



# Maintenance Orders Act 1950

1950 CHAPTER 37 14 Geo 6

## PART II

### ENFORCEMENT

#### 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—
  - <sup>F1</sup>(a) .....
  - (b) where the maintenance order was made by a court of summary jurisdiction in Northern Ireland, a resident magistrate [<sup>F2</sup>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.
- (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 [<sup>F3</sup>Senior Courts], the Court of Session or the [<sup>F3</sup>Court of Judicature], as the case may be;
  - (b) in any other case [<sup>F4</sup>—
    - (i) where the defendant appears to be in England and Wales, the family court;
    - (ii) where the defendant appears to be in Northern Ireland, a court of summary jurisdiction acting for the place in which the defendant appears to be;
    - (iii) where the defendant appears to be in Scotland, the sheriff court within the jurisdiction of which the defendant appears to be.]

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*Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Section 17. (See end of Document for details)*

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- (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 [<sup>F5</sup>made by the family court or a court of summary jurisdiction in 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.

#### Textual Amendments

- F1** S. 17(1)(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 18\(2\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 17(1)(b) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 46\(1\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(m) (with art. 3)
- F3** Words in s. 17(3)(a) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 19\(2\)](#); [S.I. 2009/1604](#), art. 2(d)
- F4** Words in s. 17(3)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 18\(3\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F5** Words in s. 17(6) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 18\(4\)](#); [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)

- C1** 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\(i\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Maintenance Orders Act 1950, Section 17.