



# Family Law (Scotland) Act 1985

## 1985 CHAPTER 37

### *Aliment*

#### **4 Amount of aliment.**

- (1) In determining the amount of aliment to award in an action for aliment, the court shall, subject to subsection (3) below, have regard—
  - (a) to the needs and resources of the parties;
  - (b) to the earning capacities of the parties;
  - (c) generally to all the circumstances of the case.
- (2) Where two or more parties owe an obligation of aliment to another person, there shall be no order of liability, but the court, in deciding how much, if any, aliment to award against any of those persons, shall have regard, among the other circumstances of the case, to the obligation of aliment owed by any other person.
- (3) In having regard under subsection (1)(c) above generally to all the circumstances of the case, the court—
  - (a) may, if it thinks fit, take account of any support, financial or otherwise, given by the defender to any person whom he maintains as a dependant in his household, whether or not the defender owes an obligation of aliment to that person; and
  - (b) shall not take account of any conduct of a party unless it would be manifestly inequitable to leave it out of account.
- [<sup>F1</sup>(4) Where a court makes an award of aliment in an action brought by or on behalf of a child under the age of 16 years, it may include in that award such provision as it considers to be in all the circumstances reasonable in respect of the expenses incurred wholly or partly by the person having care of the child for the purpose of caring for the child.]

#### **Textual Amendments**

- F1** S. 4(4) added (5.4.1993) by [Child Support Act 1991 \(c. 48, SIF 20\)](#), s. 58(13), [Sch. 5 para.5](#) (with s. 9(2)); S.I. 1992/2644, [art.2](#) (with [art. 3](#), [Sch.](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Family Law (Scotland) Act 1985, Section 4.