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CHAPTER 5.06

MAINTENANCE OF CHILDREN ACT

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

	Page
MAINTENANCE OF CHILDREN ACT	3
Act 10 of 1925 .. in force 28 November 1925	
Amended by Act 23 of 1961	
Amended by Act 4 of 2003	

CHAPTER 5.06
MAINTENANCE OF CHILDREN ACT
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Proceedings against parent supposed to be about to leave Montserrat without making adequate provision for child
4. Power to Magistrate to prohibit parent from leaving Montserrat
5. Contravention of Magistrate's order an offence
6. Power of police officer to arrest without warrant
7. Presumption of age of child
8. What to be deemed adequate provision by the putative father
9. Duration and rescission of order

CHAPTER 5.06
MAINTENANCE OF CHILDREN ACT
(Acts 10 of 1925, 23 of 1961 and 4 of 2003)

Commencement

[28 November 1925]

Short title

1. This Act may be cited as the Maintenance of Children Act.

Interpretation

2. In this Act—

"child" means a person who is under the age of fourteen years;

"parent" includes the mother of an illegitimate child and any person adjudged to be the putative father of an illegitimate child.

Proceedings against parent supposed to be about to leave Montserrat without making adequate provision for child

3. Where it is made to appear to any Magistrate of Montserrat upon oath that there is reasonable ground for believing that a parent is about to leave Montserrat without making adequate provision for the maintenance and care during his absence of any child of his living in Montserrat, it shall be lawful for such Magistrate to issue a summons directed to such parent requiring him to appear before the Magistrate at the time therein mentioned and to show cause why an order should not be made against him prohibiting him from leaving Montserrat:

Provided that the Magistrate may, if he thinks it expedient so to do, either in the first instance or subsequently to the issue of a summons, issue a warrant addressed to the Assistant Superintendent of Police and all police officers of Montserrat, to apprehend such parent and cause him to be brought before him or any other Magistrate of Montserrat.

Power to Magistrate to prohibit parent from leaving Montserrat

4. Where on the appearance of the parent before a Magistrate it appears to the Magistrate that the parent is about to leave Montserrat, and the Magistrate is not satisfied that the parent has made adequate provision for the maintenance and care of such child during his absence, the Magistrate may, if he thinks it expedient so to do, order that such parent shall not leave Montserrat.

Contravention of Magistrate's order an offence

5. Any parent against whom an order has been made under the preceding section who shall leave or attempt to leave Montserrat before such order shall have ceased to be operative, or shall have been rescinded, shall on summary conviction be liable to a fine not exceeding \$1,000 or to be imprisoned for a period not exceeding six months. (*Amended by Act 4 of 2003*)

Power of police officer to arrest without warrant

6. Any police officer may arrest without warrant and bring before any Magistrate of Montserrat any person who is subject to an order made under section 4 and—

- (a) who has left Montserrat and is found within the territorial waters thereof; or
- (b) whom such police officer has reason to suspect to be attempting to leave Montserrat.

Presumption of age of child

7. Where any proceedings are taken against a parent under this Act in respect of a child who appears to the Magistrate to be under fourteen years of age, such child shall be deemed to be under that age unless the contrary is proved.

What to be deemed adequate provision by the putative father

8. A person who has been adjudged to be the putative father of a child shall be deemed to have made adequate provision for the maintenance and care of such child within the meaning of this Act if he has made sufficient provision for the payment during his absence from Montserrat of all money which may become payable by him during such absence under the order by which he was adjudged to be the putative father of such child or any order varying the same.

Duration and rescission of order

9. (1) No order made under section 4 shall have any force or validity after the expiration of two years from the day upon which the same was made.

(2) A Magistrate may, upon application by or on behalf of any parent against whom an order has been made under section 4, rescind such order.