

COLLECTING MAINTENANCE WHEN THE PAYER IS OUTSIDE THE UK

What options are available to me?

There are a number of international agreements to which the UK is party, to enable you to obtain maintenance when the payer resides abroad. The Scottish Executive can help if you have a Scottish Court Order or live in Scotland.

Who can the Scottish Executive (SE) assist?

Members of the public who have:

- A Scottish Court Order
- A Scottish provisional Order for maintenance
- A Minute of Agreement

Or

- An Individual residing in Scotland who does not have any of the above, but who wishes to apply to a reciprocating country where the payer resides, to obtain a maintenance order made in that country.

How can the SE assist?

The SE Civil Justice and International Division* acts as the central authority for the transmission of final and provisional maintenance orders, Minutes of Agreements and applications. The central authority has an administrative function only, and maintains regular contact with all interested parties in Scotland and the foreign central authority.

Do you have a Scottish Court Order?

If so, then under various reciprocal arrangements this may be enforced abroad**. (For a full up-to-date list of participating countries contact the Scottish Executive on 0131 244 2417/4827).

Do you have a provisional Scottish Court Order?

If so, then you may be able to have this enforced in a small number of countries***.

Do you have a Minute of Agreement?

If so, then under various reciprocal arrangements this may be enforced in certain countries abroad****.

Do you have none of these?

You may be able to make an application to the reciprocating country where the defender resides, to secure an order for maintenance in that country*****.

What happens when the person claiming maintenance is outside the UK, and the payer is in Scotland, or has assets in Scotland?

All of the international agreements described so far are reciprocal. This means that the Scottish Central Authority provides an administrative function which enables the processing of maintenance claims from other participating countries, when the payer resides in Scotland or in some cases has assets there.

Who can the SE assist from abroad?

They can assist members of the public who have:

- Final orders issued by courts in reciprocating countries
- Provisional orders issued by courts in reciprocating countries
- Non-judicial assessments or rulings issued by government bodies or agencies in certain participating countries.

They can also assist members of the public who have none of the above but who wish to apply to secure a Scottish court order*****.

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** The majority of these arrangements are incorporated into UK law under the Maintenance Orders (Reciprocal Enforcement) Act 1972. Arrangements exist with most Commonwealth and ex-Commonwealth, the majority of US states, the Republic of Ireland and most European countries. For a full list contact the central authority for Scotland as detailed above.

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***** These arrangements are incorporated into UK law under the Maintenance Orders (Reciprocal Enforcement) Act 1972, and cover a wide range of reciprocating countries. Contact the central authority for Scotland for further information.