



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.

Status: This is the original version (as it was originally enacted).

- (6) An order under this section is enforceable as a magistrates' court maintenance order within the meaning of section 150(1) of the 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 Magistrates' Courts (Northern Ireland) Order 1981 applies.”