



Maintenance Orders Act 1950

1950 CHAPTER 37

PART III

GENERAL

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 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 Summary Jurisdiction Act, 1879,shall be deemed to be an order made by that court.

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 section twenty-one of the Justices of the Peace Act, 1949, and in relation to a court of summary jurisdiction in Northern Ireland, means the officer appointed under subsection (1) of section eight of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924;
- " court of summary jurisdiction ", in relation to Northern Ireland, means a court of summary jurisdiction constituted in accordance with the provisions of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, or any other Act of the Parliament of Northern Ireland, whether passed before or after this Act;
- " 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 Peace Act, 1949, or by rules made by the Lord Chief Justice of Northern Ireland under this Act, 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.

29 Publication of rules

- (1) The power of the Court of Session to prescribe anything which under this Act is to be prescribed shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt made

for that purpose by the Court in like manner as if the act of sederunt had been made by a Minister of the Crown.

- (2) It is hereby declared that the said Act applies to any rules made under section twenty-nine of the Summary Jurisdiction Act, 1879, as amended by this Act.
- (3) Any rule made under this Act by the Lord Chief Justice of Northern Ireland shall, whether or not it relates to a matter in respect of which the Parliament of Northern Ireland has power to make laws, be deemed to be a statutory rule to which the Rules Publication Act (Northern Ireland), 1925, applies, and shall be printed and published accordingly.

30 Repeal and transitory provision

- (1) Section six of the Summary Jurisdiction (Process) Act, 1881, is hereby repealed.
- (2) Until the date on which section fifteen of the Justices of the Peace Act, 1949, comes into force references in this Act to that section shall be construed as references to section twenty-nine of the Summary Jurisdiction Act, 1879.
- (3) Until the date on which section nineteen of the Justices of the Peace Act, 1949, comes into force—
 - (a) the reference to section twenty-one of that Act in section twenty-eight of this Act shall be construed as a reference to the Affiliation Orders Act, 1914 ; and
 - (b) section four of the Married Women (Maintenance) Act, 1949 (which requires collecting officers to take proceedings for enforcement in certain cases), shall apply to any order registered under Part II of this Act in a court of summary jurisdiction in England as it applies to an order made under the Summary Jurisdiction (Married Women) Act, 1895, and references in the said section four to the married woman shall be construed accordingly.

31 Special provisions relating to Northern Ireland

- (1) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the power of the Parliament of Northern Ireland to make laws), the provisions of this Act, so far as they extend to Northern Ireland, shall be deemed to be provisions of an Act passed before the appointed day.
- (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.

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.