



Maintenance Orders (Facilities for Enforcement) Act 1920

1920 CHAPTER 33 10 and 11 Geo 5

3 Power to make provisional orders of maintenance against persons resident in His Majesty's dominions outside the United Kingdom.

- (1) Where an application is made to [^{F1}the family court, or in Northern Ireland to a court of summary jurisdiction,] for a maintenance order against any person, and it is proved that that person is resident in a part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if [^{F2}that person had been [^{F3}habitually] resident in England and Wales, had received reasonable notice of the date of the hearing of the application and] had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by competent court in such part of His Majesty's dominions as aforesaid.
- (2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to and signed by him.
- (3) Where such an order is made, the court shall send to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the person against whom the order is made is alleged to reside the depositions so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been [^{F4}habitually][^{F5}resident in England and Wales, had received reasonable notice of the date of the hearing] and had appeared at the hearing, and such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.
- (4) Where any such provisional order has come before a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for confirmation, and the order has by that court been remitted to the court ^{F6}... which made the order for the purpose of taking further evidence, that court or [^{F7} , in Northern Ireland,] any other court of summary jurisdiction ^{F8} ... shall, after giving the prescribed notice,

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proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the court that the order ought not to have been made, the court may [^{F9}revoke] the order, but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions.

- (5) The confirmation of an order made under this section shall not affect any power of [^{F10} the family court, or] a court of summary jurisdiction [^{F11} in Northern Ireland,] to vary or [^{F12}revoke] that order: Provided that on the making of a varying or [^{F13}revoking] order the court shall send a certified copy thereof to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the original order was confirmed, and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.
- (6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had [^{F14}the person against whom the order is sought to be made been [^{F15}habitually] resident in England and Wales and received reasonable notice of the date of the hearing of the application].

^{F16}(7)

- (8) In this section “ revoke ” includes discharge.

Textual Amendments

- F1** Words in s. 3(1) substituted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 4\(2\)](#)[Sch. 11 para. 6\(2\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Words in s.3(1) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\), s. 1, Sch. 1 Pt. 1 para. 1\(2\)](#); S.I. 1993/618, [art. 2](#)
- F3** Word in s. 3(1) inserted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\), reg. 1\(2\), Sch. 5 para. 1\(2\)\(a\)](#)
- F4** Word in s. 3(3) inserted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\), reg. 1\(2\), Sch. 5 para. 1\(2\)\(b\)](#)
- F5** Words in s. 3(3) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\), s. 1, Sch. 1 Pt. 1 para. 1\(3\)](#); S.I. 1993/618, [art. 2](#)
- F6** Words in s. 3(4) omitted (temp.) (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 4\(2\)](#)[Sch. 11 para. 6\(3\)\(a\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** Words in s. 3(4) inserted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 paras. 4, 6\(3\)\(b\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** Words in s. 3(4) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 68, Sch. 10](#); S.I. 2005/910, art. 3(y)
- F9** Word in s.3(4) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\), s. 1, Sch. 1 Pt. 1 para. 1\(4\)](#); S.I. 1993/618, [art. 2](#)
- F10** Words in s. 3(5) inserted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 paras. 4\(2\), 6\(4\)\(a\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- F11** Words in s. 3(5) inserted (temp.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 paras. 4\(2\), 6\(4\)\(b\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F12** Word in s. 3(5) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\)](#), s. 1, [Sch. 1 Pt. 1 para. 1\(5\)](#); [S.I. 1993/618](#), art. 2
- F13** Word in s. 3(5) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\)](#), s. 1, [Sch. 1 Pt. 1 para. 1\(5\)](#); [S.I. 1993/618](#), art. 2
- F14** Words in s. 3(6) substituted (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\)](#), s. 1, [Sch. 1 Pt. 1 para. 1\(6\)](#); [S.I. 1993/618](#), art. 2
- F15** Word in s. 3(6) inserted (7.12.2012) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(2), [Sch. 5 para. 1\(2\)\(c\)](#)
- F16** S. 3(7) omitted (temp.) (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 paras. 4\(2\), 6\(5\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Modifications etc. (not altering text)

- C1** Act extended by [Zimbabwe Act 1979 \(c. 60, SIF 26:39\)](#), s. 6(1), [Sch. 2 para. 3](#)

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Commencement Orders yet to be applied to the Maintenance Orders (Facilities for Enforcement) Act 1920

Commencement Orders bringing legislation that affects this Act into force:

- [S.R. 2016/387 art. 2 commences \(2015 c. 9 \(N.I.\)\)](#)