



Maintenance Orders Act 1950

1950 CHAPTER 37

PART I

JURISDICTION

Jurisdiction of English Courts

1 Jurisdiction of English courts to make summary maintenance orders

- (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.

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

- (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.

- (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.

3 Jurisdiction of English courts to make affiliation orders

- (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
 - (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.

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) 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.

5 Transfer of proceedings

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.