



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F1 S. 1 repealed by Matrimonial Proceedings (Magistrates' Courts) Act 1960 (c. 48), Sch.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F2 S. 2(1)(2) repealed by Guardianship of Minors Act 1971 (c. 3), Sch. 2

F3 S. 2(3) repealed by Domestic Proceedings and Magistrates' Courts Act 1978, (c. 22), s. 89, Sch. 3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Status: Point in time view as at 22/04/2014.

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F4 S. 3 repealed by [Family Law Reform Act 1987](#) (c. 42, SIF 49:7), s. 33(2)(4), Schs. 3, 4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) [^{F5}The family court] shall have jurisdiction in proceedings against a person residing in Scotland or Northern Ireland—
- (a) ^{F6}
- (b) [^{F7}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).]
- [^{F8}(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).]
- [^{F9}(d) for an order under [^{F10}section 106 of the Social Security Administration Act 1992] (which provides for the recovery of expenditure on income support [^{F11}or universal credit] from such persons);]
- (2) A court in England by which an order has been made under . . . ^{F12}[^{F13}the said section forty-three [^{F14}or] the said section 18][^{F15}or the said section [^{F16}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** Words in s. 4(1) substituted (22.4.2014) by [Crime and Courts Act 2013](#) (c. 22), s. 61(3), **Sch. 11 para. 16**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F6** S. 4(1)(a) repealed by [Child Care Act 1980](#) (c. 5) s. 89, Sch. 6
- F7** S. 4(1)(b) repealed (E.W.) (6.4.2009) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), **Sch. 15 Pt. 5** (with Sch. 13); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c)
- F8** S. 4(1)(c) inserted by [Supplementary Benefits Act 1976](#) (c. 71), **Sch. 7 para. 8(a)**
- F9** 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)**
- F10** 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)**.
- F11** Words in s. 4(1)(d) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013](#) (S.I. 2013/630), regs. 1(2), **2(2)**
- F12** Words repealed by [Supplementary Benefits Act 1976](#) (c. 71), **Sch. 7 para. 8(b)** and [Child Care Act 1980](#) (c. 5), **Sch. 6**
- F13** Words in s. 4(2) repealed (E.W.) (6.4.2009) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), **Sch. 15 Pt. 5** (with Sch. 13); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c)
- F14** Words inserted by [Supplementary Benefits Act 1976](#) (c. 71), **Sch. 7 para. 8(b)**
- F15** Words inserted by [Social Security Act 1986](#) (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt. II para. 35(b)**
- F16** 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)**

Status: Point in time view as at 22/04/2014.

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

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.](#)

5 F17

Textual Amendments

- F17 [S. 5](#) repealed with saving by [Matrimonial Proceedings \(Magistrates' Courts\) Act 1960 \(c. 48\), s. 18\(1\), Sch.](#)

Jurisdiction of Scottish Courts

6 F18

Textual Amendments

- F18 [S. 6](#) repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\), ss. 52, 54, Sch. 14](#)

7 F19

Textual Amendments

- F19 [S. 7](#) repealed by [Family Law Act 1986 \(c. 55, SIF 49:3\), ss. 68\(2\), 69, Sch. 2](#)

8 F20

Textual Amendments

- F20 [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) F21

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- [^{F22}(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) [^{F23}for an order under section forty-three [^{F24}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).]
- [^{F25}(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).]
- [^{F26}(d) for an order under [^{F27}section 106 of the Social Security Administration Act 1992] (which provides for the recovery of expenditure on income support [^{F28}or universal credit] from such persons);]
- (2) A court in Scotland by which an order has been made under the said section ninety-one [^{F29}or the said section forty-three] [^{F24}or the said section 80] [^{F30}or the said section 18] [^{F31}or the said section [^{F32}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

- F21** S. 9(1)(a) repealed by Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3), ss. 52, 54, **Sch. 14**
- F22** S. 9(1)(aa) inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 33(1)**
- F23** S. 9(1)(b) repealed (E.W.) (6.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 15 Pt. 5** (with Sch. 13); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c)
- F24** Words inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 33(2)**
- F25** S. 9(1)(c) inserted by Supplementary Benefits Act 1976 (c. 71), **Sch. 7 para. 10(a)**
- F26** 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)**
- F27** 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)**.
- F28** Words in s. 9(1)(d) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **2(3)**
- F29** Words in s. 9(2) repealed (E.W.) (6.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 15 Pt. 5** (with Sch. 13); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c)
- F30** Words inserted by Supplementary Benefits Act 1976 (c. 71), **Sch. 7 para. 10(b)**
- F31** Words inserted by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt II para. 36(b)**
- F32** 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.

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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)

Jurisdiction of Northern Ireland Courts

F33 10

Textual Amendments

F33 S. 10 repealed (4.11.1996) by S.I. 1995/756, art. 15, Sch.; S.R. 1996/297, art. 3

F34 11

Textual Amendments

F34 S. 11 repealed (4.11.1996) by S.I. 1995/756, art. 15, Sch.; S.R. 1996/297, art. 3

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 [^{F35}Article 41 of the Children (Northern Ireland) Order 1995 (which provides for the recovery from persons liable to contribute of sums in respect of children looked after by an authority under that Order)];
 - [^{F36}(b) for an order under Article 101 of the ^{M5}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)]
 - [^{F37}(c) for an order under [^{F38}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.)]
 - [^{F39}(d) for an order under section [^{F40}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 [^{F41}Article 41][^{F42}or of any order made under either of the said Articles 101 and 23][^{F43}or of any order falling within subsection (1)(d) of this section]

Textual Amendments

F35 Words in s. 12(1)(a) substituted (4.11.1996) by S.I. 1995/756, art. 2(2); S.R. 1996/297, art. 3

F36 S. 12(1)(b) substituted by S.I. 1977/2158, art. 2(1)(c)(3)

F37 S. 12(1)(c) inserted by Supplementary Benefits Act 1976 (c. 71), Sch. 7 para. 12(a)

F38 Words substituted by S.I. 1977/2158, art. 2(1)(d)(3)

F39 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)

F40 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).

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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)

- F41** Words in s. 15(2) substituted (4.11.1996) by S.I. 1995/756, **art. 2(3)**; S.R. 1996/297, **art. 3**
- F42** Words substituted by S.I. 1977/2158, **art. 2(1)(e)(3)**
- F43** Words added by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt II para. 38(b)**

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

- M5** S.I.1972/1265 (N.I.14)

- 13** ^{F44}(1)
- (2) ^{F45}

Textual Amendments

- F44** S. 13(1) repealed (4.11.1996) by S.I. 1995/756, **art. 15, Sch.**; S.R. 1996/297, **art. 3**
- F45** S. 13(2) repealed by Judicature (Northern Ireland) Act 1978 (c. 23), **Sch. 7 Pt. I**

Supplemental

- 14** ^{F46}

Textual Amendments

- F46** S. 14 repealed by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**

15 Service of process.

- (1) [^{F47}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 ^{M6}Domestic Proceedings and ^{F48}(ii) Magistrates’ Courts Act 1978]
 - [section 15 of the ^{M7}Guardianship of Minors Act 1971; or
 - ^{F49}(iii) (iv) section 41 of the ^{M8}Maintenance Orders (Reciprocal Enforcement) Act 1972 [^{F50}or sections 33 to 45 of the ^{M9}Children Act 1975][^{F51}or section 55 of the ^{M10}Child Care Act 1980]or
 - [section 92 of and Schedule 11 to the Children Act ^{M11}1989; or
 - ^{F49}(iii) (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)]

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- [Article 164 of and Schedule 7 to the Children (Northern Ireland) ^{F52}(v) Order 1995 or Article 165(2)(g) of that Order; or]
- [^{F53}[^{F54}(vi) Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011; or]]
- (b) an action [^{F55}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 [^{F56}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 [^{F56}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 ^{M12}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

- F47** Words substituted by Administration of Justice Act 1977 (c. 38), s. 3, **Sch. 3 para. 11**
- F48** 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**
- F49** 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
- F50** Words inserted by Children Act 1975 (c. 72), s. 108(2), **Sch. 3 para. 10**
- F51** Words inserted by Child Care Act 1980 (c. 5), s. 89, **Sch. 5 para. 2**
- F52** S. 15(1)(a)(v) substituted (4.11.1996) by virtue of S.I. 1995/756, **art. 2(3)**; S.R. 1996/297, **art. 3**
- F53** S. 15(1)(a)(vi) substituted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 1(2)**
- F54** 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**
- F55** Words substituted by Civil Jurisdiction and Judgments Act 1982 (c.27, SIF 45:3), ss. 23(2), 52, **Sch. 12 Pt. II para. 2**

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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)

F56 Words in s. 15(2)(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 11 para. 17\(1\)](#); 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)

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

Marginal Citations

M6 1978 c. 22.

M7 1971 c. 3.

M8 1972 c. 18.

M9 1975 c. 72.

M10 1980 c. 5.

M11 1989 c.41 (20).

M12 1881 c. 24.

Status:

Point in time view as at 22/04/2014.

Changes to legislation:

There are currently no known outstanding effects for the Maintenance Orders Act 1950, Part I.