



Maintenance Orders Act 1950

1950 CHAPTER 37

PART I

JURISDICTION

Jurisdiction of Scottish Courts

6 Jurisdiction of the sheriff in certain actions of aliment

- (1) The sheriff shall have jurisdiction in an action at the instance of a married woman against her husband concluding for the payment of aliment to herself and any child of the marriage if—
 - (a) the husband resides in England or Northern Ireland ; and
 - (b) the parties last ordinarily resided together as man and wife in Scotland ; and
 - (c) the pursuer resides within the jurisdiction of the sheriff.
- (2) In this section the expression " an action concluding for the payment of aliment" means an action of separation and aliment, an action of adherence and aliment or an action of interim aliment.

7 Jurisdiction of the sheriff to make orders for custody and maintenance of pupil children

An order under the Guardianship of Infants Acts, 1886 and 1925, giving the custody of a pupil child to the mother, whether with or without an order requiring the father to make payments to the mother towards the maintenance of the pupil child, may be made, if the father resides in England or Northern Ireland and the mother and the pupil child in Scotland, by the sheriff within whose jurisdiction the mother resides. .

8 Jurisdiction of the sheriff in certain actions of affiliation and aliment

- (1) Subject to the provisions of this section, the sheriff shall have jurisdiction in an action of affiliation and aliment (whether at the instance of the mother of the child or at the

Status: This is the original version (as it was originally enacted).

instance of the National Assistance Board or of a local authority under section forty-four of the National Assistance Act, 1948, or section twenty-six of the Children Act, 1948) if—

- (a) the person alleged to be the father resides in England or Northern Ireland ; and
 - (b) 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 Scotland ; and
 - (c) the mother resides within the jurisdiction of the sheriff.
- (2) The sheriff shall not by virtue of the foregoing subsection have jurisdiction in such an action as aforesaid in relation to a child born before the commencement of this Act unless—
- (a) the child was born within one year before the commencement of this Act; or
 - (b) the person alleged to be the father of the child made payment of any sums in respect of aliment of the child within one year from the birth of the child; or
 - (c) the person alleged to be the father of the child has not at any time since the birth of the child been subject to the jurisdiction of any sheriff court in Scotland and the action is commenced within twelve months after the commencement of this Act.

9 Contributions under Children and Young Persons (Scotland) Act, 1937, and National Assistance Act, 1948

- (1) A court in Scotland shall have jurisdiction in proceedings against a person residing in England or Northern Ireland—
- (a) for a contribution order under section ninety-one of the Children and Young Persons (Scotland) Act, 1937 (which provides for the recovery from parents of sums in respect of children and young persons who are committed to the care of a fit person or otherwise dealt with under that Act or the Children Act, 1948);
 - (b) for an order under section forty-three of the National Assistance Act, 1948 (which provides for the recovery from spouses or parents of sums in respect of assistance given under that Act).
- (2) A court in Scotland by which an order has been made under the said section ninety-one or the said section forty-three shall have jurisdiction in proceedings against a person residing in England or Northern Ireland for the revocation or variation of that order.