



Maintenance Orders Act 1950

1950 CHAPTER 37

PART II

ENFORCEMENT

- 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 in the prescribed manner by or on behalf of the person liable to make 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.
 - (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

Status: This is the original version (as it was originally enacted).

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.