;

“provisional order” means—

- (a) an order made by a Court in Trinidad and Tobago which has no effect unless and until confirmed by a Court in a reciprocating State; or
- (b) an order made by a Court in a reciprocating State which has no effect unless or until confirmed by a Court in Trinidad and Tobago having power under this Act to confirm it;

“reciprocating State” means any State designated a reciprocating State under section 29;

“registered order” means an order which is registered in a Court in Trinidad and Tobago under this Act;

“registering Court” means the Court in which an order is registered under this Act;

“related documents” include—

- (a) the application on which an order is made;
- (b) a certificate of arrears signed by the proper officer of a Court;
- (c) a statement, giving such information as the proper officer of a Court possesses as to the whereabouts of the payer; and
- (d) any other documents relating to the case;

“repealed Act” means the Maintenance Orders (Enforcement) Act (Ch. 45:53 1980 Rev. Ed.) repealed by this Act;

“responsible authority” in relation to a reciprocating State, means any person who in that State has functions similar to those of the Attorney General under this Act.

(2) Where a reference is to assets located in or to a person proceeding to or residing within the jurisdiction of a Court, such reference shall be construed in relation to a Court of summary jurisdiction as a reference to the Magisterial district in which the Court sits.

PART II

REGISTRATION AND CONFIRMATION ABROAD OF ORDERS MADE IN TRINIDAD AND TOBAGO

Transmission of maintenance orders made in Trinidad and Tobago for registration in a reciprocating State.

4. (1) This section applies to any maintenance order, not being a provisional order, made either before or after the commencement of this Act, by a Court in Trinidad and Tobago.

(2) Where he is satisfied that the payer under a maintenance order is proceeding to, residing in or has assets in a reciprocating State, the proper officer of the Court in which the maintenance order was made, may of his own motion or on the application, in the prescribed form, of the payee under the order, forward to the Attorney General for transmission to the responsible authority in the reciprocating State—

- (a) a request, in the prescribed form, for registration and enforcement of the order;
- (b) a certified copy of the order;
- (c) a statement relating to the whereabouts of the payer or his assets; and
- (d) all other related documents.

(3) The Attorney General shall transmit the request for registration to the responsible authority in the reciprocating State if he is satisfied that the statement relating to the whereabouts of the payer gives sufficient information to justify transmission of the request.

(4) Subject to section 8, nothing in this section shall affect the jurisdiction of a Court in Trinidad and Tobago to enforce, vary or revoke an order to which this section applies.

Confirmation by a reciprocating State of provisional orders made in Trinidad and Tobago.

5. (1) Where an application is made to a Court in Trinidad and Tobago for a maintenance order against any person who is proved to be proceeding to, residing in or have assets in a reciprocating State and the application is one in which the Court

would have jurisdiction to make a maintenance order if that person were resident in Trinidad and Tobago and a summons to appear before the Court to answer the application had been duly served upon him, the Court shall have jurisdiction to hear the application and may make an order, but any order so made shall be provisional, only.

(2) A provisional order made under this section shall have no effect unless and until confirmed by a competent Court in the reciprocating State and shall upon confirmation be treated for all purposes as if the Court in Trinidad and Tobago which made the order had made it in the form in which it was confirmed.

(3) Where a Court in Trinidad and Tobago makes a provisional order under this section, the proper officer of the Court shall send to the Attorney General for transmission to the responsible authority in the reciprocating State—

- (a) a request for confirmation in the prescribed form;
- (b) a certified copy of the order;
- (c) the depositions of any witnesses or a certified copy of the transcript of evidence;
- (d) a statement relating to the whereabouts of the payer or his assets; and
- (e) a statement of the grounds on which the making of the order might have been opposed by the payer under the order.

(4) Subject to section 8, an order which has been made under this section and which has been confirmed, may be enforced, varied or revoked accordingly by a Court in Trinidad and Tobago.

6. (1) Where, before a provisional order made under section 5 is confirmed, either—

- (a) a duly authenticated document setting out or summarising the evidence taken in the reciprocating State for the purpose of proceedings relating to the confirmation of the provisional order is received by the Court in Trinidad and Tobago; or

Further proceedings in respect of provisional orders made in Trinidad and Tobago.

LAWS OF TRINIDAD AND TOBAGO

Maintenance Orders

(Facilities for Enforcement)

10

Chap. 45:53

(b) the Court in Trinidad and Tobago in compliance with a request made to it by the Court in the reciprocating State, takes the evidence of a person residing in Trinidad and Tobago for the purpose of such proceedings,

the Court in Trinidad and Tobago which made the order shall consider that evidence.

(2) Where it appears to the Court in Trinidad and Tobago, having considered the evidence, that the provisional order ought not to have been made, it shall give to the person on whose application the order was made an opportunity to consider the evidence, to make representations with respect to it and to adduce further evidence and, after considering all of the evidence and any representations made by that person, it may revoke the provisional order and may make a fresh provisional order.

(3) Where the Court makes a fresh provisional order it shall forward to the Attorney General for transmission to the Court in the reciprocating State—

- (a) a request for confirmation in the prescribed form;
- (b) a certified copy of the order; and
- (c) the depositions or a certified copy of the transcript of any new evidence adduced.

Provisional orders to cease to have effect upon remarriage except in relation to a child or other dependant.

7. (1) In this section—

“other dependant” means such other person as the person liable to make payments under a maintenance order or order is liable to maintain;

“minor” means any person under the age of eighteen years and dependant upon the person liable to maintain.

(2) Where a Court has made a provisional order under section 5 consisting of or including a provision for periodic payments by a husband or wife and the order has been confirmed by a Court in a reciprocating State, then, if after the making of the order, the marriage of the parties to the proceedings in which the order was made is dissolved or annulled but the order continues

in force, the order, or as the case may be, the provision thereof in so far as it relates to the husband or wife, shall cease to have effect on the remarriage of the party in whose favour the order was made, except in relation to any arrears due under the order on the date of the remarriage, and such order or provision thereof shall not be capable of being revived.

(3) Notwithstanding subsection (2), where such periodical payments are made towards the maintenance of a minor or other dependant, such payment shall continue in respect of any period after the remarriage of the party in whose favour the order was made.

PART III

**VARIATION AND REVOCATION OF ORDERS MADE IN
TRINIDAD AND TOBAGO AND REGISTERED OR
CONFIRMED ABROAD**

8. (1) Where—

- (a) a maintenance order has been made by a Court in Trinidad and Tobago and has been transmitted to a reciprocating State for registration and enforcement; or
- (b) a provisional order made in Trinidad and Tobago has been confirmed by a Court in a reciprocating State,

Variation and revocation of orders made in Trinidad and Tobago by a Court in Trinidad and Tobago.

a Court in Trinidad and Tobago may, by a provisional order, vary or revoke that order.

(2) Where the Court in Trinidad and Tobago proposes to vary an order by increasing the rate of payments under the order, then, unless—

- (a) both the payer and the payee under the order appear at the hearing; or
- (b) the payee appears and the appropriate process has been duly served on the payer,

any order varying the order shall be provisional, only.

LAWS OF TRINIDAD AND TOBAGO

Maintenance Orders

(Facilities for Enforcement)

12

Chap. 45:53

(3) Where a Court in Trinidad and Tobago makes a provisional order under this section, the proper officer of the Court shall send, to the Attorney General for transmission to the responsible authority in the reciprocating State where the order was registered or confirmed—

- (a) a request for confirmation in the prescribed form;
- (b) a certified copy of the order; and
- (c) a duly authenticated document setting out or summarising the evidence taken in a Court in Trinidad and Tobago for the purpose of the proceedings.

Variation and revocation of orders made in Trinidad and Tobago by a Court in a reciprocating State.

9. (1) Where a Court in a reciprocating State varies or revokes a maintenance order which has been made in Trinidad and Tobago and—

- (a) a certified copy of the provisional order made by the Court in the reciprocating State; and
- (b) a duly authenticated document setting out or summarising the evidence given in the proceedings in which the provisional order was made,

are received by the Court in Trinidad and Tobago, that Court may confirm or refuse to confirm the provisional order, or may confirm it either without modification, or with such modification as it thinks reasonable.

(2) For the purpose of determining whether a provisional order may be confirmed or modified under this section, the Court shall proceed as if an application for the variation or revocation of the order had been made to it.

Effect of variation or revocation of orders.

10. (1) Where a Court in Trinidad and Tobago or a Court in a reciprocating State varies an order, whether or not such order is a provisional order that has been confirmed, the order shall, as from the date on which the order was made, have effect as varied, and where the order was a provisional order, as if the order had been made in the form in which it was confirmed.

(2) Where a Court in Trinidad and Tobago or a Court in a reciprocating State revokes an order, including a provisional

order made by the Court and confirmed by a Court in Trinidad and Tobago, the order shall, as from the date on which the revocation order was made, be deemed to have terminated but arrears due under the order up to that date are recoverable.

PART IV

**REGISTRATION AND CONFIRMATION IN TRINIDAD
AND TOBAGO OF ORDERS MADE ABROAD**

11. (1) This section applies to a maintenance order made, before or after the commencement of this Act, against a person by a Court in a reciprocating State, including a provisional order made by such a Court which has been confirmed by a Court in another reciprocating State.

Registration in Trinidad and Tobago of maintenance orders made in a reciprocating State.

(2) Where a certified copy of an order to which this section applies is received by the Attorney General from the responsible authority in a reciprocating State, he shall send to the proper officer of the Court in Trinidad and Tobago a certified copy of the order for registration.

(3) Where the proper officer of a Court in Trinidad and Tobago receives from the Attorney General a certified copy of an order to which this section applies, he shall, subject to subsection (4), register the order in the prescribed manner in that Court.

(4) Before registering an order under this section, the proper officer shall take such steps as he thinks fit for the purpose of ascertaining whether the payer is residing or has assets located within the jurisdiction of the Court, and if after taking such steps he is satisfied that the payer is not so residing or has no assets located within the jurisdiction, he shall return the certified copy of the order to the Attorney General with a statement giving such information as he possesses as to the whereabouts of the payer or his assets.

12. The registration of an order under section 11 shall be set aside if the registering Court is satisfied on an application made by the payer under the order that the order is not an order to which the section applies.

Setting aside of registration of orders.

LAWS OF TRINIDAD AND TOBAGO

Maintenance Orders

(Facilities for Enforcement)

14

Chap. 45:53

Confirmation by
Trinidad and
Tobago of
provisional
orders made in a
reciprocating
State.

13. (1) This section applies to a provisional order made before or after the commencement of this Act against a person by a Court in a reciprocating State.

(2) Where a certified copy of a provisional order to which this section applies together with—

(a) a duly authenticated document, 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 payer under the order,

is received by the Attorney General from the responsible authority in a reciprocating State and it appears that the payer under the order is residing in or has assets in Trinidad and Tobago he shall send the copy of the order and the documents which accompanied it to the proper officer of the Court in Trinidad and Tobago who shall cause proceedings to be commenced in the Court for the confirmation of the order.

(3) If a summons to appear in such proceedings cannot be duly served on the payer, the proper officer shall return the certified copy of the order and the documents which accompanied it to the Attorney General with a statement giving such information as he possesses as to the whereabouts of the payer or his assets.

(4) Proceedings commenced under this section for the confirmation of a provisional order shall be conducted as if an application for a maintenance order against the payer had been made to the Court.

(5) At a hearing under this section it shall be open to the payer to raise any defence or other pertinent issue which he would have been entitled to raise in the original proceedings had he been present, but no other defence.

(6) A statement received from the Court which made the order, of the grounds on which the making of the order might

have been opposed, shall be conclusive evidence that the payer might have raised a defence on any of those grounds.

(7) Where the payer establishes any such defence or other pertinent issue as he was entitled to raise in the original proceedings, the Court shall refuse to confirm the order giving its reasons therefor, and the proper officer of the Court shall return the certified copy of the order and the documents which accompanied it, together with the reasons for the decision of the Court to the Attorney General.

(8) In any other case, the Court in Trinidad and Tobago shall confirm the order either without modification or with such modifications as it thinks reasonable, and the proper officer of the Court shall register the order in the prescribed manner.

14. (1) An order registered in a Court in Trinidad and Tobago shall be enforced in Trinidad and Tobago as if it had been made by the Court in which it is registered and as if that Court had jurisdiction to make it, and proceedings for or with respect to the enforcement of any such order may be taken accordingly.

Enforcement of orders registered in Trinidad and Tobago.

(2) The Court by which an order is enforceable by virtue of this section shall take all such steps for enforcing the order.

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

(4) Subject to subsection (5), any sum of money payable under an order registered under this Part, shall be payable in accordance with the order as from the date on which the order was made.

(5) A Court confirming an order under section 13, may direct that the sums of money payable under it shall be deemed to have been payable in accordance with the order, from a date later than the date on which the order was made, and, subject to any such direction, an order so confirmed shall be treated as if it had

LAWS OF TRINIDAD AND TOBAGO

Maintenance Orders

(Facilities for Enforcement)

16

Chap. 45:53

been made in the form in which it was confirmed and as if it had never been a provisional order.

Change of address to be notified.

15. (1) A person who is under an obligation to make payments in pursuance of a registered order shall, if he changes his address, give notice of his new address to the proper officer of the Court in which the order is registered.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand five hundred dollars.

Court for registration or confirmation of orders made in a reciprocating State.

16. The Court by which an order is to be registered or confirmed, as the case may be, under this Part shall, if the Court in which the order was made—

- (a) was a Court of superior jurisdiction, be the High Court;
- (b) was not a Court of superior jurisdiction, be a Court of summary jurisdiction.

Conversion of currency under orders made in a reciprocating State.

17. Where the sums made payable under an order are expressed in a currency other than the currency of Trinidad and Tobago, such order shall not be registered or confirmed until the proper officer of the Court in which registration or confirmation of the order is sought—

- (a) determines the equivalent of those sums in the currency of Trinidad and Tobago on the basis of the rate of exchange prevailing at the date on which the order was registered or confirmed, as ascertained from any branch of a bank licensed under the Banking Act; and
- (b) the proper officer of the Court in which registration or confirmation of the order is sought, certifies on the order the sums so determined and,

Ch. 79:01.

the order upon registration or confirmation, as the case may be, shall be deemed to be an order for the payment of the sums so certified.

PART V

**VARIATION AND REVOCATION OF ORDERS MADE
ABROAD AND REGISTERED OR CONFIRMED IN
TRINIDAD AND TOBAGO**

18. (1) Subject to the provisions of this section the Court by which an order made in a reciprocating State is registered or confirmed—

Variation and revocation of orders registered or confirmed in Trinidad and Tobago.

- (a) shall have the like power, on an application made by the payer or the payee under the order, to vary or revoke the order as if that Court had made the order and had the jurisdiction to make it; and
- (b) shall have power to vary or revoke the Order by means of a provisional order.

(2) An order under this section varying a registered order shall be provisional unless—

- (a) both the payer and the payee under the order are for the time being resident in Trinidad and Tobago;
- (b) the application is made by the payee under the order and the variation consists of a reduction in the rate of the payments to be made under the registered order and is made solely on the ground that there has been a change in the financial circumstances of the payer since the order was made; or
- (c) the Court in the reciprocating State in which the order was made does not have power, according to the law in force in that State, to confirm a provisional order varying a maintenance order.

(3) A registering Court shall not, otherwise than by a provisional order, revoke a registered order, unless both the payer and the payee under the order are for the time being resident in Trinidad and Tobago.

(4) On an application for the revocation of a registered order, the registering Court shall, unless both the payer and the

payee under the order are for the time being resident in Trinidad and Tobago, apply the law of the reciprocating State in which the order was made.

(5) Where the registering Court is required by virtue of subsection (4) to apply the law of a reciprocating State, it may, if it has reason to believe that the ground on which the application is made is a ground on which the order may be revoked according to the law of that State, make a provisional order revoking the order notwithstanding that it is not established that there is a ground for revoking the order.

(6) Where the registering Court makes a provisional order varying or revoking a registered order, the proper officer of the Court shall send to the Court in the reciprocating State which made the order—

- (a) a request for confirmation in the prescribed form;
- (b) a certified copy of the order; and
- (c) a duly authenticated document setting out or summarising the evidence taken in the proceedings.

(7) Where a certified copy of a provisional order made by a Court in a reciprocating State, being an order varying or revoking a registered order, together with a duly authenticated document setting out or summarising the evidence given in the proceedings in which the provisional order was made, are received by the registering Court, that Court may confirm the order, either without modification or with such modification as it thinks reasonable or, may refuse to confirm the order.

(8) For the purpose of determining whether a provisional order should be confirmed under subsection (7), the Court shall proceed as if an application for the variation or revocation of the order, as the case may be, had been made to it.

(9) The proper officer of the registering Court shall register any order varying a registered order other than a provisional order which is not confirmed.

PART VI

**CANCELLATION OF REGISTRATION AND TRANSFER
OF ORDERS MADE ABROAD AND REGISTERED
IN TRINIDAD AND TOBAGO**

19. Where the registration of an order is revoked by—

- (a) an order made by a registering Court;
- (b) a provisional order made by a registering Court which has been confirmed by a Court in a reciprocating State and notice of the confirmation is received by the registering Court; or
- (c) an order made by a Court in a reciprocating State and notice of the revocation is received by the registering Court,

Cancellation of registration where orders revoked.

the proper officer of the Court in which the order is registered shall cancel the registration, but any arrears due under the order at the date of cancellation shall continue to be recoverable as if the registration had not been cancelled.

20. Where the proper officer of a registering Court is of the opinion that the payer under a registered order has ceased to reside or have assets within the jurisdiction of the Court, he shall cancel the registration of the order and, subject to section 22, send a certified copy of the order to the Attorney General.

Cancellation of registration where payer ceases to reside or have assets in jurisdiction of Court.

21. Where the proper officer of a registering Court is of the opinion that the payer under a registered order has ceased to reside or have assets within Trinidad and Tobago, he shall cancel the registration of the order and send a certified copy of the order to the Attorney General.

Cancellation of registration where payer ceases to reside or have assets in Trinidad and Tobago.

22. (1) Where a certified copy of an order is received by the Attorney General under this Part and it appears to him that the payer under the order is still residing in Trinidad and Tobago, he shall send a certified copy of the order to the proper officer of the Court within the jurisdiction in which it appears that the payer

Transfer of orders where payer resides in Trinidad and Tobago.

under the order is residing, and the proper officer of the Court shall register the order in that Court.

(2) The proper officer of a Court required by the provisions of this Part to send to the Attorney General a certified copy of an order shall send with the copy—

- (a) a certificate of arrears signed by him;
- (b) a statement giving such information as he possesses as to the whereabouts of the payer or his assets; and
- (c) any other related documents in his possession.

Transfer of orders where payer ceases to reside or have assets in Trinidad and Tobago.

23. (1) This section applies to maintenance orders received by the Attorney General from the responsible authority in a reciprocating State and to orders which have been registered by a Court in Trinidad and Tobago.

(2) If it appears to the Attorney General that the payer under an order to which this section applies is not residing or has ceased to reside or does not have assets or has ceased to have assets in Trinidad and Tobago, he shall send to the responsible authority of the reciprocating State where the order was made or, if the payer resides in another reciprocating State, to the responsible authority in that other reciprocating State—

- (a) a certified copy of the order and a certified copy of any order varying the order;
- (b) if the order has at any time been registered in a Court in Trinidad and Tobago, a certificate of arrears signed by the proper officer of the Court in which the order was last registered;
- (c) a statement giving such information as the Attorney General possesses as to the whereabouts of the payer or his assets; and
- (d) any other related documents in his possession.

(3) Where the documents mentioned in subsection (2) are sent to the responsible authority in a reciprocating State other than that in which the order was made, the Attorney General shall

inform the responsible authority in the reciprocating State in which the order was made of the action taken under that subsection.

PART VII

SUPPLEMENTAL

24. (1) No appeal shall lie from a provisional order made under this Act by a Court in Trinidad and Tobago. Appeals.

(2) Where a Court in Trinidad and Tobago refuses to make a provisional order or revokes a provisional order, the applicant shall have the like right of appeal, if any, from such refusal to make or the revocation of the provisional order, as he would have if that order were not a provisional order.

(3) Where a Court in Trinidad and Tobago confirms or refuses to confirm a provisional order made by a Court in a reciprocating State (including a provisional order varying or revoking an order to which this Act applies), the payer or payee under the order shall have the like right of appeal, if any, from the confirmation of, or refusal to confirm the provisional order, as he would have if the Court in Trinidad and Tobago had made the order or had refused to make it.

(4) Where in pursuance of any of the provisions of this Act, a Court in Trinidad and Tobago makes, or refuses to make, an order varying or revoking an order made by a Court in a reciprocating State, then, subject to subsection (1), the payer or payee under the order shall have the like right of appeal, if any, from the order or from the refusal to make it as he would have if the order had been made by the Court in Trinidad and Tobago.

(5) Except as provided in subsection (1), nothing in this section shall be construed as affecting any right of appeal conferred by any other written law.

25. (1) Where for the purpose of any proceeding in a Court in a reciprocating State relating to a maintenance order a request is made, by or on behalf of that Court, for the taking in Trinidad and Tobago of the evidence of a person residing therein relating Evidence.

LAWS OF TRINIDAD AND TOBAGO

Maintenance Orders

(Facilities for Enforcement)

22

Chap. 45:53

to matters specified in the request, a Court in Trinidad and Tobago shall have power to take that evidence, after giving notice of the time and place at which the evidence is to be taken to such person and in such manner as it thinks fit.

(2) Evidence taken by virtue of this section shall be certified by the proper officer of the Court in Trinidad and Tobago and sent to the Court in the reciprocating State by or on behalf of which the request was made.

Admissibility
of evidence
given in a
reciprocating
State.

26. (1) A statement contained in a duly authenticated document that purports to—

- (a) set out or summarise evidence given in proceedings in a Court in a reciprocating State;
- (b) Set out or summarise evidence taken in a reciprocating State for the purpose of proceedings in a Court in Trinidad and Tobago under this Act, whether in response to a request made by such a Court or otherwise; or
- (c) have been received in evidence in proceedings in a Court or to be a copy of a document so received,

shall, in any proceedings in a Court in Trinidad and Tobago 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 given or taken as specified in subsection (1)(a) and (b) shall be deemed to be duly authenticated for the purpose of that subsection if the document purports to be certified by the Judge, Magistrate or other person before whom the evidence was given, or by whom it was taken, to be the original document containing, recording or summarising that evidence, or a true copy of that document.

(3) A document purporting to have been received in evidence under subsection (1)(c), or to be a copy of a document

so received, shall be deemed to be duly authenticated for the purpose of that subsection 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 such a document which has been so received.

(4) Nothing in this section shall affect the admissibility of a document which apart from this section is admissible as evidence.

27. A Court before which a document referred to in section 26 is tendered shall take judicial notice of the signature or official position of the person appearing to have certified such document.

28. Where an order sought to be registered or confirmed in Trinidad and Tobago under this Act is in a language other than English, the order or a certified copy thereof shall, have attached thereto, for the purposes of this Act, a translation in the English language approved by a proper officer of the Court, and upon such approval being given, the order shall be deemed to be in the English language.

29. (1) Where the President is satisfied that reciprocal provisions have been or will be made by any State outside of Trinidad and Tobago for the enforcement in that State of maintenance orders made by a Court in Trinidad and Tobago, the President may, by Order, designate that State as a reciprocating State for the purposes of this Act.

(2) The President may revoke or vary an Order under subsection (1) and thereupon the State with respect to which the Order was made shall cease to be a reciprocating State or, as the case may be, be a reciprocating State in respect of the Order as varied.

30. The President may by Order declare that the provisions of this Act with such exceptions, adaptations and modifications as may be specified in the Order shall apply to any reciprocating State designated in the Order.

LAWS OF TRINIDAD AND TOBAGO

Maintenance Orders
(Facilities for Enforcement)

24

Chap. 45:53

Proceedings in
Summary Court.

31. (1) Any application under this Act which is made to a Summary Court shall be made by complaint.

(2) Where the defendant to a complaint for the variation or revocation—

(a) of a maintenance order made by a Summary Court, being an order to which section 8 applies; or

(b) of a registered order registered in Summary Court,

does not appear at the time and place appointed for the hearing of the complaint, but the Court is satisfied that the defendant is residing in a reciprocating State, the Court may proceed to hear and determine the complaint at the time and place appointed for the hearing in like manner as if the defendant had appeared at that time and place.

Rules of Court.
Ch. 4:01.

32. The Rules Committee established by the Supreme Court of Judicature Act may, subject to negative resolution of Parliament, make Rules of Court prescribing—

(a) any matter of procedure that is necessary or expedient for the purpose of any of the provisions of this Act and for conferring any appropriate powers ancillary to the exercise of any jurisdiction conferred by this Act;

(b) generally or specifically the practice and procedure of the Courts under this Act;

(c) the orders made, or other things done by the Court or the proper officer of the Court in a reciprocating State, notice of which is to be given to such persons as the Rules may provide and the manner in which such notice shall be given;

(d) the manner in which the Court in a reciprocating State is to be informed of orders made or confirmed or other things done by the proper officer of a Court in Trinidad and Tobago;

- (e) the manner in which a proper officer of the Court may take evidence needed for the purpose of proceedings in a Court in a reciprocating State relating to an order to which this Act applies;
- (f) the circumstances and manner in which cases may be remitted by a Court in Trinidad and Tobago to a Court in a reciprocating State;
- (g) the circumstances and manner in which Courts in Trinidad and Tobago may communicate with Courts in other States;
- (h) forms of notices, particulars of requests and other processes, and the fees to be taken therein; and
- (i) the costs to be allowed in respect of proceedings under this Act.

***33.** (1) Where immediately before the commencement of this Act, a reciprocating State was one to which the repealed Act extended, the provisions of this Act shall apply—

Extension of Act to Commonwealth territories.

- (a) to any order made under that Act by a Court in Trinidad and Tobago against a person residing in that reciprocating State; and
- (b) to any order made by a Court in that reciprocating State against a person residing in Trinidad and Tobago, and registered in Trinidad and Tobago for the purpose of proceedings under that Act.

*(2) Nothing in this Act deprives a person of the right to obtain a maintenance order under any other law.

*See paragraph 10 of Schedule I to Act No. 14 of 1988 with respect to Maintenance Orders made under this Act.

LAWS OF TRINIDAD AND TOBAGO

*Maintenance Orders
(Facilities for Enforcement)*

26

Chap. 45:53

SUBSIDIARY LEGISLATION

RECIPROCAL ENFORCEMENT MAINTENANCE ORDER

**made under section 12 of the repealed Act*

Citation.

1. This Order may be cited as the Reciprocal Enforcement Maintenance Order.

Extension of Act to Commonwealth territories.

2. The Act has been extended to maintenance orders made by the Commonwealth territories set out in the Schedule.

SCHEDULE

PART I

CARIBBEAN COMMONWEALTH TERRITORIES

Guyana	Leeward Islands
Grenada	Barbados
Saint Lucia	Jamaica
St. Vincent	Bahamas

PART II

OTHER COMMONWEALTH TERRITORIES

	New South Wales
	The Australian Commonwealth (territory of seat of Government)
153/1956.	Bailiwick of Guernsey
157/1959.	State of Queensland
132/1964.	Isle of Man
28/1974.	The State of Western Australia
29/1974	The States of South Australia Victoria and Tasmania
50/1988.	Province of New Brunswick, Canada

**See section 33 of the Act.*
