



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART V

INCOME SUPPORT AND THE DUTY TO MAINTAIN

101 Recovery of expenditure on benefit from person liable for maintenance.

(1) Subject to the following provisions of this section, if income support is claimed by or in respect of a person whom another person is liable to maintain or paid to or in respect of such a person, the Department may make a complaint under Part VIII of the ^{M1}Magistrates' Courts (Northern Ireland) Order 1981 against the liable person for an order under this section.

^{F1}(2)

^{F1}(3)

(4) On the hearing of a complaint under this section the court shall have regard to all the circumstances and, in particular, to the income of the liable person, and may order him to pay such sum, weekly or otherwise, as it may consider appropriate, except that in a case falling within section 74(6)(c) above that sum shall not include any amount which is not attributable to income support (whether paid before or after the making of the order).

(5) In determining whether to order any payments to be made in respect of income support for any period before the complaint was made, or the amount of any such payments, the court shall disregard any amount by which the liable person's income exceeds the income which was his during that period.

(6) Any payments ordered to be made under this section shall be made—
(a) to the Department in so far as they are attributable to any income support (whether paid before or after the making of the order);
(b) to the person claiming income support or (if different) the dependant; or

Status: Point in time view as at 06/04/2001. This version of this provision has been superseded.

Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 101 is up to date with all changes known to be in force on or before 06 August 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)

(c) to such other person as appears to the court expedient in the interests of the dependant.

(7) Any proceedings for an order under this section shall be included among the proceedings which are domestic proceedings within the meaning of the Magistrates' Courts (Northern Ireland) Order 1981; and Article 88 of that Order (definition of "domestic proceedings") shall have effect accordingly.

Textual Amendments

F1 S. 101(2)(3) repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), arts. 1, 185(2), **Sch. 10**; S.R. 1996/297, **art. 2(2)**

Marginal Citations

M1 S.I. 1981/1675 (N.I. 26).

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