



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Expenditure

113 Recovery of expenditure on support from sponsor.

- (1) This section applies if—
 - (a) a person (“the sponsor”) has given a written undertaking in pursuance of the immigration rules to be responsible for the maintenance and accommodation of another person; and
 - (b) during any period in relation to which the undertaking applies, support under section 95 is provided to or in respect of that other person.
- (2) The Secretary of State may make a complaint against the sponsor to a magistrates’ court for an order under this section.
- (3) The court—
 - (a) must have regard to all the circumstances (and in particular to the sponsor’s income); and
 - (b) may order him to pay to the Secretary of State such sum (weekly or otherwise) as it considers appropriate.
- (4) But such a sum is not to include any amount attributable otherwise than to support provided under section 95.
- (5) In determining—
 - (a) whether to order any payments to be made in respect of support provided under section 95 for any period before the complaint was made, or
 - (b) the amount of any such payments,the court must disregard any amount by which the sponsor’s current income exceeds his income during that period.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Immigration and Asylum Act 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (6) An order under this section is enforceable as a magistrates' court maintenance order within the meaning of section 150(1) of the ^{M1}Magistrates' Courts Act 1980.
- (7) In the application of this section to Scotland—
- (a) omit subsection (6);
 - (b) for references to a complaint substitute references to an application; and
 - (c) for references to a magistrates' court substitute references to the sheriff.
- (8) In the application of this section to Northern Ireland, for references to a magistrates' court substitute references to a court of summary jurisdiction and for subsection (6) substitute—
- “(6) An order under this section is an order to which Article 98(11) of the ^{M2}Magistrates' Courts (Northern Ireland) Order 1981 applies.”

Annotations:

Modifications etc. (not altering text)

- C1** S. 113 applied (with modifications) (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. [35\(1\)\(g\)\(2\)](#), [162\(1\)](#) (with s. [159](#))

Marginal Citations

- M1** 1980 c. 43.
M2 S.I. 1981/1675 (N.I. 26).

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 113 applied (with modifications) by 2002 c. 41 s. 35(1)(g)(3)
- s. 113(1)(b) words inserted by 2016 c. 19 Sch. 11 para. 18
- s. 113(4) words inserted by 2016 c. 19 Sch. 11 para. 18
- s. 113(5)(a) words inserted by 2016 c. 19 Sch. 11 para. 18

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act amendment to earlier affecting provision S.I. 1994/1405, art. 7 by S.I. 2007/3579 art. 3(c)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(4A) inserted by 2018 c. 12 Sch. 19 para. 47(3)
- s. 72(10) repealed by 2004 c. 19 Sch. 4
- s. 94(2A)-(2C) inserted by 2016 c. 19 Sch. 11 para. 3(3)
- s. 94(2D) inserted by 2016 c. 19 Sch. 11 para. 7(4)
- s. 94(3)(3A) substituted for s. 94(3) by 2002 c. 41 s. 44(4) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(3A)-(3D) inserted by 2016 c. 19 Sch. 11 para. 3(5)
- s. 95A inserted by 2016 c. 19 Sch. 11 para. 9
- s. 96(1A) inserted by 2016 c. 19 Sch. 11 para. 10(3)
- s. 97(8)(9) inserted by 2016 c. 19 Sch. 11 para. 11(4)
- s. 98A inserted by 2016 c. 19 Sch. 11 para. 13
- s. 103(4)(a) words substituted by 2004 c. 19 s. 10(4)(b)
- s. 103(5)(b) word substituted by S.I. 2008/2833 Sch. 3 para. 183(ii)
- s. 103A(1) words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) heading words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) words substituted by S.I. 2008/2833 Sch. 3 para. 184
- s. 125(2)(ba) inserted by 2016 c. 19 Sch. 11 para. 22(3)(b)
- s. 146(2)(za) inserted by 2016 c. 19 s. 44(9)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by 2016 c. 19 Sch. 11 para. 24(2)
- s. 166(5A)(5B) inserted by 2016 c. 19 Sch. 11 para. 24(3)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by 2016 c. 19 Sch. 11 para. 24(4)
- Sch. 2 para. 21 modified by 2002 c. 41 s. 23(2)(a)
- Sch. 3 para. 2(5) modified by 2002 c. 41 s. 23(2)(b)