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LAWS OF SAINT VINCENT AND THE GRENADINES  
REVISED EDITION

**MAINTENANCE ACT**

**CHAPTER 234**

**Act No. 52 of 1989**

Amended by

Act No. 53 of 1992

Act No. 7 of 1995

**CHAPTER 234**

**MAINTENANCE ACT**

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SCHEDULE

*Forms*

*Maintenance Act*

**CHAPTER 234**

**MAINTENANCE ACT**

**An Act to make new financial provision for dependants, provision for the custody of children, and for purposes connected therewith.**

[Act No. 52 of 1989 amended by Act No. 53 of 1992, Act No. 7 of 1995]

[Date of commencement: 27th December, 1989.]

**1. Short title**

This Act may be cited as the Maintenance Act.

**2. Interpretation**

(1) In this Act, unless the context otherwise requires—

"**child**" includes a child born in and out of wedlock and any child who has been treated as a child of the family of the person against whom an order is sought by reason of having been maintained by or living with such person;

"**court**" means a magistrate's court;

"**single woman**" includes—

(a) a widow;

(b) a married woman living apart from her husband whether under a decree of judicial separation or otherwise;

(c) a woman whose marriage has been dissolved or annulled; and

(d) an unmarried woman.

[Subsection (I) renumbered by Act No. 53 of 1992]

(2) Notwithstanding the provisions of subsection (1), as from the commencement of the Family Court Act, 1992,

references in the Act to "court" or "magistrate's court" shall be interpreted to be a reference to the Family Court and "magistrate" to be a judicial officer of the Family Court.

[Subsection (2) inserted by Act No. 53 of 1992.]

### **3. Duty to maintain dependants**

(1) It shall be the duty of every man to provide reasonable maintenance for—

- (a) his wife and children under the age of sixteen; and
- (b) his father, mother and children over the age of sixteen if any such persons are by reason of old age or mental or physical disability unable to maintain themselves.

(2) It shall be the duty of every married woman having separate property to provide reasonable maintenance for—

- (a) her husband and children under the age of sixteen; and
- (b) her father, mother and children over the age of sixteen if any such persons are by reason of old age or mental or physical disability unable to maintain themselves.

(3) it shall be the duty of every single woman to provide reasonable maintenance for—

- (a) her children under the age of sixteen;
- (b) her father, mother and children over the age of sixteen if any such persons are by reason of old age or mental or physical disability unable to maintain themselves.

(4) It shall be the duty of a man who marries a woman having children under the age of sixteen to provide reasonable maintenance for such children until they have attained that age:

Provided that nothing in this subsection shall be held to absolve a person against whom a paternity order has been made to provide reasonable maintenance for the child to whom the order relates.

(5) Nothing in this section shall preclude a court making an order in respect of a child over the age of fifteen in accordance with the provisions of section 8.

### **4. Grounds of application for financial provision**

(1) Either party to a marriage may apply to a court for an order under section 5 on the ground that the other party to the marriage (hereafter referred to as "the respondent")—

- (a) has failed to provide reasonable maintenance for the applicant;
- (b) has behaved in such a way that the applicant cannot reasonably be expected to live with the respondent; or

- (c) has deserted the applicant.

(2) Any of the following persons may apply to a court for an order under section 5 on behalf of any child on the ground that any person liable to do so has failed to provide, or to make a proper contribution towards, reasonable maintenance for such child—

- (a) the father or mother of the child;
- (b) the lawfully appointed guardian of the child;
- (c) any person charged with the relief of destitute persons;
- (d) any person having actual custody of the child; or
- (e) if the child is over the age of fourteen, the child himself.

(3) Notwithstanding anything contained in subsection (2), an application shall not be made by a mother in respect of a child born out of wedlock unless—

- (a) a paternity order has been made in respect of such child; or
- (b) the child has been treated by both parties to the marriage as a child of the family.

(4) An application under subsection (2) may be made at the same *time* as an application for a paternity order.

(5) An application under subsection (I) may be joined with an application under subsection (2).

(6) A father or mother who is, by reason of the provisions of section 3, liable to be maintained by his or her son or daughter may apply to a court for an order under section 5.

(7) Where a father or mother or a child over the age of fifteen is, by reason of physical or mental disability, unable to apply himself or herself, such application may be made on his or her behalf by any person charged with the relief of destitute persons or by such other person as the court may in all circumstances consider appropriate.

## **5. Powers of court to make orders for financial provision**

(1) Where on an application for an order under this section the applicant satisfies the court of any ground mentioned in section 4(1) the court may, subject to the provisions of this Act, make one or both of the following orders—

- (a) an order that the respondent shall make to the applicant such periodical
- (b) payments, and for such term, as may be specified in the order;
- (c) an order that the respondent shall pay to the applicant such lump sum as
- (d) may be so specified.

(2) Where on an application for an order under this section the applicant satisfies the court that any person liable to provide reasonable maintenance for any child specified in the application has failed so to do, the court may, subject to the provisions of this Act, make one or both of the following orders—

- (a) an order that the respondent shall make to the applicant for the benefit of a child to whom the application relates, or to such a child, such periodical payments, and for such term, as may be so specified;
- (b) an order that the respondent shall pay to the applicant for the benefit of a child to whom the application relates, or to such a child, such lump sum as may be so specified.

(3) Where on an application for an order under this section the applicant satisfies the court that he is liable to *be* reasonably maintained by his or her son or daughter (or, where the application is made on his or her behalf, that he or she as the case may be, is liable to be so maintained and has not been so maintained) *the* court may make one or both of the following orders—

- (a) an order that the respondent shall make to the applicant or, where the application is made on behalf of a father or mother, to the subject of the application or to the applicant for the benefit of such subject, such periodical payments, and for such term, as may be so specified;
- (b) an order that the respondent shall pay to the applicant or, where the application is made on behalf of a father or mother, to the subject of the application or to the applicant for the benefit of such subject, such lump sum as may be so specified.

(4) Without prejudice to the generality of subsection (1)(b), (2)(b) or (3)(b), an order under this section for the payment of a lump sum may be made for the purpose of enabling any liability or expenses reasonably incurred in maintaining the applicant, or any person to whom the application relates, or for the birth or funeral expenses of the person to whom the application relates, before the making of the order to be met.

(5) The amount of any lump sum required to be paid by an order under this section shall not exceed two thousand dollars or such larger amount as the Governor-General may, by order, fix for the purposes of this subsection.

## **6. Matters to which court is to have regard in exercising its powers under section 5**

(1) Where an application is made for an order under section 5(1), the court, in deciding whether to exercise its powers under that subsection and, if so, in what manner, shall have regard to the following matters, that is to say—

- (a) the income, earning capacity, property and other financial resources which
- (b) each of the parties to the marriage has or is likely to have in the foreseeable future;
- (c) the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future;
- (d) the standard of living enjoyed by the parties to the marriage before the occurrence of the conduct which is alleged as the ground of the application;
- (e) the age of each party to the marriage and the duration of the marriage;
- (f) any physical or mental disability of either of the parties to the marriage;

- (g) the contributions made by each of the parties to the welfare of the family, including any contribution made by looking after the home or caring for the family;
- (g) any other matter which in the circumstances of the case the court may consider relevant, including, so far as it is just to take it into account, the conduct of each of the parties in relation to the marriage.

(2) Where an application is made for an order under section 5(2), the court, in deciding whether to exercise its powers under that section and, if so, in what manner, shall have regard to all the circumstances of the case including the following matter, that is to say—

- (a) the financial needs of the child;
- (b) the income, earning capacity (if any), property and other financial resources of the child, the applicant (where relevant), and the person against whom the order is sought;
- (c) any physical or mental disability of the child;
- (d) the standard of living enjoyed by the family before the occurrence of the conduct which is alleged as the ground of the application;
- (e) the manner in which the child was being, and in which the parties to the marriage expected him to be, educated or trained;
- (f) the matters mentioned in relation to the parties to the marriage in subsection (1)(a) and (b).

(3) The court, in deciding whether to exercise its powers under section 5(2) in favour of a child who is not the child of the respondent and, if so, in what manner, shall in addition to the matter mentioned in subsection (2) have regard (among the circumstances of the case)--

- (a) to whether the respondent had assumed any responsibility for the child's maintenance and, if he did, to the extent to which, and the basis on which, he assumed that responsibility and to the length of time during which he discharged that responsibility;
- (b) to whether, in assuming and discharging that responsibility, the respondent did so knowing that the child was not his own child; and
- (c) to the liability of any other person to maintain the child.

## **7. Duration of orders for financial provision**

(1) The term to be specified in any order made under section 5(1) shall be such term as the court thinks fit, except that the term shall not begin earlier than the date of the making of the application for the order and shall not extend beyond the death of either of the parties to the marriage.

(2) Where an order is made under section 5(1)(a) and the marriage of the parties affected by the order is subsequently dissolved or annulled but the order continues in force, the order shall, notwithstanding anything in it, cease to have effect on the remarriage of the party in whose favour it was made, except in relation to any arrears due under the



order on the date of the remarriage.

## **8. Age limit on making orders for financial provision for children and duration of such orders**

(1) Subject to subsection (3), no order shall be made under section 5(2) in favour of a child who has attained the age of eighteen.

(2) The terms to be specified in order made under section 5(2) in favour of a child may begin with the date of *the* making of an application for the order in question or on any later date, but shall not in the first instance extend beyond the date of the child's sixteenth birthday unless the court thinks it right in the circumstances of the case to specify a later date and shall not in any event extend beyond the date of the child's eighteenth birthday.

(3) The court—

- (a) *may make* an order under section 5(2) in favour of a child who has attained the age of eighteen; and
- (b) *may include*, in an order made under section 5(2)(a) in relation to a child who has not attained that age, a provision for extending beyond the date when the child will attain that age the term for which by virtue of the order any payments are to be made to or for the benefit of that child,

if it appears to the court—

- (i) that the child is, or will be, or if such an order or provision were made would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he is also, or will also be, in gainful employment, or
- (ii) that there are special circumstances which justify the making of the order or provision.

(4) Any order made under section 5(2)(a) in favour of a child shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order.

## **9. Orders for custody of children**

(1) Where an application is made by a party to a marriage for an order under section 5 then, if there is a child who is under the age of eighteen, the court shall not dismiss or make a final order on the application until it has decided whether to exercise its powers under this section and, if so, in what manner.

(2) On an application for an order under section 5, the court, whether or not it makes an order under the said section, shall have power to make such order regarding—

- (a) the legal custody of any child of the family who is under the age of eighteen; and
- (b) access to any such child by either of the parties to the marriage or any other person who is a parent of that child,

as the court thinks fit.

(3) An order shall not be made under subsection (2) giving the legal custody of a child to a person other than a party to the marriage or a parent of the child unless the court is of the opinion that legal custody should be given to a person who is not a party to the marriage or a parent of the child, and in such case it may give custody to such person.

(4) An order shall not be made under this section giving the legal custody of a child to more than one person; but where the court makes an order giving the legal custody of a child to any person under this section, it may order that a party to the marriage in question who is not given the legal custody of the child shall retain all, or such as the court may specify, of the parental rights and duties comprised in legal custody (other than the right to the actual custody of the child) and shall have those rights and duties jointly with the person who is given the legal custody of the child.

(5) An order made under subsection (2) shall cease to have effect as respects any child when he attains the age of eighteen.

(6) Where an order is made under subsection (2), the court may direct that the order, or such provision thereof as the court may specify, shall not have effect until the occurrence of an event specified by the court or the expiration of a period so specified; and where the court has directed that the order, or any provision thereof, shall not have effect until the expiration of a specified period, the court may, at any time before the expiration of that period, direct that the order, or that provision thereof, shall not have effect until the expiration of such further period as the court may specify.

(7) The court shall not have power to make an order under subsection (2) with respect to a child in respect of whose custody an order made by the High Court or another magistrate's court in Saint Vincent and the Grenadines is in force.

## **10. Powers of court to provide for supervision of children**

(1) Where the court makes an order under section 9(2) regarding the legal custody of a child and it appears to the court that there are exceptional circumstances which make it desirable that the child should be under the supervision of an independent person, the court may order that the child shall be under the supervision of a probation officer.

(2) Where the court decides to make an order under this section providing for supervision by a probation officer, it shall provide for supervision by a probation officer appointed for the magisterial district in which, in the opinion of the court, the child is or will be resident.

(3) An order made under this section shall cease to have effect as respects any child when he attains the age of eighteen.

## **11. Variation, revival and revocation of orders for periodical payments, etc.**

(1) Where a court has made an order under section 5(1)(a), (2)(a) or (3)(a) for the making of periodical payments, the court shall have power, on an application made under this section to vary or revoke that order and also to make an order under section 5(1)(b), 5(2)(b) or 5(3)(b)\_

(2) Where a court *has* made an interim maintenance order under section 25, the court, on application made under this section, shall have the power to vary or revoke that order, except that the court shall not by virtue of this subsection extend the period for which the order is in force.

(3) The power of the court under this section to vary an order for the making of periodical payments shall include

power to suspend any provision thereof temporarily and to revive any provision so suspended.

(4) Where the court has power by virtue of this section to make an *order* for the payment of a lump sum, the amount of the lump sum shall not exceed the maximum amount that may at that time be required to be paid under section 5(5), but the court may make an order for the payment of a lump sum not exceeding that amount notwithstanding that the person required to pay the lump sum was required to pay a lump sum by a previous order under this Act:

Provided, however, that where more than one lump sum is ordered to be paid the total of such sums shall not exceed the maximum required to be paid under section 5(5).

(5) Where an order made by a court for the making of periodical payments to, or in respect of, a child ceases to have effect on the date on which the child attains the age of sixteen or at any time after that date but before or on the date on which he attains the age of eighteen, then, if at any time before he attains the age of twenty one an application is made by the child for an order under this subsection, the court shall have power, by order, to revive the first mentioned order from such date as the court may specify, not being earlier than the date of the making of the application.

(6) In exercising the powers conferred by this section, the court shall, so far as it appears to the court just to do so, give effect to any agreement which has been reached between the parties in relation to the application and, if there is no such agreement or if the court decides not to give effect to the agreement, the court shall have regard to all the circumstances of the case, including any change in any of the matters to which the court was required to have regard when making the order to which the application relates.

(7) An application under this section may be made by the following persons—

- (a) any person who could make the application if the application were for an original order; or
- (b) if the application is in respect of a child who has attained the age of sixteen, by the child himself.

(8) Any reference in this section to an order made under section 5 for the making of periodical payments includes a reference to such an order made under that section and revived under subsection (5).

## **12. Variation and revocation of orders relating to the custody of children**

(1) Where, on an application under this Act, a court has made an order in respect of a child under section 9 or 10, any person who could make the application if the application were for an original order may apply to the court for the variation or revocation of the order, and on such an application the court shall have power to make the order for which application is made and also to make such other order with respect to that child under section 9 or 10 as it thinks fit.

(2) Where, on an application under this Act, a court has made an order under section 5 but has not exercised its powers under section 9 or 10 with respect to a child, any person who could make the application if the application were for an original order, at any time while an order under section 5 is in force, apply to the court for an order under section 9 and, on such an application, the court shall have power to make such order under section 9 or 10 with respect to that child as the court shall think fit.

(3) An application under this section may be made, in addition to the persons who are entitled to make an application under subsections (1) and (2), by a probation officer.

### **13. Separation orders in respect of husbands and wives**

A court may, in addition to or in lieu of granting an order against a husband or wife on the grounds set forth in section 4(1)(b), and whether on the same occasion as the granting or refusing of an order or on any previous or subsequent occasion, make an order (hereinafter referred to as a "separation order") that the applicant be no longer bound to cohabit with her husband or his wife as the case may be, which order, while in force, shall have the effect of a decree of judicial separation on the ground of unreasonable behaviour.

### **14. Adultery of husband or wife**

No order under section 4 and no separation order shall be made by a court where it is proved that the applicant has committed an act of adultery unless the husband or wife, as the case may be, has condoned, or connived at, or by his or her wilful neglect or misconduct condoned to, such act of adultery.

### **15. Discharge of order**

If any person, on whose application an order under section 4 or a separation order has been made under this Act, shall voluntarily resume cohabitation with her husband or his wife, as the case may be, or shall commit an act of adultery, such order shall, on proof thereof, be discharged:

Provided that the court may, if it thinks fit, refuse to discharge such *order* in the case of a wife who has committed adultery if, in the opinion of the court, such act of adultery was condoned to by the failure of the husband to make such payments as he was bound to make under the order.

### **16. Commencement of affiliation proceedings**

A single woman who is with child, or who has been delivered of a child, may apply by complaint to a court for a summons to be served on the man alleged by her to be the father of the child.

### **17. Time of application for summons**

A complaint under section 16 where the complainant has been delivered of a child, may be made—

- (a) at any time within five years from the child's birth;
- (b) at any subsequent time, upon proof that the man alleged to be the father of the child has, within the five years next after the birth, paid money for its maintenance; or
- (c) at any time within the twenty-four months next after the man's return to Saint Vincent and the Grenadines, upon proof that he ceased to reside in Saint Vincent and the Grenadines within the five years next after the birth.

### **18. Powers of court on hearing of complaint**

(1) On the hearing of a complaint under section 16, the court may adjudge the defendant to be the putative father of the child but shall not do so unless, if the mother be alive and of sound mind, she gives evidence and her evidence is corroborated in some material particular by other evidence to the satisfaction of the court.

(2) Where the court has adjudged the defendant to be the putative father of the child it shall make an order, called a paternity order, to that effect.

## **19. Practice**

(1) All applications under this Act shall be commenced in the court of the magisterial district in which either the applicant or the respondent resides and the provisions of the Magistrates' Act and the Criminal Procedure Code, in so far as they are not inconsistent with the provisions of this Act, shall apply to applications under this Act as they apply to cases in magistrates' courts.

[Chapter 30, Chapter 172.1

(2) No order dismissing an application under this Act shall be a bar to a further application unless, in the opinion of the court, such further application is frivolous or vexatious or an abuse of the process of the court.

## **20. To whom payments made**

(1) Subject to the provisions of subsection (2), all payments made under any order made under this Act shall be made to the applicant for the order.

(2) Where an order for periodical payments, or for the payment of a lump sum in instalments, has been made, the court may, at the request of the applicant for such order, direct that the payments shall be made—

- (a) into court;
- (b) if a maintenance officer has been appointed for the magisterial district, to the maintenance officer.

## **21. Maintenance officer**

(1) The Governor-General may appoint in respect of any magisterial district a maintenance officer. The same maintenance officer may be appointed for more than one magisterial district.

(2) A maintenance officer shall receive all payments as may be directed to be made to him by an order under section 20(2)(b) and shall pay forthwith to the person entitled thereto all such sums as he shall receive without making any deduction therefrom.

(3) Where any payment, or any part thereof, due to be paid into court or to a maintenance officer is in arrears for seven days or more, the clerk of the court or the maintenance officer, as the case may be, shall forthwith give notice of the fact to the person entitled to payment under the order and shall state the particulars of the arrears.

## **22. Arrears**

(1) Where any person against whom an order has been made is in default for more than seven days of any payment, or any part thereof, due under such order, the person entitled to payment under the order may apply to the court for an order under this section:

Provided that where such payment should have been made to a maintenance officer such officer may apply for an order.

(2) Upon an application under this section the court may—

- (a) issue a warrant for the levy of the amount due on the movable and immovable property of the defaulter; or
- (b) commit the defaulter to prison for a period not exceeding the period it could have committed him to prison for the non-payment of a fine of similar amount under section 29 of the Criminal Code.

[Chapter 171]

(3) A court shall not commit a defaulter to prison under subsection (2) if the defaulter satisfies the court that his failure to pay was due neither to his culpable neglect or wilful refusal.

### **23. Sittings of court, etc.**

(1) The business of the court shall, so far as is consistent with the due despatch of business, be arranged in such a manner as may be requisite for separating the hearing and determination of applications under this Act from other business.

(2) No person shall be present during the hearing and determination by the court of an application under this Act except—

- (a) members and officers of the court;
- (b) parties to the case before the court, their legal practitioners and witnesses and other persons directly concerned in the case;
- (c) legal practitioners in attendance for other cases;
- (d) any other person whom the court may permit to be present.

(3) During the taking in any application under this **Act** of any evidence of an intimate or indecent character, the court may, if it thinks it necessary in the interests of the administration of justice or of public decency, direct that any person or persons not being members or officers of the court or parties to the case or their legal practitioners, be excluded from the court during the taking of that evidence.

(4) The powers conferred on the court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings *in camera*.

(5) Nothing in this section shall affect the exercise by the court of the power to direct that witnesses shall be excluded from the court until they are called for examination.

(6) For the purposes of this section, probation officers and maintenance officers shall be deemed to be officers of the court.

### **24. Newspaper, etc., reports in proceedings under the Act**

(1) The proprietor, editor or publisher of a newspaper or periodical shall not print or publish therein, nor cause or procure to be printed or published therein, in relation to any application under this Act, any particulars other than the

following, that is to say—

- (a) the names and addresses of the parties and witnesses;
- (b) the grounds of the application, and a concise statement of the charges, defences and counter-charges in support of which evidence has been given;
- (c) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon; and
- (d) the decision of the court and any observations made by the court in giving its decision.

(2) Any person who acts in contravention of the provisions of this section, is guilty of an offence and liable to imprisonment for six months and to a fine of one thousand dollars.

(3) No prosecution for an offence under this section shall be begun by any person without the consent of the Director of Public Prosecutions.

(4) Nothing in this section shall apply to the printing or publishing of any matter in any magazine or periodical of a professional or technical character *bona fide* intended for circulation among members of the legal or medical profession.

## **25. Interim orders**

Where, on the hearing of any application for any order (save where such application is accompanied by an application for a paternity order), the application is adjourned for any period exceeding one week, the court may order that the defendant do pay into the court on behalf of the person in respect of whom the order is sought to be made, a weekly sum not exceeding the sum which might be ordered to be paid under a final order, which interim order shall be enforced in like manner as if it were a final order of the court:

Provided that the order directing such payment shall not remain in operation for more than three months after the order was made.

## **26. Maintenance officer may investigate and make report**

(1) Where in any proceeding under this Act it shall appear to the court to be necessary or expedient that an investigation should be made into the means of the parties to the proceedings, the court may adjourn the hearing and may direct the maintenance officer to make such investigation and report the result of his investigation to the court in accordance with the provisions of this section:

Provided that, in any proceedings under this Act, no direction to report to the court shall be given to the maintenance officer under this subsection until the court has decided all issues arising in the proceedings other than the issue as to the amount to be directed to be paid by such an order.

(2) Where a maintenance officer is directed under this section to report to the court the result of any such investigation the court may require the maintenance officer—

- (a) to furnish to the court a statement in writing as to his investigation, which shall *be* read aloud in the presence of such parties to the proceedings or their legal practitioners as may be permitted to

- be present at the hearing; or
- (b) to make an oral statement to the court as to his investigation.

(3) Immediately after the statement of the maintenance officer has been read aloud or made, as the case *may be*, the court shall ask each party to the proceedings whether he or she objects to anything contained in the statement, and when objection is made the court shall require the maintenance officer to give evidence on oath as to his investigation.

(4) Any statement made by a maintenance officer in a statement furnished or made by him under subsection (2), or in evidence which he is required to give *under* subsection (3), may be received by the court as evidence, notwithstanding anything to the contrary in any written law or rule of law relating to the admissibility of evidence.

## **27. Limitation of amount recoverable under order**

If a person in whose favour an order has been made under this Act allows the weekly payments to be in arrears for more than sixteen successive weeks without application to the court, the person against whom such order was made shall not be ordered to pay, exclusive of costs, more than the amount due for sixteen weeks in discharge of the whole debt, provided always that this section shall not apply where the person against whom the order was made has absconded or has been absent from Saint Vincent and the Grenadines.

## **28. Appeals**

(1) An appeal shall lie to the High Court from the making of an order under this Act, or from any refusal by a court to make such an order, or from the revocation, revival or variation by a magistrate's court of such an order.

(2) On an appeal against an order under section 18 by the person adjudged to be the putative father (as well as on an appeal against a refusal to make an order under that section), the court shall hear any evidence given by or on behalf of either party but shall not confirm the order appealed against (or reverse the refusal to make an order), in a case *where* the evidence is given by the mother, unless her evidence is corroborated in some material particular by other evidence to the court's satisfaction.

(3) Subject to subsection (i), the provisions of the Magistrates' (Civil Decisions Appeals) Act shall apply, *mutatis mutandis*, to appeals under this section.

[Chapter 31. Subsection (3) inserted by Act No. 7 of 1995.]

(4) An appeal filed under subsection (1) shall not operate as a stay of execution of an order made by a Court unless at the time of the making of the order, the Court specifically ordered a stay of execution.

[Subsection (4) inserted by Act No. 7 of 1995.]

(5) Appeals from judgements and orders of the High Court under this section shall lie to the Court of Appeal in accordance with the provisions of Part 11 of the Eastern Caribbean Supreme Court Act:

Provided that such appeals to the Court of Appeal shall not operate as a stay of execution in respect of an order made by the High Court unless the High Court specifically ordered a stay of execution.

[Chapter 24. Subsection (5) inserted by Act No. 7 of 1995.]



## **29. Duty to notify change of address**

(1) A person against whom an order has been made who changes his address shall—

- (a) if he is required to make any payment under that order into court or to a
- (b) maintenance officer, give notice of such change to the clerk of the court or to the *maintenance* officer as the case may be;
- (c) in any other case in which he is required under the order to make payments
- (d) to any person, give notice of such change to such person.

(2) Any person who, without reasonable excuse, fails to give a notice which he is required to give by this section within fourteen days of such change, is guilty of an offence and liable to a fine of fifty dollars.

## **30. Rules**

(1) The Governor-General may make rules and prescribe forms of procedure for the purposes of this Act.

(2) Without prejudice to the provisions of subsection (1), the forms set out in the Schedule, or forms to the like effect, may be used in the cases to which they refer with such variations as the circumstances may require.

## **31. Saving**

Notwithstanding the repeal of the Maintenance Act, 1949, any application or order made under the provisions of that Act and pending, or in force, immediately before the 27th December, 1989, shall be deemed to have been made under the corresponding provisions of this Act and may be entertained, enforced, varied, revived, revoked or appealed in accordance with the provisions of this Act.

SCHEDULE [Section 4.]

*Forms*

**FORM A**

*Complaint*

*Saint Vincent and the Grenadines*

In the Magistrate's Court ..... District  
..... Complainant

v

.....Defendant  
of ..... comes before me  
the undersigned magistrate and complains .....  
against ..... of .....  
that the *said* ..... being her  
husband/his wife has (here set out any of the acts enumerated in section 4(I) on which the complainant relies) and  
the said .....  
prays that the said ..... be ordered to make such financial  
provision as the court shall think fit.

Made before me this ..... day of ..... , 20 .....  
Magistrate of the ..... District

**FORM B**

[Section 4.]

*Complaint*

*Saint Vincent and the Grenadines*

*In* the Magistrate's Court ..... District  
..... Complainant

v

.....Defendant  
of ..... comes before me the  
undersigned magistrate and complains that .....  
of ..... father .....  
being the ..... of .....

..... mother .....  
a child under the age of sixteen years has failed to provide, or make a proper contribution towards, reasonable  
maintenance for such child and prays that the said.....  
be ordered to make such financial provision as the court shall think fit.  
Made before me this ..... day of ....., 20 .....  
.....Complainant  
Magistrate of the ..... District

### FORM C

[Sections 4 and 16.1

#### *Complaint*

Saint Vincent and the Grenadines  
in the Magistrate's Court ..... District  
..... Complainant  
.....Defendant  
of ..... comes before me  
the undersigned magistrate and complains that .....  
..... of ..... is the  
father of an illegitimate boy/girl child .....  
born on the ..... day of ....., 20 .....  
and prays for a paternity order adjudging the said .....  
..... to be the father of the  
said child and prays that he be ordered to make such financial provision as the court thinks fit.  
Made before me this ..... day of ....., 20 .....  
.....Complainant  
Magistrate of the ..... District

### FORM D

[Section 4.]

#### *Complaint*

Saint Vincent and the Grenadines  
In the Magistrate's Court ..... District

..... Complainant

v

.....Defendant  
of..... comes before

me *the* undersigned magistrate and complains that .....

..... of .....

being the father/mother/child of.....

a person over the age of sixteen years who is by reason of old age/ physical disability/mental disability unable to  
maintain himself/herself has failed to maintain *the* said .....

and prays that the said ..... be ordered to

make such *financial* provision as the court shall think fit.

.....Complainant

Made before me this ..... day of....., 20.....

Magistrate of the ..... District

## FORM E

[Section II.]

### *Application for Variation, Discharge or Revival of an Order Saint Vincent and the Grenadines*

In the Magistrate's Court ..... District

..... Complainant

v

.....Defendant

of ..... hereby

makes application that the order made herein against .....

..... the defendant by

the magistrate of the ..... District

on the ..... day of....., 20.....

be varied, discharged or revived.

Made before me this ..... day of....., 20.....

Magistrate of the ..... District

**CHAPTER 234**

**MAINTENANCE ACT**

SUBSIDIARY LEGISLATION

*No Subsidiary Legislation*

[Issue 1/2009]