



Maintenance Orders Act 1950

1950 CHAPTER 37 14 Geo 6

PART III

GENERAL

Modifications etc. (not altering text)

C1 Pt. III (ss. 26-32) amended (1.1.1996) by 1995 c. 21, ss. 40(7), 316(2) (with s. 312(1))

26 Proof of declarations, etc.

- (1) Any document purporting to be a declaration made under section fifteen of this Act, or to be a certified copy, statutory declaration, affidavit, certificate, transcript or summary made for the purposes of this Act or of any rules made thereunder shall, unless the contrary is shown, be deemed without further proof to be the document which it purports to be, and to have been duly certified, made or signed by or before the person or persons by or before whom it purports to have been certified, made or signed.
- (2) Paragraph 7 of the Second Schedule to the ^{M1}Emergency Laws (Miscellaneous Provisions) Act 1947 (which relates to the proof of affiliation orders and maintenance orders and of orders for the discharge or variation of such orders), shall apply to the registration of orders under Part II of this Act, and to the cancellation of such registration, as it applies to the variation of orders; and for the purposes of that paragraph—
 - (a) a maintenance order registered under the said Part II in a court of summary jurisdiction; and
 - (b) any proceeding under the said Part II relating to a maintenance order made by or registered in such a court, being a proceeding of which a memorandum is required to be entered in the register kept by the clerk of that court pursuant to section twenty-two of the ^{M2}Summary Jurisdiction Act 1879,shall be deemed to be an order made by that court.

Status: Point in time view as at 01/02/1991.

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

Marginal Citations

M1 1947 c. 10 (11 & 12 Geo. 6)

M2 1879 c. 49.

27 General provisions as to jurisdiction.

- (1) Nothing in this Act shall be construed as derogating from any jurisdiction exercisable, apart from the provisions of this Act, by any court in any part of the United Kingdom.
- (2) It is hereby declared that any jurisdiction conferred by Part I of this Act, or any enactment therein referred to, upon a court in any part of the United Kingdom is exercisable notwithstanding that any party to the proceedings is not domiciled in that part of the United Kingdom; and any jurisdiction so conferred in affiliation proceedings shall be exercisable notwithstanding that the child to whom the proceedings relate was not born in that part of the United Kingdom.
- (3) For the avoidance of doubt it is hereby declared that in relation to proceedings in which the sheriff has jurisdiction by virtue of the provisions of this Act there are the same rights of appeal and of remit to the Court of Session as there are in relation to the like proceedings in which the sheriff has jurisdiction otherwise than by virtue of the said provisions.

28 Interpretation.

- (1) In this Act the following expressions have the meanings hereby assigned to them, that is to say—
 - “certified copy”, in relation to an order of any court, means a copy certified by the proper officer of the court to be a true copy of the order or of the official record thereof;
 - “collecting officer”, in relation to a court of summary jurisdiction in England, means the person authorised to act as such under [^{F1}section 29 of the Justices of the ^{M5}Peace Act 1979] and in relation to a court of summary jurisdiction in Northern Ireland, means the officer [^{F2}authorised to act as such for the purposes of Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981.];
 - ^{F3}
 - “enactment” includes any order, rule or regulation made in pursuance of any Act;
 - “England” includes Wales;
 - “prescribed” means, in relation to a court of summary jurisdiction in England or Northern Ireland, prescribed by rules made under section fifteen of the Justices of the ^{M4}Peace Act 1949, or by rules made [^{F4}under section 23 of the ^{M5}Magistrates’ Courts Act (Northern Ireland) 1964], as the case may be, and in relation to any other court means prescribed by rules of court.
- (2) References in this Act to parts of the United Kingdom are references to England, Scotland and Northern Ireland.
- (3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

Status: Point in time view as at 01/02/1991.

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

Textual Amendments

- F1** Words substituted by virtue of [Justices of the Peace Act 1979 \(c. 55\)](#), **Sch. 1 para. 2(3)**
- F2** Words substituted by virtue of [Magistrates' Courts Act \(Northern Ireland\) 1964 \(c. 21\)](#) and [S.I. 1981/1675](#), **Sch. 6 para. 7**
- F3** Definition repealed by [Northern Ireland Act 1962 \(c. 30\)](#), **Sch. 4 Pt. IV**
- F4** Words substituted by virtue of [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), **Sch. 5 Pt. II**

Marginal Citations

- M3** [1979 c. 55](#).
- M4** [1949 c. 101](#).
- M5** [1964 c. 21 \(N.I.\)](#)

- 29**
- (1) **F5**
 - (3) **F6**

Textual Amendments

- F5** [S. 29\(1\)\(2\)](#) repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1966 \(c. 19\)](#), s. 10, **Sch. Pt. I**
- F6** [S. 29\(3\)](#) repealed by [Northern Ireland Act 1955 \(c. 8\)](#), **Sch.**

- 30** **F7**

Textual Amendments

- F7** [S. 30](#) repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

31 Special provisions relating to Northern Ireland.

- (1) **F8**
- (2) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

Textual Amendments

- F8** [S. 31\(1\)](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

Status: Point in time view as at 01/02/1991.

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

Modifications etc. (not altering text)

- C2** References to an Act or enactment of the Parliament of Northern Ireland to be construed as including a reference to a Measure of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 1](#)

32 Short title and commencement.

- (1) This Act may be cited as the Maintenance Orders Act 1950.
- (2) This Act shall come into force on the first day of January, nineteen hundred and fifty-one.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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