

Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1980, Paragraph 18. (See end of Document for details)

SCHEDULES

SCHEDULE 2

AMENDMENTS OF ^{M1}SUPPLEMENTARY BENEFITS ACT 1976

Marginal Citations

M1 1976 c. 71

PART II

PROVISIONS OF THE ACT AS AMENDED

Modifications etc. (not altering text)

C1 The text of ss.3(4)(8)(9)(12), 4(1), 6(1)(3), 9(6), 16(3)–(6), 21(4), Sch. 2 para. 32, Sch. 2 Pt. II, Schs. 4, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

“PART II

LIABILITY TO MAINTAIN, RECOVERY OF EXPENDITURE AND OFFENCES

Recovery of expenditure

Recovery of expenditure on supplementary benefits from persons liable for maintenance.

- 18 (1) Where supplementary benefit is paid or claimed to meet requirements which are, or include, those of a person whom another person is, for the purposes of this Act, liable to maintain (in this section referred to respectively as “the dependant” and “the liable person”) the Secretary of State may make a complaint against the liable person to a magistrates’ court for an order under this section.
- (2) Except in a case falling within section 17(1)(c) of this Act, no complaint under subsection (1) above shall be made where the dependant is an illegitimate child and the liable person is his father.
- (3) On the hearing of a complaint under subsection (1) above the court shall have regard to all the circumstances and, in particular, to the resources of the liable person, and may order him to pay such sum, weekly or otherwise, as it may consider appropriate, except that in a case falling within section 17(1)(c) of this Act that sum shall not include any

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amount which is not attributable to supplementary benefit (whether paid before or after the making of the order).

- (4) In determining whether to order any payments to be made in respect of supplementary benefit for any period before the complaint was made, or the amount of any such payments, the court shall disregard any amount by which the liable person's resources exceed the resources which were his during that period.
- (5) Any payments ordered to be made under this section shall be made—
- (a) to the Secretary of State in so far as they are attributable to any supplementary benefit (whether paid before or after the making of the order);
 - (b) to the person claiming supplementary benefit or (if different) the dependant; or
 - (c) to such other person as appears to the court expedient in the interests of the dependant.

* * * * *

- (7) An order under this section shall be enforceable as an affiliation order.
- (8) In the application of this section to Scotland, subsections (2) and (7) shall be omitted, and for the references to a complaint and to a magistrates' court there shall be substituted respectively references to an application and to the sheriff."

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