Table of Statutes referred to in this Act

Short Title	Session and Chapter
Markets and Fairs Clauses Act, 1847	10 & 11 Vict. c. 14.
Customs Consolidation Act, 1876	39 & 40 Vict. c. 36.
Local Government Act, 1888	51 & 52 Vict. c. 41.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Police Act, 1890	53 & 54 Vict. c. 45.
Police (Scotland) Act, 1890	53 & 54 Vict. c. 67.
Diseases of Animals Act, 1894	57 & 58 Vict. c. 57.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Poultry Act, 1911	1 & 2 Geo. 5. c. 11.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Therapeutic Substances Act, 1925	15 & 16 Geo. 5. c. 60.
Agriculture Marketing Act, 1931	21 & 22 Geo. 5. c. 42.
Agriculture Marketing Act, 1933	23 & 24 Geo. 5. c. 31.
Diseases of Animals Act, 1935	25 & 26 Geo. 5. c. 31.
Agriculture Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 70.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Mandated and Trust Territories Act, 1947... ...	11 & 12 Geo. 6. c. 8.
Veterinary Surgeons Act, 1948	11 & 12 Geo. 6. c. 52.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.

CHAPTER 37

Maintenance Orders Act, 1950

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An Act to enable certain maintenance orders and other orders relating to married persons and children to be made and enforced throughout the United Kingdom.

[26th October, 1950.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

JURISDICTION

Jurisdiction of English Courts

Jurisdiction of English Courts to make summary maintenance orders.

1.—(1) Subject to the following provisions of this section, a court in England shall have jurisdiction in proceedings under section four of the Summary Jurisdiction (Married Women) Act, 1895, against a man residing in Scotland or Northern Ireland, if the applicant in the proceedings resides in England and the parties last ordinarily resided together as man and wife in England.

(2) It is hereby declared that a court in England has jurisdiction—

(*a*) in proceedings under the said section four by a woman residing in Scotland or Northern Ireland against a man residing in England;

(*b*) in proceedings by or against a person residing in Scotland or Northern Ireland for the revocation, revival or variation of any order made under that section.

(3) The reference in this section to the revocation of an order made under section four of the Summary Jurisdiction (Married Women) Act, 1895, includes a reference to the making of a new order under paragraph (*b*) of the proviso to section seven of that Act.

(4) Nothing in this section shall be construed as enabling a court to make a separation order under paragraph (*a*) of section five of the Summary Jurisdiction (Married Women) Act, 1895, against a person residing in Scotland or Northern Ireland.

Jurisdiction of English summary courts to make orders for custody and maintenance of infants.

2.—(1) An order under the Guardianship of Infants Acts, 1886 and 1925, giving the custody of an infant to the mother, whether with or without an order requiring the father to make payments to the mother towards the infant's maintenance, may be made, if the father resides in Scotland or Northern Ireland and the mother and the infant in England, by a court of summary jurisdiction having jurisdiction in the place in which the mother resides.

PART I —*cont.*

(2) It is hereby declared that a court of summary jurisdiction in England has jurisdiction—

(*a*) in proceedings under the said Acts by a person residing in Scotland or Northern Ireland against a person residing in England for an order relating to the custody of an infant (including, in the case of proceedings by the mother, an order requiring the father to make payments to the mother towards the infant's maintenance);

(*b*) in proceedings by or against a person residing in Scotland or Northern Ireland for the revocation, revival or variation of any such order.

(3) Where proceedings for an order under section five of the Guardianship of Infants Act, 1886, or section four of the Summary Jurisdiction (Married Women) Act, 1895, relating to the custody of an infant are brought in a court of summary jurisdiction in England by a woman residing in Scotland or Northern Ireland, that court shall have jurisdiction to make any order in respect of the infant under the said section five upon the application of the defendant in the proceedings.

Jurisdiction of English courts to make affiliation orders.

3.—(1) A court in England shall have jurisdiction in proceedings under the Bastardy Laws Amendment Act, 1872, or under section forty-four of the National Assistance Act, 1948, or section twenty-six of the Children Act, 1948, for an affiliation order against a man residing in Scotland or Northern Ireland, if the act of intercourse resulting in the birth of the child or any act of intercourse between the parties which may have resulted therein took place in England.

(2) Where the mother of a child resides in Scotland or Northern Ireland, and the person alleged to be the father in England, a court of summary jurisdiction having jurisdiction in the place in which the person alleged to be the father resides shall have jurisdiction in proceedings by the mother for an affiliation order against him under the Bastardy Laws Amendment Act, 1872.

(3) A court in England by which an affiliation order has been made under any of the enactments mentioned in subsection (1) of this section shall have jurisdiction in proceedings by or against a person residing in Scotland or Northern Ireland for the revocation, revival or variation of that order.

(4) Notwithstanding anything in section three of the Bastardy Laws Amendment Act, 1872, an application under that section for an affiliation order in respect of a child born before the commencement of this Act may be made to a court having jurisdiction by virtue of subsection (1) of this section at any time within one year after the commencement of this Act, if—

(*a*) the person alleged to be the father of the child ceased to reside in England before the expiration of one year from the birth of the child; and

PART I —*cont.*

(*b*) the circumstances are such that if that person had become resident in England immediately before the application, the court would have had jurisdiction in proceedings under the said section three apart from the provisions of this section.

Contributions under Children and Young Persons Act, 1933, and National Assistance Act, 1948.

4.—(1) A court of summary jurisdiction in England shall have jurisdiction in proceedings against a person residing in Scotland or Northern Ireland—

(*a*) for a contribution order under section eighty-seven of the Children and Young Persons Act, 1933 (which provides for the recovery from parents of sums in respect of children and young persons who are committed to the care of a fit person or otherwise dealt with under that Act or the Children Act, 1948);

(*b*) for an order under section forty-three of the National Assistance Act, 1948 (which provides for the recovery from spouses or parents of sums in respect of assistance given under that Act).

(2) A court in England by which an order has been made under the said section eighty-seven or the said section forty-three shall have jurisdiction in proceedings by or against a person residing in Scotland or Northern Ireland for the revocation, revival or variation of that order.

Transfer of proceedings.

5. Rules made by the Lord Chancellor under section fifteen of the Justices of the Peace Act, 1949, may make provision for securing that where proceedings are begun against a defendant residing in Scotland or Northern Ireland in a court having jurisdiction by virtue of subsection (1) of section one of this Act, not being a court having jurisdiction in the place where the parties last ordinarily resided together as man and wife, the proceedings may be removed upon the application of the defendant into a court of summary jurisdiction having jurisdiction in that place.

Jurisdiction of Scottish Courts

Jurisdiction of the sheriff in certain actions of aliment.

6.—(1) The sheriff shall have jurisdiction in an action at the instance of a married woman against her husband concluding for the payment of aliment to herself and any child of the marriage if—

(*a*) the husband resides in England or Northern Ireland; and

(*b*) the parties last ordinarily resided together as man and wife in Scotland; and

(*c*) the pursuer resides within the jurisdiction of the sheriff.

PART I —*cont.*

(2) In this section the expression "an action concluding for the payment of aliment" means an action of separation and aliment, an action of adherence and aliment or an action of interim aliment.

Jurisdiction of the sheriff to make orders for custody and maintenance of pupil children.

7. An order under the Guardianship of Infants Acts, 1886 and 1925, giving the custody of a pupil child to the mother, whether with or without an order requiring the father to make payments to the mother towards the maintenance of the pupil child, may be made, if the father resides in England or Northern Ireland and the mother and the pupil child in Scotland, by the sheriff within whose jurisdiction the mother resides.

Jurisdiction of the sheriff in certain actions of affiliation and aliment.

8.—(1) Subject to the provisions of this section, the sheriff shall have jurisdiction in an action of affiliation and aliment (whether at the instance of the mother of the child or at the instance of the National Assistance Board or of a local authority under section forty-four of the National Assistance Act, 1948, or section twenty-six of the Children Act, 1948) if—

(*a*) the person alleged to be the father resides in England or Northern Ireland; and

(*b*) the act of intercourse resulting in the birth of the child or any act of intercourse between the parties which may have resulted therein took place in Scotland; and

(*c*) the mother resides within the jurisdiction of the sheriff.

(2) The sheriff shall not by virtue of the foregoing subsection have jurisdiction in such an action as aforesaid in relation to a child born before the commencement of this Act unless—

(*a*) the child was born within one year before the commencement of this Act; or

(*b*) the person alleged to be the father of the child made payment of any sums in respect of aliment of the child within one year from the birth of the child; or

(*c*) the person alleged to be the father of the child has not at any time since the birth of the child been subject to the jurisdiction of any sheriff court in Scotland and the action is commenced within twelve months after the commencement of this Act.

Contributions under Children and Young Persons (Scotland) Act, 1937, and National Assistance Act, 1948.

9.—(1) A court in Scotland shall have jurisdiction in proceedings against a person residing in England or Northern Ireland—

(*a*) for a contribution order under section ninety-one of the Children and Young Persons (Scotland) Act, 1937 (which provides for the recovery from parents of sums

PART I —*cont.*

in respect of children and young persons who are committed to the care of a fit person or otherwise dealt with under that Act or the Children Act, 1948);

(*b*) for an order under section forty-three of the National Assistance Act, 1948 (which provides for the recovery from spouses or parents of sums in respect of assistance given under that Act).

(2) A court in Scotland by which an order has been made under the said section ninety-one or the said section forty-three shall have jurisdiction in proceedings against a person residing in England or Northern Ireland for the revocation or variation of that order.

Jurisdiction of Northern Ireland Courts

Jurisdiction of Northern Ireland courts to make orders under the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945.

10.—(1) Subject to the following provisions of this section, a court of summary jurisdiction in Northern Ireland shall have jurisdiction to make an order under section three or section four of the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945, in proceedings against a man residing in England or Scotland, if the applicant in the proceedings resides in Northern Ireland and the parties last ordinarily resided together as man and wife in Northern Ireland.

(2) It is hereby declared that a court in Northern Ireland has jurisdiction—

(*a*) in proceedings under the said Act by a woman residing in England or Scotland against a man residing in Northern Ireland;

(*b*) in proceedings under section five of the said Act by or against a person residing in England or Scotland for the variation, discharge or suspension of an order made under section three or section four of the said Act.

(3) The reference in this section to the discharge of an order made under section three or section four of the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945, includes a reference to the making of a new order under subsection (2) of section five of that Act.

(4) Nothing in this section shall be construed as enabling a court to make a separation order under paragraph (*a*) of subsection (1) of section three of the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945, against a person residing in England or Scotland.

Jurisdiction of Northern Ireland courts to make affiliation orders.

11.—(1) A court in Northern Ireland shall have jurisdiction in proceedings under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924, section twenty-one of the National Assistance Act (Northern Ireland), 1948, section twelve of the Welfare Services Act (Northern Ireland), 1949, or section

PART I —*cont.*

one hundred and twenty-four of the Children and Young Persons Act (Northern Ireland), 1950, for an affiliation order against a man residing in England or Scotland, if the act of intercourse resulting in the birth of the child or any act of intercourse between the parties which may have resulted therein took place in Northern Ireland.

(2) Where the mother of a child resides in England or Scotland and the person alleged to be the father in Northern Ireland, a court of summary jurisdiction for the petty sessions district in which the person alleged to be the father resides shall have jurisdiction in proceedings by the mother for an affiliation order against him under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924.

(3) A court in Northern Ireland shall have jurisdiction in proceedings by or against a person residing in England or Scotland for the revocation, revival or variation of an affiliation order made under any of the enactments mentioned in subsection (1) of this section.

(4) Notwithstanding anything in subsection (3) of section two of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924, an application under that Act for an affiliation order in respect of a child born before the commencement of this Act may be made to a court having jurisdiction by virtue of subsection (1) of this section at any time within one year after the commencement of this Act if—

(*a*) the person alleged to be the father of the child ceased to reside in Northern Ireland before the expiration of one year from the birth of the child; and

(*b*) the circumstances are such that if that person had become resident in Northern Ireland immediately before the application, the court would have had jurisdiction in proceedings under the said Act apart from the provisions of this section.

Contributions under enactments relating to children, national assistance and welfare services.

12.—(1) A court of summary jurisdiction in Northern Ireland shall have jurisdiction in proceedings against a person residing in England or Scotland—

(*a*) for a contribution order under section one hundred and twenty-two of the Children and Young Persons Act (Northern Ireland), 1950 (which provides for the recovery from parents of sums in respect of children and young persons received into care or otherwise dealt with under that Act);

(*b*) for an order under section twenty of the National Assistance Act (Northern Ireland), 1948, or section eleven of the Welfare Services Act (Northern Ireland),

1949 (which provide for the recovery from spouses or parents of sums in respect of assistance or accommodation given or provided under those Acts).

(2) A court of summary jurisdiction in Northern Ireland shall have jurisdiction in proceedings by or against a person residing in England or Scotland for the variation or rescission of any contribution order made under the said section one hundred and twenty-two.

Transfer of proceedings in Northern Ireland.

13.—(1) Proceedings begun against a defendant residing in England or Scotland in a court having jurisdiction by virtue of subsection (1) of section ten of this Act, not being a court having jurisdiction in the place where the parties last ordinarily resided together as man and wife, may be removed, upon application made by the defendant in accordance with rules made by the Lord Chief Justice of Northern Ireland, into a court of summary jurisdiction having jurisdiction in that place.

(2) The Lord Chief Justice of Northern Ireland shall have power to make rules for the purposes of this section.

Supplemental

Modification of enactments relating to children and young persons.

14. The provisions of the enactments specified in the First Schedule to this Act shall have effect subject to the modifications set out in that Schedule, being modifications consequential on the foregoing provisions of this Part of this Act.

Service of process.

15.—(1) Where proceedings are begun in a court having jurisdiction under or by virtue of this Part of this Act against a person residing in another part of the United Kingdom, any summons or initial writ addressed to him in the proceedings may, if endorsed in accordance with the provisions of this section in that part of the United Kingdom, be served within that part of the United Kingdom as if it had been issued or authorised to be served, as the case may be, by the endorsing authority.

(2) A summons or writ may be endorsed under this section, in England by a justice of the peace, in Scotland by a sheriff, and in Northern Ireland by a resident magistrate; and the endorsement shall be made in the form numbered 1 in the Second Schedule to this Act, or any form to the like effect.

(3) In any proceedings in which a summons or writ is served under this section, the service may be proved by means of a declaration made in the form numbered 2 in the Second Schedule to this Act, or any form to the like effect, before a justice of the peace, sheriff, or resident magistrate, as the case may be.

(4) Nothing in this section shall be construed as authorising the service of a summons or writ otherwise than personally.

PART I —*cont.*

(5) Section four of the Summary Jurisdiction (Process) Act, 1881, shall not apply to any process which may be served under this section; and nothing in this section or in any other enactment shall be construed as authorising the execution in one part of the United Kingdom of a warrant for the arrest of a person who fails to appear in answer to any such process issued in another part of the United Kingdom.

PART II

ENFORCEMENT

Application of Part II.

16.—(1) Any order to which this section applies (in this Part of this Act referred to as a maintenance order) made by a court in any part of the United Kingdom may, if registered in accordance with the provisions of this Part of this Act in a court in another part of the United Kingdom, be enforced in accordance with those provisions in that other part of the United Kingdom.

(2) This section applies to the following orders, that is to say—

(*a*) an order for alimony, maintenance or other payments made or deemed to be made by a court in England under any of the following enactments:—

(i) sections nineteen to twenty-seven of the Matrimonial Causes Act, 1950;

(ii) the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1949;

(iii) subsection (2) of section three or subsection (4) of section five of the Guardianship of Infants Act, 1925;

(iv) section four of the Bastardy Laws Amendment Act, 1872, section forty-four of the National Assistance Act, 1948, or section twenty-six of the Children Act, 1948;

(v) section eighty-seven of the Children and Young Persons Act, 1933, or section forty-three of the National Assistance Act, 1948;

(*b*) a decree for payment of aliment granted by a court in Scotland, including—

(i) an order for the payment of an annual or periodical allowance under section two of the Divorce (Scotland) Act, 1938;

(ii) an order for the payment of weekly or periodical sums under subsection (2) of section three or subsection (4) of section five of the Guardianship of Infants Act, 1925;

PART II —*cont.*

(iii) an order for the payment of sums in respect of aliment under subsection (3) of section one of the Illegitimate Children (Scotland) Act, 1930;

(iv) a decree for payment of aliment under section forty-four of the National Assistance Act, 1948, or under section twenty-six of the Children Act, 1948; and

(v) a contribution order under section ninety-one of the Children and Young Persons (Scotland) Act, 1937, or an order under section forty-three of the National Assistance Act, 1948;

(*c*) an order for alimony, maintenance or other payments made by a court in Northern Ireland under or by virtue of any of the following enactments:—

(i) subsection (2) of section seventeen, subsections (2) to (7) of section nineteen, subsection (2) of section twenty, section twenty-two or subsection (1) of section twenty-eight of the Matrimonial Causes Act (Northern Ireland), 1939;

(ii) the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945;

(iii) section one of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924, section twenty-one of the National Assistance Act (Northern Ireland), 1948, section twelve of the Welfare Services Act (Northern Ireland), 1949, or section one hundred and twenty-four of the Children and Young Persons Act (Northern Ireland), 1950;

(iv) section one hundred and twenty-two of the Children and Young Persons Act (Northern Ireland), 1950, section twenty of the National Assistance Act (Northern Ireland), 1948, or section eleven of the Welfare Services Act (Northern Ireland), 1949;

(v) any enactment of the Parliament of Northern Ireland containing provisions corresponding with subsection (1) of section twenty-three of the Matrimonial Causes Act, 1950.

(3) For the purposes of this section, any order made before the commencement of the Matrimonial Causes Act (Northern Ireland), 1939, being an order which, if that Act had been in force, could have been made under or by virtue of any provision of that Act, shall be deemed to be an order made by virtue of that provision.

Procedure for registration of maintenance orders.

17.—(1) An application for the registration of a maintenance order under this Part of this Act shall be made in the prescribed manner to the appropriate authority, that is to say—

(*a*) where the maintenance order was made by a court of summary jurisdiction in England, a justice or justices

PART II —*cont.*

acting for the same place as the court which made the order;

(*b*) where the maintenance order was made by a court of summary jurisdiction in Northern Ireland, a resident magistrate acting for the same petty sessions district as the court which made the order;

(*c*) in every other case, the prescribed officer of the court which made the order.

(2) If upon application made as aforesaid by or on behalf of the person entitled to payments under a maintenance order it appears that the person liable to make those payments resides in another part of the United Kingdom, and that it is convenient that the order should be enforceable there, the appropriate authority shall cause a certified copy of the order to be sent to the prescribed officer of a court in that part of the United Kingdom in accordance with the provisions of the next following subsection.

(3) The Court to whose officer the certified copy of a maintenance order is sent under this section shall be—

(*a*) where the maintenance order was made by a superior court, the Supreme Court of Judicature in England, the Court of Session or the Supreme Court of Judicature of Northern Ireland, as the case may be;

(*b*) in any other case, a court of summary jurisdiction acting for the place in England or Northern Ireland in which the defendant appears to be, or, as the case may be, the sheriff court in Scotland within the jurisdiction of which he appears to be.

(4) Where the prescribed officer of any court receives a certified copy of a maintenance order sent to him under this section, he shall cause the order to be registered in that court in the prescribed manner, and shall give notice of the registration in the prescribed manner to the prescribed officer of the court which made the order.

(5) The officer to whom any notice is given under the last foregoing subsection shall cause particulars of the notice to be registered in his court in the prescribed manner.

(6) Where the sums payable under a maintenance order, being an order made by a court of summary jurisdiction in England or Northern Ireland, are payable to or through an officer of any court, that officer shall, if the person entitled to the payments so requests, make an application on behalf of that person for the registration of the order under this Part of this Act; but the person at whose request the application is made shall have the same liability for costs properly incurred in or about the application as if the application had been made by him.

PART II —*cont.*

(7) An order which is for the time being registered under this Part of this Act in any court shall not be registered thereunder in any other court.

Enforcement of registered orders.

18.—(1) Subject to the provisions of this section, a maintenance order registered under this Part of this Act in a court in any part of the United Kingdom may be enforced in that part of the United Kingdom in all respects as if it had been made by that court and as if that court had had jurisdiction to make it; and proceedings for or with respect to the enforcement of any such order may be taken accordingly.

(2) Every maintenance order registered under this Part of this Act in a court of summary jurisdiction in England (not being an order made in Scotland under section forty-three of the National Assistance Act, 1948, or an order made under section twenty of the National Assistance Act (Northern Ireland), 1948, or section eleven of the Welfare Services Act (Northern Ireland), 1949) shall be enforceable as if it were an affiliation order made by that court under the Bastardy Laws Amendment Act, 1872, and the provisions of any enactment with respect to the enforcement of affiliation orders (including enactments relating to the accrual of arrears and the remission of sums due) shall apply accordingly.

(3) Every maintenance order registered under this Part of this Act in a court of summary jurisdiction in Northern Ireland (not being an order made under section forty-three of the National Assistance Act, 1948) shall be enforceable as if it were an order made by that court under the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945, and the provisions of section six of that Act shall apply accordingly.

(4) Where an order made in Scotland under section forty-three of the National Assistance Act, 1948, or made under section twenty of the National Assistance Act (Northern Ireland), 1948, or section eleven of the Welfare Services Act (Northern Ireland), 1949, is registered under this Part of this Act in a court in England, the order shall be enforceable as if it were an order made by that court under the said section forty-three.

(5) Where an order made under section forty-three of the National Assistance Act, 1948, is registered under this Part of this Act in a court in Northern Ireland, the order shall be enforceable as if it were an order made by that court under section twenty of the National Assistance Act (Northern Ireland), 1948.

(6) Except as provided by this section, no proceedings shall be taken for or with respect to the enforcement of a maintenance order which is for the time being registered in any court under this Part of this Act.

PART II —*cont.*

Functions of collecting officer, etc.

19.—(1) Where a maintenance order made in England or Northern Ireland by a court of summary jurisdiction is registered in any court under this Part of this Act, any provision of the order by virtue of which sums payable thereunder are required to be paid through or to any officer or person on behalf of the person entitled thereto shall be of no effect so long as the order is so registered.

(2) Where a maintenance order is registered under this Part of this Act in a court of summary jurisdiction in England or Northern Ireland, the court shall, unless it is satisfied that it is undesirable to do so, order that all payments to be made under the maintenance order (including any arrears accrued before the date of the registration) shall be made through the collecting officer of the court or the collecting officer of some other court of summary jurisdiction in England or Northern Ireland, as the case may be.

(3) An order made by a court of summary jurisdiction under subsection (2) of this section may be varied or revoked by a subsequent order.

(4) Where by virtue of the provisions of this section or any order made thereunder payments under a maintenance order cease to be or become payable through or to any officer or person, the person liable to make the payments shall, until he is given the prescribed notice to that effect, be deemed to comply with the maintenance order if he makes payments in accordance with the maintenance order and any order under this section of which he has received such notice.

(5) In any case where, by virtue of an order made under this section by a court in Northern Ireland, payments under a maintenance order are required to be made through the collecting officer of any court—

(*a*) subsections (3) and (4) of section eight of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924 (which regulate the functions of collecting officers in relation to affiliation orders), shall apply as if the maintenance order were an affiliation order within the meaning of that section and as if the order under this section were made under that Act, and references in those subsections to the mother and the putative father shall be construed accordingly ; and

(*b*) subsection (2) of section seven of the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945 (which relates to the remuneration of persons through whom weekly sums are paid under that Act), shall have effect as if money paid in accordance with the order under this section were paid in pursuance of an order made under that Act.

PART II —*cont.*

Arrears under registered maintenance orders.

20.—(1) Where application is made for the registration of a maintenance order under this Part of this Act, the applicant may lodge with the appropriate authority—

(*a*) if the payments under the order are required to be made to or through an officer of any court, a certificate in the prescribed form, signed by that officer, as to the amount of any arrears due under the order;

(*b*) in any other case, a statutory declaration or affidavit as to the amount of those arrears;

and if a certified copy of the maintenance order is sent to the prescribed officer of any court in pursuance of the application, the certificate, declaration or affidavit shall also be sent to that officer.

(2) In any proceedings for or with respect to the enforcement of a maintenance order which is for the time being registered in any court under this Part of this Act, a certificate, declaration or affidavit sent under this section to the appropriate officer of that court shall be evidence, and in Scotland sufficient evidence, of the facts stated therein.

(3) Where a maintenance order made by a court in England or Northern Ireland is registered in a court in Scotland, a person shall not be entitled, except with the leave of the last-mentioned court, to enforce, whether by diligence or otherwise, the payment of any arrears accrued and due under the order before the commencement of this Act; and on any application for leave to enforce the payment of any such arrears, the court may refuse leave, or may grant leave subject to such restrictions and conditions (including conditions as to the allowing of time for payment or the making of payment by instalments) as the court thinks proper, or may remit the payment of such arrears or of any part thereof.

Discharge and variation of maintenance orders registered in superior courts.

21.—(1) The registration of a maintenance order in a superior court under this Part of this Act shall not confer on that court any power to vary or discharge the order, or affect any jurisdiction of the court in which the order was made to vary or discharge the order.

(2) Where a maintenance order made in Scotland is for the time being registered under this Part of this Act in a superior court, the person liable to make payments under the order may, upon application made to that court in the prescribed manner, adduce before that court any evidence upon which he would be entitled to rely in any proceedings brought before the court by which the order was made for the variation or discharge of the order.

(3) A court before which evidence is adduced in accordance with the foregoing subsection shall cause a transcript or summary of that evidence, signed by the deponent, to be sent to

PART II —*cont.*

the prescribed officer of the court by which the order was made; and in any proceedings before the last-mentioned court for the variation or discharge of the order, the transcript or summary shall be evidence of the facts stated therein.

Discharge and variation of maintenance orders registered in summary or sheriff courts.

22.—(1) Where a maintenance order is for the time being registered under this Part of this Act in a court of summary jurisdiction or sheriff court, that court may, upon application made in the prescribed manner by or on behalf of the person liable to make payments under the order or the person entitled to those payments, by order make such variation as the court thinks fit in the rate of the payments under the maintenance order; but no such variation shall impose on the person liable to make payments under the maintenance order a liability to make payments in excess of the maximum rate (if any) authorised by the law for the time being in force in the part of the United Kingdom in which the maintenance order was made.

(2) For the purposes of subsection (1) of this section, a court in any part of the United Kingdom may take notice of the law in force in any other part of the United Kingdom.

(3) Section fifteen of this Act shall apply to the service of process for the purposes of this section as it applies to the service of process in proceedings begun in a court having jurisdiction by virtue of Part I of this Act.

(4) Except as provided by subsection (1) of this section, no variation shall be made in the rate of the payments under a maintenance order which is for the time being registered under this Part of this Act in a court of summary jurisdiction or sheriff court, but without prejudice to any power of the court which made the order to discharge it or vary it otherwise than in respect of the rate of the payments thereunder.

(5) Where a maintenance order is for the time being registered under this Part of this Act in a court of summary jurisdiction or sheriff court—

(*a*) the person entitled to payments under the order or the person liable to make payments under the order may, upon application made in the prescribed manner to the court by which the order was made, or in which the order is registered, as the case may be, adduce in the prescribed manner before the court in which the application is made any evidence on which he would be entitled to rely in proceedings for the variation or discharge of the order;

(*b*) the court in which the application is made shall cause a transcript or summary of that evidence, signed by

the deponent, to be sent to the prescribed officer of the court in which the order is registered or of the court by which the order was made, as the case may be; and in any proceedings for the variation or discharge of the order the transcript or summary shall be evidence of the facts stated therein.

Notice of variation, etc.

23.—(1) Where a maintenance order registered under this Part of this Act in any court is varied by that court, the prescribed officer of that court shall give notice of the variation in the prescribed manner to the prescribed officer of the court by which the order was made.

(2) Where a maintenance order registered under this Part of this Act in any court is discharged or varied by any other court, the prescribed officer of the last-mentioned court shall give notice of the discharge or variation in the prescribed manner to the prescribed officer of the court in which the order is registered.

(3) The officer to whom any notice is given under this section shall cause particulars of the notice to be registered in his court in the prescribed manner.

Cancellation of registration.

24.—(1) At any time while a maintenance order is registered under this Part of this Act in any court, an application for the cancellation of the registration may be made in the prescribed manner to the prescribed officer of that court by or on behalf of the person entitled to payments under the order; and upon any such application that officer shall (unless proceedings for the variation of the order are pending in that court), cancel the registration, and thereupon the order shall cease to be registered in that court.

(2) Where, after a maintenance order has been registered under this Part of this Act in a court of summary jurisdiction in England or Northern Ireland or a sheriff court in Scotland, it appears to the appropriate authority (as defined by section seventeen of this Act), upon application made in the prescribed manner by or on behalf of the person liable to make payments under the order, that that person has ceased to reside in England, Northern Ireland or Scotland, as the case may be, the appropriate authority may cause a notice to that effect to be sent to the prescribed officer of the court in which the order is registered; and where such a notice is sent the prescribed officer shall cancel the registration of the maintenance order, and thereupon the order shall cease to be registered in that court.

(3) Where the prescribed officer of any court cancels the registration of a maintenance order under this section, he shall give

PART II —*cont.*

notice of the cancellation in the prescribed manner to the prescribed officer of the court by which the order was made and the last-mentioned officer shall cause particulars of the notice to be registered in his court in the prescribed manner.

(4) Except as provided by subsection (5) of this section, the cancellation of the registration of a maintenance order shall not affect anything done in relation to the maintenance order while it was registered.

(5) On the cancellation of the registration of a maintenance order, any order made in relation thereto under subsection (2) of section nineteen of this Act shall cease to have effect; but until the person liable to make payments under the maintenance order receives the prescribed notice of the cancellation, he shall be deemed to comply with the maintenance order if he makes payments in accordance with any order under the said subsection (2) which was in force immediately before the cancellation.

(6) Where, by virtue of an order made under subsection (2) of section nineteen of this Act, sums payable under a maintenance order registered in a court of summary jurisdiction in England or Northern Ireland are payable through the collecting officer of any court, that officer shall, if the person entitled to the payments so requests, make an application on behalf of that person for the cancellation of the registration.

Rules as to procedure of courts of summary jurisdiction.

25.—(1) The power of the Lord Chancellor to make rules under section fifteen of the Justices of the Peace Act, 1949, shall include power to make rules for regulating the practice to be followed in courts of summary jurisdiction in England under this Part of this Act.

(2) The Lord Chief Justice of Northern Ireland shall have power to make rules for regulating the practice to be followed in courts of summary jurisdiction in Northern Ireland under this Part of this Act.

(3) Rules made for the purposes of this Part of this Act may require that any order or other matter required under this Part of this Act to be registered in a court of summary jurisdiction in England or Northern Ireland shall be registered—

(*a*) in England, by means of a memorandum entered and signed by the prescribed officer of the court in the register kept pursuant to section twenty-two of the Summary Jurisdiction Act, 1879;

(*b*) in Northern Ireland, by means of an entry made and signed by the prescribed officer of the court in the order book kept pursuant to section twenty-one of the Petty Sessions (Ireland) Act, 1851.

PART III

GENERAL

Proof of declarations, etc.

26.—(1) Any document purporting to be a declaration made under section fifteen of this Act, or to be a certified copy, statutory declaration, affidavit, certificate, transcript or summary made for the purposes of this Act or of any rules made thereunder shall, unless the contrary is shown, be deemed without further proof to be the document which it purports to be, and to have been duly certified, made or signed by or before the person or persons by or before whom it purports to have been certified, made or signed.

(2) Paragraph 7 of the Second Schedule to the Emergency Laws (Miscellaneous Provisions) Act, 1947 (which relates to the proof of affiliation orders and maintenance orders and of orders for the discharge or variation of such orders), shall apply to the registration of orders under Part II of this Act, and to the cancellation of such registration, as it applies to the variation of orders; and for the purposes of that paragraph—

(*a*) a maintenance order registered under the said Part II in a court of summary jurisdiction; and

(*b*) any proceeding under the said Part II relating to a maintenance order made by or registered in such a court, being a proceeding of which a memorandum is required to be entered in the register kept by the clerk of that court pursuant to section twenty-two of the Summary Jurisdiction Act, 1879,

shall be deemed to be an order made by that court.

General provisions as to jurisdiction.

27.—(1) Nothing in this Act shall be construed as derogating from any jurisdiction exercisable, apart from the provisions of this Act, by any court in any part of the United Kingdom.

(2) It is hereby declared that any jurisdiction conferred by Part I of this Act, or any enactment therein referred to, upon a court in any part of the United Kingdom is exercisable notwithstanding that any party to the proceedings is not domiciled in that part of the United Kingdom; and any jurisdiction so conferred in affiliation proceedings shall be exercisable notwithstanding that the child to whom the proceedings relate was not born in that part of the United Kingdom.

(3) For the avoidance of doubt it is hereby declared that in relation to proceedings in which the sheriff has jurisdiction by virtue of the provisions of this Act there are the same rights of appeal and of remit to the Court of Session as there are in relation to the like proceedings in which the sheriff has jurisdiction otherwise than by virtue of the said provisions.

PART III —*cont.*

Interpretation.

28.—(1) In this Act the following expressions have the meanings hereby assigned to them, that is to say—

" certified copy ", in relation to an order of any court, means a copy certified by the proper officer of the court to be a true copy of the order or of the official record thereof;

" collecting officer ", in relation to a court of summary jurisdiction in England, means the person authorised to act as such under section twenty-one of the Justices of the Peace Act, 1949, and in relation to a court of summary jurisdiction in Northern Ireland, means the officer appointed under subsection (1) of section eight of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924;

" court of summary jurisdiction ", in relation to Northern Ireland, means a court of summary jurisdiction constituted in accordance with the provisions of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, or any other Act of the Parliament of Northern Ireland, whether passed before or after this Act;

" enactment " includes any order, rule or regulation made in pursuance of any Act;

" England " includes Wales;

" prescribed " means, in relation to a court of summary jurisdiction in England or Northern Ireland, prescribed by rules made under section fifteen of the Justices of the Peace Act, 1949, or by rules made by the Lord Chief Justice of Northern Ireland under this Act, as the case may be, and in relation to any other court means prescribed by rules of court.

(2) References in this Act to parts of the United Kingdom are references to England, Scotland and Northern Ireland.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

Publication of rules.

29.—(1) The power of the Court of Session to prescribe anything which under this Act is to be prescribed shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt made for that purpose by the Court in like manner as if the act of sederunt had been made by a Minister of the Crown.

(2) It is hereby declared that the said Act applies to any rules made under section twenty-nine of the Summary Jurisdiction Act, 1879, as amended by this Act.

PART III —*cont.*

(3) Any rule made under this Act by the Lord Chief Justice of Northern Ireland shall, whether or not it relates to a matter in respect of which the Parliament of Northern Ireland has power to make laws, be deemed to be a statutory rule to which the Rules Publication Act (Northern Ireland), 1925, applies, and shall be printed and published accordingly.

Repeal and transitory provision.

30.—(1) Section six of the Summary Jurisdiction (Process) Act, 1881, is hereby repealed.

(2) Until the date on which section fifteen of the Justices of the Peace Act, 1949, comes into force references in this Act to that section shall be construed as references to section twenty-nine of the Summary Jurisdiction Act, 1879.

(3) Until the date on which section nineteen of the Justices of the Peace Act, 1949, comes into force—

(*a*) the reference to section twenty-one of that Act in section twenty-eight of this Act shall be construed as a reference to the Affiliation Orders Act, 1914; and

(*b*) section four of the Married Women (Maintenance) Act, 1949 (which requires collecting officers to take proceedings for enforcement in certain cases), shall apply to any order registered under Part II of this Act in a court of summary jurisdiction in England as it applies to an order made under the Summary Jurisdiction (Married Women) Act, 1895, and references in the said section four to the married woman shall be construed accordingly.

Special provisions relating to Northern Ireland.

31.—(1) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the power of the Parliament of Northern Ireland to make laws), the provisions of this Act, so far as they extend to Northern Ireland, shall be deemed to be provisions of an Act passed before the appointed day.

(2) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

Short title and commencement.

32.—(1) This Act may be cited as the Maintenance Orders Act, 1950.

(2) This Act shall come into force on the first day of January, nineteen hundred and fifty-one.

SCHEDULES

Section 14.

FIRST SCHEDULE

MODIFICATION OF CERTAIN ENACTMENTS

The Children and Young Persons Act, 1933, 23 & 24 Geo. 5. c. 12.

Section eighty-six ...	Where the person liable to make contributions in respect of a child or young person is for the time being residing in Scotland or Northern Ireland, subsection (3) shall have effect as if for references to the council of the county or county borough in which the person liable as aforesaid is for the time being residing there were substituted references to the local authority having the care of the child or young person or, as the case may be, the local authority named in the approved school order under subsection (2) of section seventy.
Section eighty-seven...	Where the person to be charged under a contribution order resides in Scotland or Northern Ireland, subsection (1) shall have effect as if for the reference to a court of summary jurisdiction having jurisdiction in the place where the said person is for the time being residing there were substituted a reference to a court of summary jurisdiction having jurisdiction in the place in which the person entitled under section eighty-six to receive the contributions resides or, if that person is a local authority, having jurisdiction within the area of that authority. Where the person on whom a contribution order has been made is for the time being residing in Scotland or Northern Ireland, subsection (4) shall have effect as if the words from " but any powers " to the end of the subsection were omitted.
Section eighty-eight...	Where the putative father of an illegitimate child or young person resides in Scotland or Northern Ireland, subsection (1) shall have effect as if for the reference to the place where the putative father is for the time being residing there were substituted a reference to the place where the mother of the child is for the time being residing. Where the person liable under an affiliation order in respect of which an order under section eighty-eight is in force is for the time being residing in Scotland or Northern Ireland, paragraph (*a*) of subsection (2) shall not apply.

1ST SCH. —*cont.*

Section eighty-nine ...	Where the person liable under a contribution order made under section eighty-seven, or under an affiliation order in respect of which an order under section eighty-eight is in force, is for the time being residing in Scotland or Northern Ireland, subsection (2) shall have effect as if for the reference to the council of the county or county borough in which the person liable under the order is for the time being residing there were substituted a reference to the local authority to whom sums are payable under the order and as if for the words " when he was not resident in the county or county borough " there were substituted the words " when that authority were not entitled to sums payable under the order ".

The Children and Young Persons (Scotland) Act, 1937, 1 Edw. 8 & 1 Geo. 6. c. 37.—

Section ninety ...	Where the person liable to make contributions in respect of a child or young person is for the time being residing in England or Northern Ireland, subsection (3) shall have effect as if for references to the local authority or the education authority, as the case may be, within whose area the person liable as aforesaid is for the time being residing there were substituted references to the local authority having the care of the child or young person or, as the case may be, the education authority named in the approved school order under subsection (2) of section seventy-four.
Section ninety-one ...	Where the person to be charged under a contribution order resides in England or Northern Ireland, subsection (1) shall have effect as if for the reference to a court of summary jurisdiction having jurisdiction in the place where the said person is for the time being residing there were substituted a reference to a court of summary jurisdiction having jurisdiction in the place in which the person entitled under section ninety to receive contributions resides or, if that person is a local authority or education authority, having jurisdiction in any place within the area of that authority.
	Where the person liable in payment under a contribution order is for the time being residing in England or Northern Ireland, subsections (3) and (4) shall have effect as if for the references to a court of summary

1ST SCH. —*cont.*

Section ninety-one —*cont.*	jurisdiction having jurisdiction in the place where that person is for the time being resident, and to the local authority within whose area that person is for the time being resident, there were substituted references to a court of summary jurisdiction having jurisdiction in the place where the person entitled to the contributions is for the time being resident, and to the local authority whose area includes that place, and subsection (6) shall not apply.
Section ninety-two ...	Where the father of an illegitimate child or young person resides in England or Northern Ireland, subsection (1) shall have effect as if for the reference to the place where the father is for the time being residing there were substituted a reference to the place where the mother of the child is for the time being residing.
Section ninety-three...	Where the person liable under a contribution order made under section ninety-one, or under a decree for aliment in respect of which an order under section ninety-two is in force, is for the time being residing in England or Northern Ireland, subsection (2) shall have effect as if for the reference to the local authority or education authority in whose area the person liable under the order is for the time being residing there were substituted a reference to the local authority to whom sums are payable under the order, and as if for the words " when he was not resident in that area " there were substituted the words " when that authority were not entitled to sums payable under the order."

The Children Act, 1948, 11 & 12 Geo. 6. c. 43.

Section twenty-six ...	Where the putative father of a child in respect of whom an order has been made under section eighty-eight of the Children and Young Persons Act, 1933, is for the time being residing in Scotland or Northern Ireland, subsection (4) shall have effect as if for references to the local authority whose area includes the place where the putative father of the child resides, and to a court of summary jurisdiction having jurisdiction in that place, there were substituted references to the local authority who, if the affiliation order were still in force, would be entitled to payments thereunder, and to a court of summary jurisdiction having jurisdiction within the area of that authority.

The Children and Young Persons Act (Northern Ireland) 1950, 1950 c. 5. 1ST SCH. —*cont.*

Section one hundred and twenty-one.	Where the person liable to make contributions in respect of a child or young person who is ordered to be sent to a training school resides in England or Scotland, paragraph (*b*) of subsection (5) shall have effect as if for the reference to the council of the county or county borough in which the person liable as aforesaid is for the time being residing there were substituted a reference to the local authority named in the training school order under subsection (2) of section seventy-four.
Section one hundred and twenty-two.	Where the person liable to make contributions in respect of a child or young person resides in England or Scotland, subsections (1) (2) and (6) shall have effect as if for the references to a court of summary jurisdiction acting for the petty sessions district in which the person liable to make contributions or the contributor resides there were substituted references to a court of summary jurisdiction acting for the petty sessions district in which the person entitled under section one hundred and twenty-one to receive the contributions resides or, if that person is a welfare authority or local authority, a court of summary jurisdiction having jurisdiction within the area of that authority.
Section one hundred and twenty-three.	Where the putative father of an illegitimate child or young person resides in England or Scotland, subsection (2) shall have effect as if for the reference to a court of summary jurisdiction acting for the petty sessions district in which the putative father is for the time being residing there were substituted a reference to a court of summary jurisdiction acting for the petty sessions district in which the applicant for the order under that subsection resides or, if the applicant is a welfare authority or local authority, a court of summary jurisdiction having jurisdiction within the area of that authority.
Section one hundred and twenty-five.	Where the person liable under an order made under section one hundred and twenty-two or section one hundred and twenty-four, or under an affiliation order in respect of which an order under section one hundred and twenty-three is in force, is for the time being residing in England or Scotland,

1ST SCH. —*cont.*

Section one hundred and twenty-five —*cont.*

subsection (2) shall have effect as if for the reference to the council of the county or county borough in which the person liable under the order is for the time being residing there were substituted a reference to the welfare authority or local authority to whom sums are payable under the order, and as if for the words " when he was not resident in that county or county borough " there were substituted the words " when that authority were not entitled to sums payable under the order ".

Section 15.

SECOND SCHEDULE

FORMS

FORM NO. 1: ENDORSEMENT OF SUMMONS

I, A. B., a justice of the peace [sheriff] [resident magistrate] for the [county] of , hereby authorise the service of this summons [writ] in England [Scotland] [Northern Ireland] under section fifteen of the Maintenance Orders Act, 1950.

Given under my hand this

day of , 19 .

FORM NO. 2: DECLARATION AS TO SERVICE

I, C. D. of hereby declare that on the day of 19 , I served E. F. of with the summons [writ] now shown to me and marked ' A ' by delivering a true copy to him.

(*Signed*) C. D.

Declared before me this

day of , 19 .

A. B.

Justice of the Peace [sheriff] [resident magistrate] for the [county] of .

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Bastardy Laws Amendment Act, 1872	35 & 36 Vict. c. 65.
Summary Jurisdiction Act, 1879	42 & 43 Vict. c. 49.
Summary Jurisdiction (Process) Act, 1881 ...	44 & 45 Vict. c. 24.
Guardianship of Infants Act, 1886	49 & 50 Vict. c. 27.
Summary Jurisdiction (Married Women) Act, 1895	58 & 59 Vict. c. 39.
Affiliation Orders Act, 1914	4 & 5 Geo. 5. c. 6.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Guardianship of Infants Act, 1925	15 & 16 Geo. 5. c. 45.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Illegitimate Children (Scotland) Act, 1930 ...	20 & 21 Geo. 5. c. 33.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 37.
Matrimonial Causes Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 57.
Divorce (Scotland) Act, 1938	1 & 2 Geo. 6. c. 50.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Married Women (Maintenance) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 99.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Law Reform (Miscellaneous Provisions) Act, 1949	12, 13 & 14 Geo. 6. c. 100.
Matrimonial Causes Act, 1950	14 Geo. 6. c. 25.

CHAPTER 38

Allotments (Scotland) Act, 1950

ARRANGEMENT OF SECTIONS

Section
1. Extension of length of notices to remove from allotment gardens.
2. Removal of restrictions on right of tenant of an allotment garden to compensation for crops and manure.
3. Compensation to tenant of an allotment garden for disturbance.
4. Right of lessor of an allotment garden to compensation for deterioration.
5. Set-off of compensation against rent, etc.
6. Provisions as to war-time allotments.
7. Application of provisions of the Allotments (Scotland) Act, 1922, for purposes of preceding sections.
8. Amendment of sections 1 and 2 of the Allotments (Scotland) Act, 1922.
9. Restriction of obligations of local authorities to provide allotments.
10. Rents to be charged for allotments let by local authorities.
11. Provision of information relating to allotments and award of prizes.
12. Expenses and receipts.
13. Interpretation.
14. Repeal.
15. Short title, citation and extent.

SCHEDULE.—Enactments Repealed.