



Maintenance Orders Act 1950

1950 CHAPTER 37 14 Geo 6

PART I

JURISDICTION

Supplemental

15 Service of process.

(1) ^{F1}Where—

(a) proceedings are begun in a court having jurisdiction under or by virtue of the following, namely—

(i) this Part of this Act; or

[section 24(1) and 30(3) of the ^{M1}Domestic Proceedings and ^{F2}(ii) Magistrates' Courts Act 1978]

[section 15 of the ^{M2}Guardianship of Minors Act 1971; or

^{F3}(iii)

(iv) section 41 of the ^{M3}Maintenance Orders (Reciprocal Enforcement) Act 1972 [^{F4}or sections 33 to 45 of the ^{M4}Children Act 1975][^{F5}or section 55 of the ^{M5}Child Care Act 1980]or]

[section 92 of and Schedule 11 to the Children Act ^{M6}1989; or

^{F3}(iii)

(iv) section 93(2)(g) of that Act (including that provision as applied in relation to Northern Ireland by section 116(3) of the Courts and Legal Services Act 1990)]

[Article 164 of and Schedule 7 to the Children (Northern Ireland)

^{F6}(v) Order 1995 or Article 165(2)(g) of that Order; or]

^{F7}(vi)

(b) an action [^{F8}which contains a conclusion for aliment not falling within the scope of paragraph (a)(i) above]is commenced in a sheriff court in Scotland, and the person against whom the action or other proceedings is or are brought resides] in another part of the United Kingdom, any summons or initial writ addressed to him

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Section 15. (See end of Document for details)

in the proceedings may, if endorsed in accordance with the provisions of this section in that part of the United Kingdom, be served within that part of the United Kingdom as if it had been issued or authorised to be served, as the case may be, by the endorsing authority.

- (2) A summons or writ may be endorsed under this section, in England by a [^{F9}justice of the peace], in Scotland by a sheriff, and in Northern Ireland by a resident magistrate; and the endorsement shall be made in the form numbered 1 in the Second Schedule to this Act, or any form to the like effect.
- (3) In any proceedings in which a summons or writ is served under this section, the service may be proved by means of a declaration made in the form numbered 2 in the Second Schedule to this Act, or any form to the like effect, before a [^{F9}justice of the peace], sheriff, or resident magistrate, as the case may be.
- (4) Nothing in this section shall be construed as authorising the service of a summons or writ otherwise than personally.
- (5) Section four of the ^{M7}Summary Jurisdiction (Process) Act 1881, shall not apply to any process which may be served under this section; and nothing in this section or in any other enactment shall be construed as authorising the execution in one part of the United Kingdom of a warrant for the arrest of a person who fails to appear in answer to any such process issued in another part of the United Kingdom.

Textual Amendments

- F1** Words substituted by [Administration of Justice Act 1977 \(c. 38\)](#), s. 3, **Sch. 3 para. 11**
- F2** S. 15(1)(a)(ii) substituted with saving by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), s. 89, **Sch. 2 para. 12** and S.I. 1979/731, **Sch. 2 para. 6**
- F3** S. 15(1)(a)(iii)(iv) beginning “section 92” substituted (E.W.S.) (14.10.1991) for S. 15(1)(a)(iii)(iv) beginning “section 92” by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **ss. 116, 124(3)** Sch. 16 para. 34
- F4** Words inserted by [Children Act 1975 \(c. 72\)](#), s. 108(2), **Sch. 3 para. 10**
- F5** Words inserted by [Child Care Act 1980 \(c. 5\)](#), s. 89, **Sch. 5 para. 2**
- F6** S. 15(1)(a)(v) substituted (4.11.1996) by virtue of S.I. 1995/756, **art. 2(3)**; S.R. 1996/297, **art. 3**
- F7** S. 15(1)(a)(vi) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), reg. 1(1), **Sch. para. 1(2)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words substituted by [Civil Jurisdiction and Judgments Act 1982 \(c.27, SIF 45:3\)](#), ss. 23(2), 52, **Sch. 12 Pt. II para. 2**
- F9** Words in s. 15(2)(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 17(1)**; 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. 15 extended by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), **ss. 36(5), 52**

Marginal Citations

- M1** 1978 c. 22.
M2 1971 c. 3.
M3 1972 c. 18.
M4 1975 c. 72.
M5 1980 c. 5.
M6 1989 c.41 (20).

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Section 15. (See end of Document for details)

M7 1881 c. 24.

Changes to legislation:

There are currently no known outstanding effects for the Maintenance Orders Act 1950, Section 15.