



Domestic Proceedings and Magistrates' Courts Act 1978

1978 CHAPTER 22

PART III

AMENDMENTS OF OTHER ENACTMENTS RELATING TO DOMESTIC PROCEEDINGS

Amendments of Affiliation Proceedings Act 1957

50 Provisions which may be contained in affiliation orders

- (1) In section 4(2) of the Affiliation Proceedings Act 1957 (which relates to the provisions which may be contained in an affiliation order) for the words from " for the payment by him of " to the end of the subsection there shall be substituted the following words—

“containing one or both of the following provisions—

- (a) provision for the making by him of such periodical payments for the maintenance and education of the child, and for such term, as may be specified in the order;
- (b) provision for the payment by him of such lump sum as may be so specified.”.

- (2) For section 4(3) of the said Act there shall be substituted the following subsections—

“(3) In deciding whether to exercise its powers under subsection (2) of this section and, if so, in what manner, the court shall, among the circumstances of the case, have regard to the following matters, that is to say—

- (a) the income, earning capacity, property and other financial resources which the mother of the child and the person adjudged to be the putative father of the child have or are likely to have in the foreseeable future;
- (b) the financial needs, obligations and responsibilities which the mother and that person have or are likely to have in the foreseeable future;

Status: This is the original version (as it was originally enacted).

- (c) the financial needs of the child ;
 - (d) the income, earning capacity (if any), property and other financial resources of the child ;
 - (e) any physical or mental disability of the child.
- (4) Without prejudice to the generality of subsection (2)(b) of this section, an affiliation order may provide for the payment of a lump sum to be made for the purpose of enabling liabilities or expenses reasonably incurred before the making of the order to be met, being liabilities or expenses incurred in connection with the birth of the child or in maintaining the child or, if the child has died before the making of the order, being the child's funeral expenses.
- (5) The amount of any lump sum required to be paid by an affiliation order shall not exceed £500 or such larger amount as the Secretary of State may from time to time by order fix for the purposes of this subsection.

Any order made by the Secretary of State under this subsection shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.