

# TRACING PAYERS OVERSEAS

## Practice Note –10 February 1976

Difficulties can arise where a person in this country wishes to take proceedings under the Maintenance Orders (Facilities for Enforcement) Act 1920 or Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 to obtain or enforce a maintenance order against a payer living overseas whose address is unknown to the applicant.

To mitigate those difficulties, arrangements have now been made with the appropriate authorities in Australia, Canada, New Zealand and South Africa, whereby the court may on request ask the authorities in those countries to make enquiries with a view to tracing the whereabouts of the payer. The following procedure should be followed.

On or before an application is made for a provisional maintenance order, or for transmission of an absolute maintenance order under the above Acts by an applicant who does not know the payer's actual address in either Australia, Canada, New Zealand or South Africa, there should be completed and lodged with the [district judge] a questionnaire, in duplicate, ([Principal] Registry Form D312 or county court Form D85 as appropriate) obtainable from the registry or court office, together with a written undertaking from the solicitor (or from the applicant if acting in person) that any address of the payer received in response to the enquiries will not be disclosed or used except for the purpose of proceedings.

This Note is issued [in its original form] with the concurrence of the Lord Chancellor.

