



# Maintenance Orders Act 1958

1958 CHAPTER 39 6 and 7 Eliz 2

## PART I

REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

### 1 Application of Part I.

(1) The provisions of this Part of this Act shall have effect for the purpose of enabling maintenance orders to which this Part of this Act applies [<sup>F1</sup>to be registered in the family court and, subject to those provisions, while so registered to be enforced in like manner as an order made by the family court and to be varied by that court.]

[<sup>F2</sup>(1A) In the following provisions of this Act “maintenance order” means any order [<sup>F3</sup>, decision, settlement [<sup>F4</sup>, arrangement] or instrument] specified in Schedule 8 to the <sup>M1</sup>Administration of Justice Act 1970.]

[<sup>F5</sup>(2) For the purposes of subsection (1) above, a maintenance order made by a court in Scotland or Northern Ireland and registered in [<sup>F6</sup>the High Court] under Part II of the Maintenance Orders Act 1950 shall be deemed to have been made by [<sup>F6</sup>the High Court].

(2A) This Part of this Act applies—

- (a) to maintenance orders made by the High Court<sup>F7</sup> ..., other than orders registered in Scotland or Northern Ireland under Part II of the Maintenance Orders Act 1950, and
- (b) to maintenance orders made by a court in Scotland or Northern Ireland and registered in [<sup>F8</sup>the High Court] under Part II of the Maintenance Orders Act 1950.]

(3) Without prejudice to the provisions of section twenty-one of this Act, in this Part of this Act, unless the context otherwise requires, the following expressions have the following meanings—

[<sup>F9</sup>“High Court order” means an order made by the High Court;]

“order” means a maintenance order to which this Part of this Act applies;

*Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1958, Section 1. (See end of Document for details)*

“original court” and “court of registration”, in relation to an order, mean the court by which the order was made or, as the case may be, the court in which the order is registered;

“registered” means registered in accordance with the provisions of this Part of this Act, and “registration” shall be construed accordingly;

and for the purposes of this Part of this Act an order for the payment by the defendant of any costs incurred in proceedings relating to a maintenance order, being an order for the payment of costs made while the maintenance order is not registered, shall be deemed to form part of that maintenance order.

F10(4) .....

F10(5) .....

F10(6) .....

#### Textual Amendments

- F1** Words in s. 1(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(2\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** S. 1(1A) added by [Administration of Justice Act 1970 \(c. 31\)](#), s. 27(3)
- F3** Words in s. 1(1A) inserted (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\)](#), reg. 1(1), [Sch. 7 para. 2\(3\)](#)
- F4** Word in s. 1(1A) inserted (coming into force in accordance with reg. 1(1) of the amending S.I.) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(1), [Sch. 4 para. 1\(2\)](#)
- F5** S. 1(2)(2A) substituted for s. 1(2) by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [Sch. 3 para. 1](#), with effect in relation to the enforcement in one part of the United Kingdom of maintenance orders made in another part.
- F6** Words in s. 1(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(3\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F7** Words in s. 1(2A)(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(4\)\(a\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F8** Words in s. 1(2A)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(4\)\(b\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F9** Words in s. 1(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(5\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F10** S. 1(4)-(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 4\(6\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### Modifications etc. (not altering text)

- C1** Pt. I (ss. 1–5) applied by [Administration of Justice Act 1977 \(c. 38, SIF 37\)](#), s. 3, [sch. 3 para. 10](#)
- C2** S. 1(3) applied (18.6.2011) by [The Magistrates Courts \(Enforcement or Variation of Orders Made in Family Proceedings and Miscellaneous Provisions\) Rules 2011 \(S.I. 2011/1329\)](#), rules 1, [34\(1\)](#) (with rule 3)

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**Changes to legislation:** There are currently no known outstanding effects for the Maintenance Orders Act 1958, Section 1. (See end of Document for details)

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**Marginal Citations**

**M1** 1970 c. 31.

**Changes to legislation:**

There are currently no known outstanding effects for the Maintenance Orders Act 1958, Section 1.