



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART VI

CONTRIBUTIONS IN RESPECT OF CHILDREN IN CARE ETC.

78 Duty to make contributions in respect of children in care etc.

- (1) Where a child has been received into care under Part II of this Act or a supervision requirement to which this Part of this Act applies has been made in respect of him, contributions in respect of the child (hereinafter in this Part of this Act referred to as the "maintainable child") shall be payable—
 - (a) while the maintainable child is under sixteen years of age, by his father and mother;
 - (b) if he is over sixteen years of age and is engaged in remunerative employment, by the maintainable child himself.
- (2) Supervision requirements to which this Part of this Act applies are requirements made under paragraph (a) of section 44(1) of this Act which impose a condition of residence on a child, other than a condition that he resides at his own home, and requirements made under paragraph (b) of the said section 44(1).
- (3) In this Part of this Act "contributor" means a person liable to make contributions by virtue of subsection (1) of this section in respect of a maintainable child.

79 Recipients of contributions

- (1) Subject to the provisions of the following subsection, contributions payable under the last foregoing section shall be payable to the local authority within whose area the contributor is residing, and shall, in the case of contributions paid in respect of a maintainable child in the care or under the supervision of a local authority, other than the authority to whom the contributions are payable as aforesaid, be paid over by the last-mentioned authority to that other authority, but subject to such deductions in respect of services rendered by the local authority to whom the contributions were

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payable as may be agreed between the authorities concerned or as, in default of agreement, may be determined by the Secretary of State.

- (2) Where a contributor is for the time being residing in England or Wales or Northern Ireland contributions payable by him under the last foregoing section shall be payable to the local authority having the care or supervision of the child.

80 Enforcement of duty to make contributions

- (1) Where a child becomes a maintainable child by virtue of being received into care by a local authority under Part II of this Act or by virtue of a supervision requirement, any court of summary jurisdiction, having jurisdiction in the place where the contributor is for the time being residing, may, on the application of the local authority, at any time make an order on any contributor, hereinafter in this Act referred to as a contribution order, for weekly contributions in respect of the child of such amount as the court thinks proper.
- (2) Where a contribution order has been made on any person to whom any pension or income capable of being arrested is payable, the court making the order may at the same time, and any court of summary jurisdiction having jurisdiction in the place where such person is for the time being residing may at any time, after giving the person by whom the pension or income is payable an opportunity of being heard, order that such part as the court may see fit of the pension or income be paid to the local authority who are for the time being entitled to receive the contributions under the contribution order.
- (3) Any order made under the last foregoing subsection shall be an authority to the person by whom the pension or income is payable to make the payment so ordered and the receipt of the local authority for the time being entitled to receive the contributions shall be a good discharge to the person by whom the pension or income is payable.
- (4) Subject to the following provisions of this section, a contribution order in respect of a maintainable child shall remain in force—
- (a) if the child is in the care of a local authority under Part II of this Act, so long as he remains in their care under that Part;
 - (b) if the child is a maintainable child by virtue of a supervision requirement, so long as that requirement is in force.
- (5) No contribution shall be payable, by virtue of a contribution order by a contributor who is the maintainable child's father or mother, in respect of any period after the maintainable child becomes sixteen.
- (6) A contribution order may be revoked or varied by any court of summary jurisdiction having jurisdiction in the place where the contributor is for the time being residing and shall be enforceable in like manner as a decree for aliment.
- (7) Where a contributor resides in England or Wales or Northern Ireland this section shall have effect as if for any reference to a court of summary jurisdiction having jurisdiction in a place where the contributor is for the time being residing there were substituted a reference to a court of summary jurisdiction having jurisdiction in any place within the area of the local authority having the care or supervision of the child.

81 Provisions as to decrees for aliment

- (1) Where a maintainable child is illegitimate and no decree for aliment has been granted in respect of him, the local authority concerned shall have the like right as the mother to raise an action of affiliation and aliment concluding for payment for aliment in respect of the child.
- (2) Where a maintainable child is illegitimate and a decree for aliment is in force, on the application of the local authority concerned, any court of summary jurisdiction having jurisdiction in the place where the father is for the time being residing may, at any time, order the payments under the decree for aliment to be paid to the local authority who are from time to time entitled under either of the last two foregoing sections to receive contributions in respect of the child.
- (3) Where a decree for aliment is obtained under this section or where an order made under this section in respect to a decree for aliment is in force any sums received under the decree for aliment shall be applied in like manner as if they were contributions received under a contribution order.
- (4)
 - (a) In this section the local authority concerned means the local authority which may make application for a contribution order in respect of a child under the last foregoing section;
 - (b) where the father of a child is resident in England or Wales or Northern Ireland, subsection (2) of this section shall have effect as if for the reference to a court of summary jurisdiction having jurisdiction in the place where the father is for the time being residing, there were substituted a reference to a court of summary jurisdiction having jurisdiction in any place within the area of the local authority concerned.

82 Recovery of arrears of contributions

- (1) Where, by virtue of an order or decree made under either of the last two foregoing sections, any sum is payable to a local authority, the local authority in whose area the person liable under the order or decree is for the time being residing, or, as the case may be, the local authority having the care or supervision of the child to whom the order or decree relates, shall be entitled to receive and give a discharge for, and, if necessary, enforce payment of, any arrears accrued due under the order or decree, notwithstanding that those arrears may have accrued at a time when he was not resident in that area or, as the case may be, when the authority were not entitled to sums payable under the order or decree.
- (2) In any proceedings under either of the last two foregoing sections, a certificate purporting to be signed by the clerk to a local authority for the time being entitled to receive contributions, or by some other officer of the authority duly authorised in that behalf, and stating that any sum due to the authority under an order or decree is overdue and unpaid, shall be sufficient evidence of the facts stated therein.

83 Variation of trusts

- (1) Where a child is by virtue of a supervision requirement removed from the care of any person and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child, on the application of the local authority concerned any court of summary jurisdiction, having jurisdiction in the place where that person is for the time being residing, may at any time order the whole or any part

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of the sums so payable under the trust to be paid to the local authority, to be applied by the authority for the benefit of the child in such manner as, having regard to the terms of the trust, the court may direct.

- (2) Where the person in whose care a child has been residing is for the time being residing in England or Wales or Northern Ireland the foregoing subsection shall have effect as if for the reference to a court having jurisdiction in the place where that person is residing there were substituted a reference to a court of summary jurisdiction having jurisdiction in any place within the area of the local authority having the care or supervision of the child.