



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VI U.K.

#### SUPPORT FOR ASYLUM-SEEKERS

##### *Expenditure*

#### 110 Payments to local authorities. U.K.

- (1) The Secretary of State may from time to time pay to any local authority or Northern Ireland authority such sums as he considers appropriate in respect of expenditure incurred, or to be incurred, by the authority in connection with—
  - (a) persons who are, or have been, asylum-seekers; and
  - (b) their dependants.
- (2) The Secretary of State may from time to time pay to any—
  - (a) local authority,
  - (b) local authority association, or
  - (c) Northern Ireland authority,such sums as he considers appropriate in respect of services provided by the authority or association in connection with the discharge of functions under this Part.
- (3) The Secretary of State may make payments to any local authority towards the discharge of any liability of supported persons or their dependants in respect of council tax payable to that authority.
- (4) The Secretary of State must pay to a body to which a direction under section 101(3) is given such sums as he considers represent the reasonable costs to that body of complying with the direction.
- (5) The Secretary of State must pay to a directed body sums determined to be payable in relation to accommodation made available by that body under section 101(3)(a).

*Status: Point in time view as at 08/07/2004.*

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- (6) The Secretary of State may pay to a directed body sums determined to be payable in relation to accommodation made available by that body under section 101(3)(b).
- (7) In subsections (5) and (6)—
- “determined” means determined in accordance with regulations made by virtue of subsection (11)(a) of section 101, and
- “directed body” means a body to which a direction under subsection (3) of section 101 is given.
- (8) Payments under subsection (1), (2) or (3) may be made on such terms, and subject to such conditions, as the Secretary of State may determine.
- (9) “Northern Ireland authority” means—
- (a) the Executive; or
  - (b) a Health and Social Services Board established under Article 16 of the <sup>M1</sup>Health and Personal Social Services (Northern Ireland) Order 1972 [F1; or
  - (c) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)].

#### Textual Amendments

**F1** S. 110(9)(c) and word added (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 60(1), 162(1)** (with s. 159); S.I. 2003/1, art. 2, Sch.

#### Modifications etc. (not altering text)

**C1** S. 110 modified (7.11.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **s. 48** (with s. 159)

#### Commencement Information

**I1** S. 110 wholly in force at 3.4.2000; s. 110(1)(2) (and (8) so far as relating thereto) in force at Royal Assent, see s. 170(3)(j); s. 110(9) in force at 6.12.1999 by [S.I. 1999/3190](#), art. 2, Sch.; s. 110 in force at 3.4.2000 insofar as not already in force by [S.I. 2000/464](#), art. 2, Sch.

#### Marginal Citations

**M1** [S.I. 1972/1265 \(N.I. 14\)](#).

## 111 Grants to voluntary organisations. **U.K.**

- (1) The Secretary of State may make grants of such amounts as he thinks appropriate to voluntary organisations in connection with—
- (a) the provision by them of support (of whatever nature) to persons who are, or have been, asylum-seekers and to their dependants; and
  - (b) connected matters.
- (2) Grants may be made on such terms, and subject to such conditions, as the Secretary of State may determine.

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**Modifications etc. (not altering text)**

- C2** S. 111 modified (7.11.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 48 (with s. 159)

**112 Recovery of expenditure on support: misrepresentation etc. U.K.**

- (1) This section applies if, on an application made by the Secretary of State, the court determines that—
  - (a) a person (“A”) has misrepresented or failed to disclose a material fact (whether fraudulently or otherwise); and
  - (b) as a consequence of the misrepresentation or failure, support has been provided under section 95 or 98 (whether or not to A).
- (2) If the support was provided by the Secretary of State, the court may order A to pay to the Secretary of State an amount representing the monetary value of the support which would not have been provided but for A’s misrepresentation or failure.
- (3) If the support was provided by another person (“B”) in accordance with arrangements made with the Secretary of State under section 95 or 98, the court may order A to pay to the Secretary of State an amount representing the payment to B which would not have been made but for A’s misrepresentation or failure.
- (4) “Court” means a county court or, in Scotland, the sheriff.

**Modifications etc. (not altering text)**

- C3** S. 112 applied (with modifications) (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 35(1)(f)(2), 162(1) (with s. 159)

**113 Recovery of expenditure on support from sponsor. U.K.**

- (1) This section applies if—
  - (a) a person (“the sponsor”) has given a written undertaking in pursuance of the immigration rules to be responsible for the maintenance and accommodation of another person; and
  - (b) during any period in relation to which the undertaking applies, support under section 95 is provided to or in respect of that other person.
- (2) The Secretary of State may make a complaint against the sponsor to a magistrates’ court for an order under this section.
- (3) The court—
  - (a) must have regard to all the circumstances (and in particular to the sponsor’s income); and
  - (b) may order him to pay to the Secretary of State such sum (weekly or otherwise) as it considers appropriate.
- (4) But such a sum is not to include any amount attributable otherwise than to support provided under section 95.
- (5) In determining—

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- (a) whether to order any payments to be made in respect of support provided under section 95 for any period before the complaint was made, or
  - (b) the amount of any such payments,
- the court must disregard any amount by which the sponsor's current income exceeds his income during that period.
- (6) An order under this section is enforceable as a magistrates' court maintenance order within the meaning of section 150(1) of the <sup>M2</sup>Magistrates' Courts Act 1980.
- (7) In the application of this section to Scotland—
- (a) omit subsection (6);
  - (b) for references to a complaint substitute references to an application; and
  - (c) for references to a magistrates' court substitute references to the sheriff.
- (8) In the application of this section to Northern Ireland, for references to a magistrates' court substitute references to a court of summary jurisdiction and for subsection (6) substitute—
- “(6) An order under this section is an order to which Article 98(11) of the <sup>M3</sup>Magistrates' Courts (Northern Ireland) Order 1981 applies.”

**Modifications etc. (not altering text)**

- C4** S. 113 applied (with modifications) (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 35\(1\)\(g\)\(2\)](#), [162\(1\)](#) (with [s. 159](#))

**Marginal Citations**

- M2** [1980 c. 43](#).  
**M3** [S.I. 1981/1675 \(N.I. 26\)](#).

**114 Overpayments. U.K.**

- (1) Subsection (2) applies if, as a result of an error on the part of the Secretary of State, support has been provided to a person under section 95 or 98.
- (2) The Secretary of State may recover from a person who is, or has been, a supported person an amount representing the monetary value of support provided to him as a result of the error.
- (3) An amount recoverable under subsection (2) may be recovered as if it were a debt due to the Secretary of State.
- (4) The Secretary of State may by regulations make provision for other methods of recovery, including deductions from support provided under section 95.

**Commencement Information**

- I2** S. 114 wholly in force at 3.4.2000; s. 114 not in force at Royal Assent see [s. 170\(4\)](#); s. 114 in force for certain purposes at 1.1.2000 by [S.I. 1999/3190](#), [art. 2](#), [Sch.](#); s. 114 in force at 3.4.2000 insofar as not already in force by [S.I. 2000/464](#), [art. 2](#), [Sch.](#)

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