



Social Security Administration Act 1992

1992 CHAPTER 5

PART V

INCOME SUPPORT AND THE DUTY TO MAINTAIN

106 Recovery of expenditure on benefit from person liable for maintenance

- (1) Subject to the following provisions of this section, if income support is claimed by or in respect of a person whom another person is liable to maintain or paid to or in respect of such a person, the Secretary of State may make a complaint against the liable person to a magistrates' court for an order under this section.
- (2) On the hearing of a complaint under this section the court shall have regard to all the circumstances and, in particular, to the income 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 78(6)(c) above that sum shall not include any amount which is not attributable to income support (whether paid before or after the making of the order).
- (3) In determining whether to order any payments to be made in respect of income support 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 income exceeds the income which was his during that period.
- (4) 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 income support (whether paid before or after the making of the order);
 - (b) to the person claiming income support or (if different) the dependant; or
 - (c) to such other person as appears to the court expedient in the interests of the dependant.
- (5) An order under this section shall be enforceable as a magistrates' court maintenance order within the meaning of section 150(1) of the Magistrates' Courts Act 1980.

Status: This is the original version (as it was originally enacted).

- (6) In the application of this section to Scotland, subsection (5) above 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.
- (7) On an application under subsection (1) above a court in Scotland may make a finding as to the parentage of a child for the purpose of establishing whether a person is, for the purposes of section 105 above and this section, liable to maintain him.