



# Maintenance Orders Act 1950

## 1950 CHAPTER 37

### PART II

#### ENFORCEMENT

#### **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 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 installments) as the court thinks proper, or may remit the payment of such arrears or of any part thereof.