Maintenance Orders (Reciprocal Enforcement) Act 1972

1972 CHAPTER 18

PART II

RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

Application by person in convention country for recovery of maintenance in Scotland

31   Application by person in convention country for recovery of maintenance in Scotland

(1) Where the Secretary of State receives from the appropriate authority in a convention country an application by a person in that country for the recovery of maintenance from another person who is for the time being residing in Scotland, he shall send the application, together with any accompanying documents, to the secretary of the committee established under Article 5 of the Legal Aid (Scotland) Scheme 1958, or under the corresponding provision of any scheme amending or having effect in place of that Scheme ; and the secretary shall thereupon send the application and any accompanying documents to a solicitor practising in the sheriff court within the jurisdiction of which that other person is residing, with a view to the solicitor's taking on behalf of the applicant such steps as appear to the solicitor appropriate in respect of the application.

(2) Where in any proceedings arising out of such an application as aforesaid the sheriff makes an order containing a provision requiring the payment of maintenance, the sheriff clerk or sheriff clerk depute shall register the order in the prescribed manner in the court.

(3) Without prejudice to the generality of the powers conferred on the Court of Session by section 32 of the Sheriff Courts (Scotland) Act 1971 to regulate by act of sederunt the procedure of the sheriff court, the said powers shall include power to prescribe the decrees granted, or other things done, by the sheriff, or an officer of the sheriff court,

2   *Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)*
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under this Part of this Act, notice of which is to be given to such persons as the act of sederunt may provide and the manner in which such notice shall be given.