



Supplementary Benefits Act 1976

1976 CHAPTER 71

PART II

LIABILITY TO MAINTAIN, RECOVERY OF EXPENDITURE AND OFFENCES

Recovery of expenditure

19 Affiliation orders

- (1) The provisions of this section apply in any case in which supplementary benefit is paid to meet requirements which include those of an illegitimate child.
- (2) If no affiliation order is in force the Commission may, within three years from the time when any payment by way of supplementary benefit was made, make application to a justice of the peace acting for the petty sessions area in which the mother of the child resides for a summons to be served under section 1 of the Affiliation Proceedings Act 1957.
- (3) In any proceedings on an application under subsection (2) above the court shall hear such evidence as the Commission may produce, and shall in all other respects, subject to the provisions of subsection (4) below, proceed as on an application made by the mother under section 1 of the said Act of 1957.
- (4) An affiliation order—
 - (a) made on an application made by the Commission under subsection (2) above ;
or
 - (b) made on an application made by the Commission in proceedings brought by the mother of the child under section 1 of the said Act of 1957 ;

may be made so as to provide that the payments, or a part of the payments, to be made under the order shall, instead of being made to the mother or a person having custody of the child, be made to the Secretary of State or to such other person as the court may direct.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) Any affiliation order, whether made before or after the commencement of this Act, may, on the application of the Commission, be varied so as to provide for the making of payments, or part thereof, as mentioned in subsection (4) above; and an application by the Commission under this subsection may be made—
- (a) notwithstanding that the mother has died and no person has been appointed to have the custody of the child; and
 - (b) where the child is not in the care of the mother and she is not contributing to his maintenance, without making her a party to the proceedings.
- (6) Any affiliation order which provides for the making of payments, or part thereof, as mentioned in subsection (4) above may, on the application of the mother of the child, be varied so as to provide that the payments shall be made to the mother or a person having the custody of the child.
- (7) Where an affiliation order provides for the making of payments, or part thereof, to the Secretary of State, the Commission shall be a party to any proceedings with respect to the enforcement, revocation or variation of the order to which, but for this subsection, the Secretary of State would be a party.
- (8) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (2) to (7) above—
- (a) the Commission shall have the like right as the mother to raise an action of affiliation and aliment concluding for payment of aliment for the child ;
 - (b) where in any action of affiliation and aliment in respect of the child, whether at the instance of the Commission under the foregoing paragraph or at the instance of the mother, the sheriff grants or has granted decree against any person for payment of aliment for the child, the sheriff may at the time of granting the decree or at any subsequent time on the application of the Commission, order that the sums due under the decree or any part thereof shall, instead of being paid to the mother of the child, be paid to the Secretary of State or to such other person as the sheriff may direct;
 - (c) if such an order is made in favour of the Secretary of State, the Commission, or, if it is made in favour of another person, that person, shall have the like right to enforce the decree (so far as relating to the said sums) by diligence, including the right to take proceedings under the Civil Imprisonment (Scotland) Act 1882, as if the decree were a decree in favour of the Commission or other person.