



Maintenance Orders Act 1950

1950 CHAPTER 37 14 Geo 6

PART II

ENFORCEMENT

Modifications etc. (not altering text)

C1 Pt. II excluded by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\), s. 33\(6\)](#).

16 Application of Part II.

- (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:—
 - [^{F1}(i) sections 15 to 17, 19 to 22, 30, 34 and 35 of the ^{M1}Matrimonial Causes Act 1965 and sections 22, 23(1), (2) and (4) and 27 of the ^{M2}Matrimonial Causes Act 1973][^{F2}and section 14 or 17 of the Matrimonial and Family Proceedings Act 1984];
 - [^{F3}(ii) Part I of the ^{M3}Domestic Proceedings and Magistrates' Courts Act 1978];
 - [^{F4}(iii) Schedule 1 to the Children Act 1989]
 - (iv) ^{F5}
 - (v) [^{F6}paragraph 23 of Schedule 2 to the Children Act 1989], or section forty-three of the ^{M4}National Assistance Act 1948;
 - [^{F7}(vi) section 18 of the ^{M5}Supplementary Benefits Act 1976 . . . ^{F8}];
 - (vi) ^{F9}

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- ^{F10}(vii)
- [^{F11}(viii) [^{F12}section 106 of the Social Security Administration Act 1992] . . .
^{F13};
- (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 ^{M6}Divorce (Scotland) Act 1938 [^{F14}an order for the payment of a periodic allowance [^{F15}or a capital sum] under section 26 of the ^{M7}Succession (Scotland) Act 1964 or section 5 of the ^{M8}Divorce (Scotland) Act 1976][^{F16}or section 29 of the Matrimonial and Family Proceedings Act 1984]; [^{F17}or an order for financial provision in the form of a monetary payment under section 8 of the Family Law (Scotland) Act 1985];
- (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 ^{M9}Guardianship of Infants Act 1925;
- (iii) an order for the payment of sums in respect of aliment under subsection (3) of section one of the ^{M10}Illegitimate Children (Scotland) Act 1930;
- (iv) a decree for payment of aliment under section forty-four of the ^{M11}National Assistance Act 1948, or under section twenty-six of the ^{M12}Children Act 1948; and
- (v) ^{F18}an order under section forty-three of the ^{M13}National Assistance Act 1948;
- [^{F19}(vi) a contribution order under section 80 of, or a decree or an order made under section 81 of, the ^{M14}Social Work (Scotland) Act 1968;]
- [^{F20}(vii) an order for the payment of weekly or other periodical sums under subsection (3) of section 11 of the ^{M15}Guardianship Act 1973;]
- [^{F21}(viii) an order made on an application under [^{F22}section 18 or 19(8)] of the ^{M16}Supplementary Benefits Act 1976;]
- [^{F23}(ix) an order made on an application under [^{F12}section 106 of the Social Security Administration Act 1992];]
- (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 ^{M17}Matrimonial Causes Act (Northern Ireland) 1939;
- [^{F24}(ii) Schedule 1 to the Children (Northern Ireland) Order 1995;]
- ^{F25}(iii)
- [^{F26}(iv) [^{F27}Article 41 of the Children (Northern Ireland) Order 1995] or Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972;]
- [^{F28}(v) any enactment of the Parliament of Northern Ireland containing provisions corresponding with section 22(1), 34 or 35 of the ^{M18}Matrimonial Causes Act 1965, with section 22, 23(1), (2) or (4) or 27 of the ^{M19}Matrimonial Causes Act 1973, ^{F29}]
- [^{F30}(vi) Article 23 or 24 of the Supplementary Benefits (Northern Ireland) Order 1977.]
- [^{F31}(vii) the Domestic Proceedings (Northern Ireland) Order 1980.]

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- [^{F32}(viii) any enactment applying in Northern Ireland and corresponding to [^{F12}section 106 of the Social Security Administration Act 1992];]
[^{F33}(ix) Article 18 or 21 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989;]

- (3) For the purposes of this section, any order made before the commencement of the ^{M20}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.

Textual Amendments

- F1** S. 16(2)(a)(i) substituted by Matrimonial Causes Act 1973 (c. 18), **Sch. 2 para. 3**
- F2** Words added by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), ss. 46(1), 48, **Sch. 1 para. 1(a)**
- F3** S. 16(2)(a)(ii) substituted by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), s. 89, **Sch. 2 para. 13**
- F4** S. 16(2)(a)(iii) substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 35(a)**
- F5** S. 16(2)(a)(iv) repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), ss. 33(1)(4), Sch. 2 para. 12(b), **Sch. 4**
- F6** Words substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 35(b)**
- F7** S. 16(2)(a)(vi) inserted by Supplementary Benefits Act 1976 (c. 71), **Sch. 7 para. 13(a)**.
- F8** Words repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), ss. 33(1)(4), Sch. 2 para. 12(d), **Sch. 4**
- F9** S. 16(2)(a)(vi), (which was inserted by Children Act 1975 (c. 72), s. 108(2), **Sch. 3 para. 11**) repealed by Family Law Reform Act 1987, (c. 42, SIF 49:7), ss. 33(1)(4), Sch. 2 para. 12(c), Sch. 4
- F10** S. 16(2)(a)(vii) (which was inserted by Children Act 1975 (c. 72), s. 108(2), **Sch. 3 para. 11**) repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**
- F11** S. 16(2)(a)(viii) inserted by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 para. 39(a)**.
- F12** Words in s. 16(2) substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 3(1)(d)-(f)**.
- F13** Words repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), ss. 33(1)(4), Sch. 2 para. 12(e), **Sch. 4**
- F14** Words substituted by Divorce (Scotland) Act 1976 (c. 39). Sch. 1 para. 1
- F15** Words inserted by Administration of Justice Act 1977 (c. 38), s. 3, **Sch. 3 para. 12**
- F16** Words added by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), ss. 46(1), 48(2)(3), **Sch. 1 para. 1(b)**
- F17** Words added by Family Law (Scotland) Act 1985 (c. 37, SIF 49:3), ss. 28(1), 29(4), **Sch. 1 para. 3**
- F18** Words repealed by Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3), ss. 52, 54, **Sch. 14**
- F19** S. 16(2)(b)(vi) inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 34**
- F20** S. 16(2)(b)(vii) inserted by Guardianship Act 1973 (c. 29), **Sch. 5 para. 4**
- F21** S. 16(2)(b)(viii) inserted by Supplementary Benefits Act 1976 (c. 71), **Sch. 7 para. 13(b)**
- F22** Words substituted by Social Security and Housing Benefits Act 1982 (c. 24, SIF 113:1), s. 48(5), **Sch. 4 para. 2**
- F23** S.16 (2)(b)(ix) inserted by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86(1), 87, 88, **Sch. 10 Pt. II para. 39(b)**
- F24** S. 16(2)(c)(ii) substituted (4.11.1996) by S.I. 1995/756, **art. 2(4)(a)**; S.R. 1996/297, **art. 3**
- F25** S. 16(2)(c)(iii) repealed (4.11.1996) by S.I. 1995/756, **art. 15, Sch.;** S.R. 1996/297, **art. 3**
- F26** S. 16(2)(c)(iv) substituted by S.I. 1977/2158, **art. 2(1)(f)(ii)(3)**
- F27** Words in s. 16(2)(c)(iv) substituted (4.11.1996) by S.I. 1995/756, **art. 2(4)(b)**; S.R. 1996/297, **art. 3**

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- F28** S. 16(2)(c)(v) substituted by [Matrimonial Causes Act 1973 \(c. 18\), Sch. 2 para. 3](#)
- F29** Words in s. 16(2)(c)(v) repealed (4.11.1996) by [S.I. 1995/756, art. 15, Sch.](#); [S.R. 1996/297, art. 3](#)
- F30** S. 16(2)(c)(vi) substituted by [S.I. 1977/2158, art. 2\(1\)\(f\)\(iii\)\(3\)](#)
- F31** S. 16(2)(c)(vii) inserted by [S.I. 1980/564, art. 3\(4\)](#)
- F32** S. 16(c)(viii) inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\), ss. 86\(1\), 87, 88, Sch. 10 Pt. II para. 39\(c\)](#)
- F33** S. 16(c)(ix) inserted by [S.I. 1989/678, art. 2](#)

Modifications etc. (not altering text)

- C2** S. 16 extended by [Matrimonial Proceedings \(Children\) Act 1958 \(c. 40\), s. 17](#) and, until 14.10.1991, [Family Law Reform Act 1969 \(c. 46\), ss. 6\(7\), 28\(4\)\(c\)](#)

Marginal Citations

- M1** 1965 c. 72.
- M2** 1973 c. 18.
- M3** 1978 c. 22.
- M4** 1948 c. 29.
- M5** 1976 c. 71.
- M6** 1938 c. 50.
- M7** 1964 c. 41.
- M8** 1976 c. 39.
- M9** 1925 c. 45.
- M10** 1930 c. 33.
- M11** 1948 c. 29.
- M12** 1948 c. 43.
- M13** 1948 c. 29.
- M14** 1968 c. 49.
- M15** 1973 c. 29.
- M16** 1976 c. 71.
- M17** 1939 c. 13(N.I.)
- M18** 1965 c. 72.
- M19** 1973 c. 18.
- M20** 1939 c. 13(N.I.)

17 Procedure for registration of maintenance orders.

- (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 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.

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- (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.
- (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.

Modifications etc. (not altering text)

- C3 S. 17 applied by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), [s. 24B\(4\)\(a\)\(i\)](#) (as inserted by [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), [S. 8\(i\)](#))

18 Enforcement of registered orders.

- (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.
- ^{F34}(1A) A maintenance order registered under this Part of this Act in a court of summary jurisdiction in England or Northern Ireland shall not carry interest; but where a maintenance order so registered is registered in the High Court under Part I of the Maintenance Orders Act 1958 or section 36 of the Civil Jurisdiction and Judgments Act 1982, this subsection shall not prevent any sum for whose payment the order provides from carrying interest in accordance with section 2A of the said Act of 1958 or section 11A of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966.
- (1B) A maintenance order made in Scotland which is registered under this Part of this Act in the Supreme Court in England or Northern Ireland shall, if interest is by the law

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of Scotland recoverable under the order, carry the like interest in accordance with subsection (1) of this section.]

[^{F35}(2) Every maintenance order registered under this Part of this Act in a magistrates' court in England and Wales [^{F36}shall, subject to the modifications of sections 76 and 93 of the Magistrates' Courts Act 1980 specified in subsections (2ZA) and (2ZB) of this section, be enforceable] as a magistrates' court maintenance order within the meaning of section 150(1) of the Magistrates' Courts Act ^{M21}1980.]

[^{F37F38}(2ZA) Section 76 (enforcement of sums adjudged to be paid) shall have effect as if for subsections (4) to (6) there were substituted the following subsections—

(“ Where proceedings are brought for the enforcement of a magistrates' court maintenance order under this section, the court may vary the order by exercising one of its powers under subsection (5) below.

(5) The powers of the court are—

- (a) the power to order that payments under the order be made directly to [^{F39}a justices' chief executive]
- (b) the power to order that payments under the order be made to [^{F39}a justices' chief executive], or to by such method of payment falling within section 59(6) above (standing order, etc.) as may be specified;
- (c) the power to make an attachment of earnings order under the ^{M22}Attachment of Earnings Act 1971 to secure payments under the order.

(6) In deciding which of the powers under subsection (5) above it is to exercise, the court shall have regard to any representations made by the debtor (within the meaning of section 59 above)”.

(7) Subsection (4) of section 59 above (power of court to require debtor to open account) shall apply for the purposes of subsection (5) above as it applies for the purposes of that section but as if for paragraph (a) there were substituted—

(“ the court proposes to exercise its power under paragraph (b) of section 76(5) below, and”

(2ZB) In section 93 (complaint for arrears), subsection (6) (court not to impose imprisonment in certain circumstances) shall have effect as if for paragraph (b) there were substituted—

- (“ if the court is of the opinion that it is appropriate—
 - (i) to make an attachment of earnings order; or
 - (ii) to exercise its power under paragraph (b) of section 76(5) above. ”]

[^{F37}(2A) Any person under an obligation to make payments under a maintenance order registered under this Part of this Act in a court of summary jurisdiction in England [^{F40}or Northern Ireland] shall give notice of any change of address to the [^{F41}proper officer] of the court; and any person who without reasonable excuse fails to give such a notice shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale ^{F42}. . . .]

[^{F43}(2B) In subsection (2A) of this section “proper officer” means—

- (a) in relation to a court of summary jurisdiction in England and Wales, the justices' chief executive for the court; and

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- (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.]
- (3) Every maintenance order registered under this Part of this Act in a court of summary jurisdiction in Northern Ireland . . . ^{F44} shall be enforceable as [^{F45}an order made by that court to which Article 98 of the Magistrates’ Courts (Northern Ireland) Order 1981 applies, subject to the modifications of that Article specified in subsection (3ZA) of this section].
- [^{F46}(3ZA) Article 98 (enforcement of sums adjudged to be paid) shall have effect—
- (a) as if for paragraph (7)(a) there were substituted the following sub-paragraph—
 - (“ if the court is of the opinion that it is appropriate—
 - (i) to make an attachment of earnings order; or
 - (ii) to exercise its power under paragraph (8C)(b);”
 - (b) as if for paragraphs (8B) to (8D) there were substituted the following paragraphs—
 - (“ Upon the appearance of a person or proof of service of the summons on him as mentioned in paragraph (4) for the enforcement of an order to which this Article applies, the court or resident magistrate may vary the order by exercising one of the powers under paragraph (8C).
- (8C) The powers mentioned in paragraph (8B) are—
- (a) the power to order that payments under the order be made directly to the collecting officer;
 - (b) the power to order that payments under the order be made to the collecting officer by such method of payment falling within Article 85(7) (standing order, etc.) as may be specified;
 - (c) the power to make an attachment of earnings order under Part IX to secure payments under the order.
- (8D) In deciding which of the powers under paragraph (8C) is to be exercised, the court or, as the case may be, a resident magistrate shall have regard to any representations made by the debtor (within the meaning of Article 85).
- (8E) Paragraph (5) of Article 85 (power of court to require debtor to open account) shall apply for the purposes of paragraph (8C) as it applies for the purposes of that Article but as if for sub-paragraph (a) there were substituted—
- (“ the court proposes to exercise its power under sub-paragraph (b) of Article 98(8C), and]
- [^{F47}(3A) Notwithstanding subsection (1) above, no court in England in which a maintenance order is registered under this Part of this Act shall enforce that order [^{F48}to the extent that it is for the time being registered]in another court in England under Part I of the ^{M23}Maintenance Orders Act 1958.]
- [^{F49}(3B) Notwithstanding subsection (1) above, no court in Northern Ireland in which a maintenance order is registered under this Part of this Act shall enforce that order to the extent that it is for the time being registered in another court in Northern Ireland under section 36 of the Civil Jurisdiction and Judgments Act 1982.]
- (4) ^{F50}

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- (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.

Textual Amendments

- F34** S. 18(1A)(1B) inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 37(1), 52, [Sch. 11 Pt. II para. 5](#)
- F35** S. 18(2) substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1), [Sch. 2 para. 13](#)
- F36** Words in s. 18(2) substituted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, [Sch. 1 para. 3\(1\)](#); S.I. 1992/455, [art. 2](#).
- F37** S. 18(2A) inserted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), ss. 46(1), 48(3), [Sch. 1 para. 2](#)
- F38** S. 18(2ZA)(2ZB) inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, [Sch. 1 para. 3\(2\)](#); S.I. 1992/455, [art. 2](#).
- F39** Words in s. 18(2ZA) substituted (1.4.2001) by 1999 c. 22, s. 90, [Sch. 13 para. 13\(2\)](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))
- F40** Words inserted by S.I. 1989/677 (N.I.4), [art. 42\(1\)](#), [Sch. 2 para. 1](#)
- F41** Words in s. 18(2A) substituted (1.4.2001) by 1999 c. 22, s. 90, [Sch. 13 para. 13](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))
- F42** Words in s. 18(2A) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#)
- F43** S.18(2B) inserted (1.4.2001) by 1999 c. 22 s. 90, [Sch. 13 para. 13](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))
- F44** Words repealed by [Ministry of Social Security Act 1966 \(c. 20\)](#), [Sch. 8](#)
- F45** Words in s. 18(3) substituted (4.11.1996) by S.I. 1995/756, [art. 2\(5\)](#); S.R. 1996/297, [art. 3](#)
- F46** S. 18(3ZA) added (4.11.1996) by S.I. 1993/1577, [art. 2\(2\)\(b\)](#); S.R. 1996/454, [art. 3](#)
- F47** S. 18(3A) inserted by [Administration of Justice Act 1977 \(c. 38\)](#), s. 3, [Sch. 3 para. 6](#)
- F48** Words substituted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 37(1), 52, [Sch. 11 para. 1](#)
- F49** S. 18(3B) inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 36(6), 52, [Sch. 12 Pt. III para. 1\(1\)\(2\)](#)
- F50** S. 18(4)(5) repealed by [Ministry of Social Security Act 1966 \(c. 20\)](#), [Sch. 8](#)

Marginal Citations

- M21** 1980 c.43 (82).
- M22** 1971 c. 32.
- M23** 1958 c. 39.

19 Functions of collecting officer, etc.

- (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, [^{F51}unless, in the case of a court of summary jurisdiction in Northern Ireland, 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

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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.

- [^{F52}(3) An order made under subsection (2) of this section—
- (a) by a court of summary jurisdiction in England may be varied or revoked by an exercise of the powers conferred by virtue of section 18(2ZA) or section 22(1A) or (1E) of this Act;
 - ^{F53}(b)]
- (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.
- ^{F54}(5)

Textual Amendments

- F51** Words in s. 19(2) repealed (4.11.1996) by virtue of S.I. 1993/1577, **arts. 1(2),2(3)(a)**; S.R. 1996/454, **art. 3**
- F52** S. 19(3) substituted (1.4.1992) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 10, **Sch. 1 para. 4(2)**; S.I. 1992/455, **art. 2**.
- F53** S. 19(3)(b) substituted (4.11.1996) by S.I. 1993/1577, **art. 2(3)(b)**; S.R. 1996/454, **art. 3**
- F54** S. 19(5) repealed (4.11.1996) by S.I. 1993/1577, **art. 2(3)(c)**; S.R. 1996/454, **art. 3**

Modifications etc. (not altering text)

- C4** S. 19(1)-(4) applied with modifications (E.W.) by Maintenance Orders Act 1958 (c. 39), s. **2(6)** but Maintenance Orders Act 1958 (c. 39), s. **2(6)** substituted (1.4.1992) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 10, **Sch. 1 para. 7**; S.I. 1992/455, **art. 2**

20 Arrears under registered maintenance orders.

- (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

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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.

21 Discharge and variation of maintenance orders registered in superior courts.

- (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
 - ^{F55}(a) registered under this Part of this Act in a superior court and not registered under Part I of the ^{M24}Maintenance Orders Act 1958 [^{F56}or under section 36 of the Civil Jurisdiction and Judgments Act 1982], or
 - (b) registered in a court in England under that Part of that Act [^{F57}of 1958]by virtue of section 1(2) of that Act [^{F57}of 1958],]
 - ^{F58}(c) registered in a court in Northern Ireland under section 36 of the Civil Jurisdiction and Judgments Act 1982]

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 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.

Textual Amendments

- F55** Words substituted by [Administration of Justice Act 1977 \(c. 38\), s. 3, Sch. 3 para. 7](#)
- F56** Words inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\), ss. 36\(6\), 52, Sch. 12 Pt. III para. 1\(3\)\(a\)](#)
- F57** Words inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\), ss. 36\(6\), 52, Sch. 12 Pt. III para. 1\(3\)\(b\)](#)
- F58** S. 21(2)(c) inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\), ss. 36\(6\), 52, Sch. 12 Pt. III para. 1\(3\)\(c\)](#)

Marginal Citations

- M24** [1958 c. 39.](#)

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

- (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

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in the prescribed manner by or on behalf of the person liable to make [^{F59}periodical] 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.

^{F60}[(1A) The power of a magistrates' court in England and Wales to vary a maintenance order under subsection (1) of this section shall include power, if the court is satisfied that payment has not been made in accordance with the order, to vary the order by exercising one of its powers under subsection (1B) of this section.

(1B) The powers of the court are—

- (a) the power to order that payments under the order be made directly to [^{F61}a justices' chief executive]
- (b) the power to order that payments under the order be made to [^{F61}a justices' chief executive] by such method of payment falling within section 59(6) of the Magistrates' Courts Act 1980 (standing order, etc.) as may be specified;
- (c) the power to make an attachment of earnings order under the Attachment of Earnings Act 1971 to secure payments under the order.

(1C) In deciding which of the powers under subsection (1B) of this section it is to exercise, the court shall have regard to any representations made by the person liable to make payments under the order.

(1D) Subsection (4) of section 59 of the Magistrates' Courts Act 1980 (power of court to require debtor to open account) shall apply for the purposes of subsection (1B) of this section as it applies for the purposes of that section but as if for paragraph (a) there were substituted—

“(a) the court proposes to exercise its power under paragraph (b) of section 22(1B) of the Maintenance Orders Act 1950, and”.

(1E) Subsections (4) to (11) of section 60 of the Magistrates' Courts Act 1980 (power of clerk and court to vary maintenance order) shall apply in relation to a maintenance order for the time being registered under this Part of this Act in a magistrates' court in England and Wales as they apply in relation to a maintenance order made by a magistrates' court in England and Wales but—

(a) as if in subsection (4) for paragraph (b) there were substituted—

“(b) payments under the order are required to be made to [^{F62}a justices' chief executive], by any method of payment falling within section 59(6) above (standing order, etc.)”;

^{F63}

...

(b) as if in subsection (5) for the words [^{F64}“justices' chief executive for the court”] there were substituted “in accordance with paragraph (a) of section 22(1B) of the Maintenance Orders Act 1950”;

(c) as if in subsection (7), paragraph (c) and the word “and” immediately preceding it were omitted;

(d) as if in subsection (8) for the words “paragraphs (a) to (d) of section 59(3) above” there were substituted “section 22(1B) of the Maintenance Orders Act 1950”;

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(e) as if for subsections (9) and (10) there were substituted the following subsections—

“(9) In deciding which of the powers under section 22(1B) of the Maintenance Orders Act 1950 it is to exercise, the court shall have regard to any representations made by the debtor.

(10) Subsection (4) of section 59 above (power of court to require debtor to open account) shall apply for the purposes of subsection (8) above as it applies for the purposes of that section but as if for paragraph (a) there were substituted—

“(a) the court proposes to exercise its power under paragraph (b) of section 22(1B) of the Maintenance Orders Act 1950, and”.]

^{F65}[(1F) The power of a court of summary jurisdiction in Northern Ireland to vary a maintenance order under subsection (1) of this section shall include power, if the court is satisfied that payment has not been made in accordance with the order, to vary the order by exercising one of its powers under subsection (1G) of this section.

(1G) The powers of the court are—

- (a) the power to order that payments under the order be made directly to the collecting officer;
- (b) the power to order that payments under the order be made to the collecting officer by such method of payment falling within Article 85(7) of the Magistrates’ Courts (Northern Ireland) Order 1981 (standing order, etc.) as may be specified;
- (c) the power to make an attachment of earnings order under Part IX of the Order of 1981 to secure payments under the order;

and in this subsection “collecting officer” means the officer mentioned in Article 85(4) of the Order of 1981.

(1H) In deciding which of the powers under subsection (1G) of this section it is to exercise, the court shall have regard to any representations made by the person liable to make payments under the order.

(1I) Paragraph (5) of Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981 (power of court to require debtor to open account) shall apply for the purposes of subsection (1G) of this section as it applies for the purposes of that Article but as if for sub-paragraph (a) there were substituted—

- (a) the court proposes to exercise its power under paragraph (b) of section 22(1G) of the Maintenance Orders Act 1950, and.

(1J) Paragraphs (4) to (11) of Article 86 of the Magistrates’ Courts (Northern Ireland) Order 1981 (power of clerk and court to vary maintenance order) shall apply in relation to a maintenance order for the time being registered under this Part of this Act in a court of summary jurisdiction in Northern Ireland as they apply in relation to a maintenance order made by a court of summary jurisdiction in Northern Ireland but—

- (a) as if in paragraph (4) for sub-paragraph (b) there were substituted—
 - “(b) payments under the order are required to be made to the collecting officer by any method of payment falling within Article 85(7) (standing order, etc.)”; and as if after the words “petty sessions” there were inserted “for the petty sessions district for which the court which made the order acts”;

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- (b) as if in paragraph (5) for the words “to the collecting officer” there were substituted “in accordance with paragraph (a) of section 22(1G) of the Maintenance Orders Act 1950”;
 - (c) as if in paragraph (7), sub-paragraph (c) and the word “and” immediately preceding it were omitted;
 - (d) as if in paragraph (8) for the words “sub-paragraphs (a) to (d) of Article 85(3)” there were substituted “section 22(1G) of the Maintenance Orders Act 1950”;
 - (e) as if for paragraphs (9) and (10) there were substituted the following paragraphs—
 - “(9) In deciding which of the powers under section 22(1G) of the Maintenance Orders Act 1950 it is to exercise, the court shall have regard to any representations made by the debtor.
 - (10) Paragraph (5) of Article 85 (power of court to require debtor to open account) shall apply for the purposes of paragraph (8) as it applies for the purposes of that Article but as if for sub-paragraph (a) there were substituted—
 - “(a) the court proposes to exercise its power under paragraph (b) of section 22(1G) of the Maintenance Orders Act 1950, and”.”]
- (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.

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Textual Amendments

- F59** Word inserted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), s. 89, **Sch. 2 para. 14**.
- F60** S. 22(1A)-(1E) inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17\)](#), s. 10, **Sch. 1 para. 5**; S.I. 1992/455, **art. 2**
- F61** Words in s. 22(1B) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 14** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F62** Words in s. 22(1E)(a) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 14** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F63** Words in s. 22(1E)(a) repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(7)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(ii)** (with Sch. 2 para. 2)
- F64** Words in s. 22(1E)(b) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 14** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F65** S. 22(1F)-(1J) inserted (4.11.1996) by S.I. 1993/1577, **art. 2(4)**; S.R. 1996/454, **art. 3**

[^{F66}23] Notice of variation, etc.

- (1) Where a maintenance order registered under this Part of this Act is discharged or varied by any court, the prescribed officer of that court shall give notice of the discharge or variation in the prescribed manner—
 - (a) to the prescribed officer of any court in which the order is registered; and
 - (b) if the order was made by another court, to the prescribed officer of that court.
- (2) Any officer to whom a notice is given under this section shall cause particulars of the notice to be registered in his court in the prescribed manner.]

Textual Amendments

- F66** S. 23 substituted by [Administration of Justice Act 1977 \(c. 38\)](#), s. 3, **Sch. 3 para. 8**

24 Cancellation of registration.

- (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 [^{F67}of any 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.

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- (3) Where the prescribed officer of any court cancels the registration of a maintenance order under this section, he shall give notice of the cancellation in the prescribed manner
- [^{F68}(a) to the prescribed officer of the court by which the order was made; and
(b) to the prescribed officer of any court in which it is registered under Part I of the ^{M25}Maintenance Orders Act 1958 [^{F69}or section 36 of the Civil Jurisdiction and Judgments Act 1982].
- (3A) On receipt of a notice under subsection (3) above:—
- (a) any such officer as is mentioned in paragraph (a) of that subsection shall cause particulars of the notice to be registered in his court in the prescribed manner; and
(b) any such officer as is mentioned in paragraph (b) of that subsection shall cause particulars of the notice to be registered in his court in the prescribed manner and shall cancel the registration of the order.]
- (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.
- [^{F70}(5A) On the cancellation of the registration of a maintenance order registered in a magistrates' court in England and Wales, any order—
- (a) made in relation thereto by virtue of the powers conferred by section 18(2ZA) or section 22(1A) or (1E) of this Act, and
(b) requiring payment to [^{F71}a justices' chief executive] (whether or not by any method of payment falling within section 59(6) of the Magistrates' Courts Act 1980),
- 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 such order which was in force immediately before the cancellation.]
- [^{F72}(5B) On the cancellation of the registration of a maintenance order registered in a court of summary jurisdiction in Northern Ireland, any order—
- (a) made in relation thereto by virtue of the powers conferred by section 18(3ZA) or section 22(1F) or (1J) of this Act, and
(b) requiring payment to the collecting officer in Northern Ireland (whether or not by any method of payment falling within Article 85(7) of the Magistrates' Courts (Northern Ireland) Order 1981),
- 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 such order which was in force immediately before the cancellation.]

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- (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.

Textual Amendments

- F67** Words substituted by [Administration of Justice Act 1977 \(c. 38\)](#), s. 3, [Sch. 3 para. 9\(a\)](#)
- F68** Words substituted by [Administration of Justice Act 1977 \(c. 38\)](#), s. 3, [Sch. 3 para. 9\(b\)](#)
- F69** Words inserted by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 36(6), 52, [Sch. 12 Pt. III para. 1\(4\)](#)
- F70** S. 24(5A) inserted (1.4.1992) by [Maintenance Enforcement Act 1991 \(c. 17, SIF 49:3\)](#), s. 10, [Sch. 1 para. 6](#); S.I. 1992/455, [art. 2](#).
- F71** Words in s. 24(5A)(b) substituted (1.4.2001) by 1999 c. 22, s. 90, [Sch. 13 para. 15](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))
- F72** S. 24(5B) inserted (4.11.1996) by S.I. 1993/1577, [art. 2\(5\)](#); S.R. 1996/454, [art. 3](#)

Marginal Citations

- M25** 1958 c. 39.

25 Rules as to procedure of courts of summary jurisdiction.

- (1) The power of the Lord Chancellor to make rules under [^{F73}section 144 of the ^{M26}Magistrates' Courts Act 1980], 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) [^{F74}Rules made under section 23 of the ^{M27}Magistrates' Courts Act (Northern Ireland) 1964 may regulate] the practice to be followed in courts of summary jurisdiction in Northern Ireland under this Part of this Act.
- [^{F75}(2A) Without prejudice to the generality of the power to make rules under Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981, for the purpose of giving effect to this Part of this Act such rules may make, in relation to any proceedings brought under or by virtue of this Part of this Act, any provision not covered by subsection (2) above which—
- (a) falls within paragraph (2) of Article 165 of the Children (Northern Ireland) Order 1995, and
 - (b) may be made in relation to relevant proceedings under that Article.]
- (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 ^{M28}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 [^{F76}magistrates' courts rules made under section 23(4) of the ^{M29}Magistrates' Courts Act (Northern Ireland) 1964].

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Textual Amendments

- F73** Words substituted by [Magistrates' Courts Act 1980 \(c. 43\)](#), **Sch. 7** para. B
- F74** Words substituted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), **Sch. 5 Pt. II**
- F75** S. 25(2A) inserted (4.11.1996) by [S.I. 1995/756](#), **art. 2(6)**; [S.R. 1996/297](#), **art. 3**
- F76** Words substituted by [S.I. 1977/2158](#), **art. 2(1)(g)(3)**
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Marginal Citations

- M26** [1980 c. 43](#).
- M27** [1964 c. 21\(N.I.\)](#)
- M28** [1879 c. 49](#).
- M29** [1964 c. 21\(N.I.\)](#)

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