



Welfare Reform Act 2007

2007 CHAPTER 5

PART 1

EMPLOYMENT AND SUPPORT ALLOWANCE

Miscellaneous

23 Recovery of sums in respect of maintenance

- (1) Regulations may make provision for the court to have power to make a recovery order against any person where an award of income-related allowance has been made to that person's spouse or civil partner.
- (2) The reference in subsection (1) to a recovery order is to an order requiring the person against whom it is made to make payments to the Secretary of State or to such other person or persons as the court may determine.
- (3) Regulations under subsection (1) may include—
 - (a) provision as to the matters to which the court is, or is not, to have regard in determining any application under the regulations;
 - (b) provision as to the enforcement of orders under the regulations;
 - (c) provision for the transfer by the Secretary of State of the right to receive payments under, and to exercise rights in relation to, orders under the regulations.
- (4) In this section, “the court” means—
 - (a) in relation to England and Wales, a magistrates' court;
 - (b) in relation to Scotland, the sheriff.

Modifications etc. (not altering text)

- C1** Pt. 1 modified by 1995 c. 18, Sch. 1 para. 2(2) (as inserted (27.10.2008) by [Welfare Reform Act 2007](#) (c. 5), s. 70(2), [Sch. 3 para. 12\(6\)](#); S.I. 2008/787, art. 2(4)(f))

Status: Point in time view as at 27/10/2008. This version of this provision has been superseded.

Changes to legislation: *Welfare Reform Act 2007, Section 23 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

- I1** S. 23(1)(3) in force at 18.3.2008 for specified purposes by S.I. 2008/787, **art. 2(1)**
- I2** S. 23(1)(3) in force at 27.10.2008 in so far as not already in force by S.I. 2008/787, **art. 2(4)(a)**
- I3** S. 23(2)(4) in force at 27.10.2008 by S.I. 2008/787, **art. 2(4)(a)**

Status:

Point in time view as at 27/10/2008. This version of this provision has been superseded.

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