



# 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 [<sup>F1</sup>or universal credit] 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 <sup>M1</sup>Magistrates' Courts (Northern Ireland) Order 1981 against the liable person for an order under this section.

<sup>F2</sup>(2) .....

<sup>F2</sup>(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 [<sup>F3</sup>or universal credit] (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 [<sup>F3</sup>or universal credit] 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 [<sup>F4</sup>or universal credit] (whether paid before or after the making of the order);

*Status: Point in time view as at 27/09/2017.*

*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 13 June 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)*

- (b) to the person claiming income support [<sup>F4</sup>or universal credit] or (if different) the dependant; or
  - (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** Words in s. 101(1) inserted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 2 para. 11**; S.R. 2017/190, art. 4(1)(2)(g)(ii)
- F2** 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)**
- F3** Words in s. 101(4)(5) inserted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 2 para. 11**; S.R. 2017/190, art. 4(1)(2)(g)(ii)
- F4** Words in s. 101(6)(a)(b) inserted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 2 para. 11**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

#### **Marginal Citations**

- M1** [S.I. 1981/1675 \(N.I. 26\)](#).

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