



Maintenance Orders Act 1950

1950 CHAPTER 37 14 Geo 6

PART I

JURISDICTION

Jurisdiction of Northern Ireland Courts

10 Jurisdiction of Northern Ireland courts to make orders under the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945.

- (1) Subject to the following provisions of this section, a court of summary jurisdiction in Northern Ireland shall have jurisdiction to make an order under section three or section four of the ^{M1}Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945, in proceedings against a [^{F1}person] residing in England or Scotland, if the applicant in the proceedings resides in Northern Ireland and the parties last ordinarily resided together as man and wife in Northern Ireland.
- (2) It is hereby declared that a court in Northern Ireland has jurisdiction—
 - (a) in proceedings under the said Act by a [^{F1}person] residing in England or Scotland against a [^{F1}person] residing in Northern Ireland;
 - (b) in proceedings under section five of the said Act by or against a person residing in England or Scotland for the variation, discharge or suspension of an order made under section three or section four of the said Act.
- (3) The reference in this section to the discharge of an order made under section three or section four of the ^{M2}Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945, includes a reference to the making of a new order under subsection (2) of section five of that Act.
- (4)

F2

Textual Amendments

F1 Word substituted by [S.I. 1980/564, art. 3\(1\)\(2\)](#)

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Cross Heading: Jurisdiction of Northern Ireland Courts. (See end of Document for details)

F2 S. 10(4) repealed by S.I.1980/564, Sch.

Marginal Citations

M1 1945 c. 14 (N.I.)

M2 1945 c. 14(N.I.)

11 Jurisdiction of Northern Ireland courts to make affiliation orders.

- (1) A court in Northern Ireland shall have jurisdiction in proceedings under the ^{M3}Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924, [^{F3}section 159 of the ^{M4}Children and Young Persons Act (Northern Ireland) 1968, Article 102 of the ^{M5}Health and Personal Social Services (Northern Ireland) Order 1972 or Article 24 of the ^{M6}Supplementary Benefits (Northern Ireland) Order 1977 [^{F4}or any enactment applying in Northern Ireland and corresponding to section 25 of the Social Security Act 1986]] for an affiliation order against a man residing in England or Scotland, if the act of intercourse resulting in the birth of the child or any act of intercourse between the parties which may have resulted therein took place in Northern Ireland.
- (2) Where the mother of a child resides in England or Scotland and the person alleged to be the father in Northern Ireland, a court of summary jurisdiction for the petty sessions district in which the person alleged to be the father resides shall have jurisdiction in proceedings by the mother for an affiliation order against him under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924.
- (3) A court in Northern Ireland shall have jurisdiction in proceedings by or against a person residing in England or Scotland for the revocation, revival or variation of an affiliation order made under any of the enactments mentioned in subsection (1) of this section.
- (4) Notwithstanding anything in subsection (3) of section two of the ^{M7}Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924, an application under that Act for an affiliation order in respect of a child born before the commencement of this Act may be made to a court having jurisdiction by virtue of subsection (1) of this section at any time within one year after the commencement of this Act if—
 - (a) the person alleged to be the father of the child ceased to reside in Northern Ireland before the expiration of one year from the birth of the child; and
 - (b) the circumstances are such that if that person had become resident in Northern Ireland immediately before the application, the court would have had jurisdiction in proceedings under the said Act apart from the provisions of this section.

Textual Amendments

F3 Words substituted by S.I. 1977/2158, art. 2(1)(a)(3)

F4 Words inserted by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, Sch. 10 Pt. II para. 87

Marginal Citations

M3 1924 c. 27(N.I.)

M4 1968 c. 34(N.I.)

M5 S.I. 1972/1265 (N.I.14)

M6 S.I. 1977/2156 (N.I. 27)

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M7 1924 c. 27(N.I.)

12 Contributions under enactments relating to children, national assistance and welfare services.

- (1) A court of summary jurisdiction in Northern Ireland shall have jurisdiction in proceedings against a person residing in England or Scotland—
- (a) for a contribution order under [^{F5}section 156 of the ^{M8}Children and Young Persons Act (Northern Ireland) 1968] (which provides for the recovery from parents of sums in respect of children and young persons received into care or otherwise dealt with under that Act);
 - [^{F6}(b) for an order under Article 101 of the ^{M9}Health and Personal Social Services (Northern Ireland) Order 1972 (which provides for the recovery from spouses or parents of sums in respect of accommodation provided under that Order)]
 - [^{F7}(c) for an order under [^{F8}Article 23 of the Supplementary Benefits (Northern Ireland) Order 1977] (which provides for the recovery of the cost of supplementary benefit from persons liable for maintenance.)]
 - [^{F9}(d) for an order under section [^{F10}section 106 of the Social Security Administration Act 1992] (which provides for the recovery of expenditure on income support from such persons);]
- (2) A court of summary jurisdiction in Northern Ireland shall have jurisdiction in proceedings by or against a person residing in England or Scotland for the variation or rescission of any contribution order made under the said section [^{F11}156 or of any order made under either of the said Articles 101 and 23][^{F12}or of any order falling within subsection (1)(d) of this section]

Textual Amendments

- F5** Words substituted by S.I. 1977/2158, **art. 2(1)(b)(3)**
- F6** S. 12(1)(b) substituted by S.I. 1977/2158, **art. 2(1)(c)(3)**
- F7** S. 12(1)(c) inserted by Supplementary Benefits Act 1976 (c. 71), **Sch. 7 para. 12(a)**
- F8** Words substituted by S.I. 1977/2158, **art. 2(1)(d)(3)**
- F9** S. 12(1)(d) added by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt. II para. 38(a)**
- F10** Words in s. 12(1)(d) substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 3(1)(c)**.
- F11** Words substituted by S.I. 1977/2158, **art. 2(1)(e)(3)**
- F12** Words added by Social Security Act 1986 (c. 50, SIF 113:1), ss. 86, 87, 88, **Sch. 10 Pt II para. 38(b)**

Modifications etc. (not altering text)

- C1** S. 12(1)(2) amended by Merchant Shipping Act 1970 (c. 36), **s. 17(7)**
- C2** S. 12(1)(2) amended (1.1.1996) by 1995 c. 21, **ss. 40(7), 316(2)** (with s. 312(1))

Marginal Citations

- M8** 1968 c. 34(N.I.)
- M9** S.I.1972/1265 (N.I.14)

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Changes to legislation: There are currently no known outstanding effects for the Maintenance Orders Act 1950, Cross Heading: Jurisdiction of Northern Ireland Courts. (See end of Document for details)

13 Transfer of proceedings in Northern Ireland.

(1) Proceedings begun against a defendant residing in England or Scotland in a court having jurisdiction by virtue of subsection (1) of section ten of this Act, not being a court having jurisdiction in the place where the parties last ordinarily resided together as man and wife, may be removed, upon application made by the defendant [^{F13} in the prescribed manner], into a court of summary jurisdiction having jurisdiction in that place.

(2) ^{F14}

Textual Amendments

F13 Words substituted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\), Sch. 5 Pt. II](#)

F14 [S. 13\(2\)](#) repealed by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\), Sch. 7 Pt. I](#)

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Changes to legislation:

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