



Maintenance Orders Act 1950

1950 CHAPTER 37 14 Geo 6

PART I

JURISDICTION

Modifications etc. (not altering text)

C1 Pt. I (ss. 1-15) amended (1.1.1996) by 1995 c. 21, ss. 40(7), 316(2) (with s. 312(1))

Jurisdiction of English Courts

1 F1

Textual Amendments

F1 S. 1 repealed by Matrimonial Proceedings (Magistrates' Courts) Act 1960 (c. 48), Sch.

2 (1) F2

(3) F3

Textual Amendments

F2 S. 2(1)(2) repealed by Guardianship of Minors Act 1971 (c. 3), Sch. 2

F3 S. 2(3) repealed by Domestic Proceedings and Magistrates' Courts Act 1978, (c. 22), s. 89, Sch. 3

3 F4

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Part I. (See end of Document for details)

Textual Amendments

F4 S. 3 repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(2)(4), Schs. 3, 4

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

- (1) A court of summary jurisdiction in England shall have jurisdiction in proceedings against a person residing in Scotland or Northern Ireland—
- (a)^{F5}
 - (b) for an order under section forty-three of the ^{M1}National Assistance Act 1948 (which provides for the recovery from spouses or parents of sums in respect of assistance given under that Act).
 - ^{F6}(c) for an order under section 18 of the ^{M2}Supplementary Benefits Act 1976 (which provides for the recovery of expenditure on supplementary benefits from persons liable for maintenance).]
 - ^{F7}(d) for an order under [^{F8}section 106 of the Social Security Administration Act 1992] (which provides for the recovery of expenditure on income support from such persons);]
- (2) A court in England by which an order has been made under . . . ^{F9} the said section forty-three [^{F10}or the said section 18][^{F11}or the said section [^{F12}106]] 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.

Textual Amendments

- F5** S. 4(1)(a) repealed by [Child Care Act 1980 \(c. 5\)](#) s. 89, Sch. 6
- F6** S. 4(1)(c) inserted by [Supplementary Benefits Act 1976 \(c. 71\)](#), **Sch. 7 para. 8(a)**
- F7** S. 4(1)(d) added by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), ss. 86, 87, 88, **Sch. 10 Pt. II para. 35(a)**
- F8** Words in s. 4(1)(d) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), **Sch. 2 para. 3(1)(a)**.
- F9** Words repealed by [Supplementary Benefits Act 1976 \(c. 71\)](#), **Sch. 7 para. 8(b)** and [Child Care Act 1980 \(c. 5\)](#), **Sch. 6**
- F10** Words inserted by [Supplementary Benefits Act 1976 \(c. 71\)](#), **Sch. 7 para. 8(b)**
- F11** Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), ss. 86, 87, 88, **Sch. 10 Pt. II para. 35(b)**
- F12** Words in s. 4(2) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), **Sch. 2 para. 3(2)**

Modifications etc. (not altering text)

- C2** Unreliable marginal note
- C3** S. 4(1)(2) amended by [Merchant Shipping Act 1970 \(c. 36\)](#), **s. 17 (7)**
- C4** S. 4(1)(2) amended (1.1.1996) by [1995 c. 21](#), **ss. 40(7), 316(2)** (with s. 312(1))

Marginal Citations

- M1** 1948 c. 29.
- M2** 1976 c. 71.

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Part I. (See end of Document for details)

5 F13

Textual Amendments

F13 S. 5 repealed with saving by [Matrimonial Proceedings \(Magistrates' Courts\) Act 1960 \(c. 48\)](#), s. 18(1), [Sch.](#)

Jurisdiction of Scottish Courts

6 F14

Textual Amendments

F14 S. 6 repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 52, 54, [Sch. 14](#)

7 F15

Textual Amendments

F15 S. 7 repealed by [Family Law Act 1986 \(c. 55, SIF 49:3\)](#), ss. 68(2), 69, [Sch. 2](#)

8 F16

Textual Amendments

F16 S. 8 repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 52, 54, [Sch. 14](#)

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

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

- (a) F17
- [^{F18}(aa) for a contribution order under section 80 of the ^{M3}Social Work (Scotland) Act 1968 (enforcement of duty to make contributions by parents in respect of their children while in the care of a local authority under Part II of that Act or under a supervision requirement);]
- (b) for an order under section forty-three [^{F19}or the said section 80] of the ^{M4}National Assistance Act 1948 (which provides for the recovery from spouses or parents of sums in respect of assistance given under that Act).
- [^{F20}(c) for an order under section 18 of the Supplementary Benefits Act 1976 (which provides for the recovery of expenditure on supplementary benefits from persons liable for maintenance).]

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- [^{F21}(d) for an order under [^{F22}section 106 of the Social Security Administration Act 1992] (which provides for the recovery of expenditure on income support from such persons);]
- (2) A court in Scotland by which an order has been made under the said section ninety-one or the said section forty-three [^{F19}or the said section 80][^{F23}or the said section 18][^{F24}or the said section [^{F25}106]] shall have jurisdiction in proceedings against a person residing in England or Northern Ireland for the revocation or variation of that order.

Textual Amendments

F17 S. 9(1)(a) repealed by Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3), ss. 52, 54, **Sch. 14**

F18 S. 9(1)(aa) inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 33(1)**

F19 Words inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 33(2)**

F20 S. 9(1)(c) inserted by Supplementary Benefits Act 1976 (c. 71), **Sch. 7 para. 10(a)**

F21 S. 9(1)(d) added by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt. II para. 36(a)**

F22 Words in s. 9(1)(d) substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 3(1)(b)**.

F23 Words inserted by Supplementary Benefits Act 1976 (c. 71), **Sch. 7 para. 10(b)**

F24 Words inserted by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt II para. 36(b)**

F25 Words in s. 9(2) substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 3(2)**.

Modifications etc. (not altering text)

C5 S. 9(1)(2) amended by Merchant Shipping Act 1970 (c. 36), **s. 17(7)**

C6 S. 9(1)(2) amended (1.1.1996) by 1995 c. 21, **ss. 40(7), 316(2)** (with s. 312(1))

Marginal Citations

M3 1968 c. 49.

M4 1948 c. 29.

Jurisdiction of Northern Ireland Courts

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

- (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 ^{M5}Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945, in proceedings against a [^{F26}person] 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—
- in proceedings under the said Act by a [^{F26}person] residing in England or Scotland against a [^{F26}person] residing in Northern Ireland;
 - 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.

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Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Part I. (See end of Document for details)

- (3) The reference in this section to the discharge of an order made under section three or section four of the ^{M6}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) ^{F27}

Textual Amendments

F26 Word substituted by S.I. 1980/564, art. 3(1)(2)

F27 S. 10(4) repealed by S.I.1980/564, Sch.

Marginal Citations

M5 1945 c. 14 (N.I.)

M6 1945 c. 14(N.I.)

11 Jurisdiction of Northern Ireland courts to make affiliation orders.

- (1) A court in Northern Ireland shall have jurisdiction in proceedings under the ^{M7}Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924, [^{F28}section 159 of the ^{M8}Children and Young Persons Act (Northern Ireland) 1968, Article 102 of the ^{M9}Health and Personal Social Services (Northern Ireland) Order 1972 or Article 24 of the ^{M10}Supplementary Benefits (Northern Ireland) Order 1977 [^{F29}or any enactment applying in Northern Ireland and corresponding to section 25 of the Social Security Act 1986]] 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 ^{M11}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.

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Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Part I. (See end of Document for details)

Textual Amendments

F28 Words substituted by S.I. 1977/2158, **art. 2(1)(a)(3)**

F29 Words inserted by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt. II para. 87**

Marginal Citations

M7 1924 c. 27(N.I.)

M8 1968 c. 34(N.I.)

M9 S.I. 1972/1265 (N.I.14)

M10 S.I. 1977/2156 (N.I. 27)

M11 1924 c. 27(N.I.)

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

(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 [^{F30}section 156 of the ^{M12}Children and Young Persons Act (Northern Ireland) 1968] (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);

[^{F31}(b) for an order under Article 101 of the ^{M13}Health and Personal Social Services (Northern Ireland) Order 1972 (which provides for the recovery from spouses or parents of sums in respect of accommodation provided under that Order)]

[^{F32}(c) for an order under [^{F33}Article 23 of the Supplementary Benefits (Northern Ireland) Order 1977] (which provides for the recovery of the cost of supplementary benefit from persons liable for maintenance.)]

[^{F34}(d) for an order under section [^{F35}section 106 of the Social Security Administration Act 1992] (which provides for the recovery of expenditure on income support from such persons);]

(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 [^{F36}156 or of any order made under either of the said Articles 101 and 23][^{F37}or of any order falling within subsection (1)(d) of this section]

Textual Amendments

F30 Words substituted by S.I. 1977/2158, **art. 2(1)(b)(3)**

F31 S. 12(1)(b) substituted by S.I. 1977/2158, **art. 2(1)(c)(3)**

F32 S. 12(1)(c) inserted by Supplementary Benefits Act 1976 (c. 71), **Sch. 7 para. 12(a)**

F33 Words substituted by S.I. 1977/2158, **art. 2(1)(d)(3)**

F34 S. 12(1)(d) added by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt. II para. 38(a)**

F35 Words in s. 12(1)(d) substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 3(1)(c)**.

F36 Words substituted by S.I. 1977/2158, **art. 2(1)(e)(3)**

F37 Words added by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt II para. 38(b)**

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Modifications etc. (not altering text)

C7 S. 12(1)(2) amended by Merchant Shipping Act 1970 (c. 36), s. 17(7)

C8 S. 12(1)(2) amended (1.1.1996) by 1995 c. 21, ss. 40(7), 316(2) (with s. 312(1))

Marginal Citations

M12 1968 c. 34(N.I.)

M13 S.I.1972/1265 (N.I.14)

13 Transfer of proceedings in Northern Ireland.

(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 [^{F38}in the prescribed manner], into a court of summary jurisdiction having jurisdiction in that place.

(2) ^{F39}

Textual Amendments

F38 Words substituted by Judicature (Northern Ireland) Act 1978 (c. 23), Sch. 5 Pt. II

F39 S. 13(2) repealed by Judicature (Northern Ireland) Act 1978 (c. 23), Sch. 7 Pt. I

Supplemental

14 ^{F40}

Textual Amendments

F40 S. 14 repealed by Child Care Act 1980 (c. 5), s. 89, Sch. 6

15 Service of process.

(1) [^{F41}Where—

(a) proceedings are begun in a court having jurisdiction under or by virtue of the following, namely—

(i) this Part of this Act; or

[section 24(1) and 30(3) of the ^{M14}Domestic Proceedings and ^{F42}(ii) Magistrates' Courts Act 1978]

^{F43}(iii) [section 15 of the ^{M15}Guardianship of Minors Act 1971; or

(iv) section 41 of the ^{M16}Maintenance Orders (Reciprocal Enforcement) Act 1972 [^{F44}or sections 33 to 45 of the ^{M17}Children Act 1975][^{F45}or section 55 of the ^{M18}Child Care Act 1980]or]

^{F43}(iii) [section 92 of and Schedule 11 to the Children Act ^{M19}1989; or

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- (iv) section 93(2)(g) of that Act (including that provision as applied in relation to Northern Ireland by section 116(3) of the Courts and Legal Services Act 1990)]
- [Article 26(1) or 32(2) of the ^{M20}Domestic Proceedings (Northern ^{F46}(v) Ireland) Order 1980; or]
- [Article 5(2) of Schedule 4 to the Civil Jurisdiction and Judgments Act ^{F47}(vi) 1982; or]
- (b) an action [^{F48}which contains a conclusion for aliment not falling within the scope of paragraph (a)(i) above]is commenced in a sheriff court in Scotland, and the person against whom the action or other proceedings is or are brought resides] 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.
- (5) Section four of the ^{M21}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.

Textual Amendments

- F41** Words substituted by [Administration of Justice Act 1977 \(c. 38\), s. 3, Sch. 3 para. 11](#)
- F42** [S. 15\(1\)\(a\)\(ii\)](#) substituted with saving by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\), s. 89, Sch. 2 para. 12](#) and [S.I. 1979/731, Sch. 2 para. 6](#)
- F43** [S. 15\(1\)\(a\)\(iii\)\(iv\)](#) beginning “section 92” substituted (E.W.S.) (14.10.1991) for [S. 15\(1\)\(a\)\(iii\)\(iv\)](#) beginning “section 92” by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), ss. 116, 124\(3\) Sch. 16 para. 34](#)
- F44** Words inserted by [Children Act 1975 \(c. 72\), s. 108\(2\), Sch. 3 para. 10](#)
- F45** Words inserted by [Child Care Act 1980 \(c. 5\), s. 89, Sch. 5 para. 2](#)
- F46** [S. 15\(1\)\(a\)\(v\)](#) inserted by [S.I. 1980/564, art. 3\(1\)\(3\)](#)
- F47** [S. 15\(1\)\(a\)\(vi\)](#) added by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\), ss. 16\(5\), 52, Sch. 13 Pt. II](#)
- F48** Words substituted by [Civil Jurisdiction and Judgments Act 1982 \(c.27, SIF 45:3\), ss. 23\(2\), 52, Sch. 12 Pt. II para. 2](#)

Modifications etc. (not altering text)

- C9** [S. 15](#) extended by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\), ss. 36\(5\), 52](#)

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Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Part I. (See end of Document for details)

Marginal Citations

M14 1978 c. 22.

M15 1971 c. 3.

M16 1972 c. 18.

M17 1975 c. 72.

M18 1980 c. 5.

M19 1989 c.41 (20).

M20 1980/563 (N.I.15)

M21 1881 c. 24.

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