

REPRINT

AFFILIATION, SEPARATION AND MAINTENANCE ACT (CAP. 1)

As in force at: 5 February 2024

STATUS: CURRENT

For details see Endnotes

**AN ACT TO MAKE BETTER PROVISION IN SOLOMON ISLANDS FOR THE
MAINTENANCE AND CUSTODY OF ILLEGITIMATE CHILDREN AND FOR
THE MAKING OF SEPARATION AND MAINTENANCE ORDERS**

AFFILIATION, SEPARATION AND MAINTENANCE ACT (CAP. 1)

Table of provisions

PART I	PRELIMINARY	1
1	Short title	1
2	Interpretation	1
PART II	AFFILIATION.....	2
3	Commencement of affiliation proceedings	2
4	Court may refuse to issue summons	2
5	Powers of court on hearing of complaint	2
6	Money to be paid to mother or custodian	3
7	Duration of order	4
8	Extension of order	4
9	Appointment of custodian and provisions relating to custody	5
10	Variation of order	6
PART III	SEPARATION AND MAINTENANCE.....	6
11	Married woman may apply for order	6
12	Husband may apply for order	7
13	Powers of court	8
14	Duration of orders for financial provision for a party to a marriage	9
15	Duration of orders for financial provision for children	9
16	Limitation of powers of court	10
17	Court may vary or discharge order	11
18	Court may refuse to make order in cases more fit for High Court	12
19	Interim orders	12
20	Compellable witnesses	13
PART IV	GENERAL	13
21	Maintenance orders against parents	13
22	Powers of the court to make orders protecting a party to a marriage or a child of the family	14
23	Supplementary provisions	16

24	Powers of arrest for breach of section 22 order	17
25	Procedure	18
26	Attachment of pension or income to satisfy order	18
27	Enforcement of order	19
28	Notice of change of address	19

AFFILIATION, SEPARATION AND MAINTENANCE ACT (Cap. 1)

As in force at: 5 February 2024

PART I PRELIMINARY

1 Short title

This Act may be cited as the *Affiliation, Separation and Maintenance Act*.

2 Interpretation

In this Act, unless the context otherwise requires:

“affiliation order” means an order for the payment of money made under section 5;

“court” means a Magistrate’s Court and, except in Part III, and subject to the provisions of the *Local Courts Act*, a local court;

“custodian” includes any person other than the mother or putative father of an illegitimate child, who is appointed to have custody of such a child or to whose care such a child is committed under or by virtue of any written law;

“habitual drunkard” means a person who is by reason of habitual intemperate drinking of intoxicating liquor, or of habitual taking or using, except upon and in accordance with medical advice, of opium or any dangerous drug within the meaning of the *Dangerous Drugs Act*, at times dangerous to himself or to others or incapable of managing himself or his affairs;

“single woman” means a woman who is single at the time of the birth of the child and includes a married woman who is living apart from her husband.

PART II AFFILIATION

3 Commencement of affiliation proceedings

A single woman who is with child, or who has been delivered of a child, may:

- (a) before the birth of the child; or
- (b) at any time within three years after the birth of the child; or
- (c) at any time thereafter upon proof that the man alleged to be the father of the child has before or within three years after the birth of the child paid money or has otherwise made provision for its maintenance; or
- (d) at any time within twelve months after the return to Solomon Islands of the man alleged to be the father of the child, upon proof that he ceased to reside in Solomon Islands within the three years next after the birth of the child,

make an application to a court having jurisdiction in the place where she resides, for a summons to be served on the man alleged by her to be the father of the child:

Provided that the High Court may at any time for good cause enlarge the period within which an application may be made under this section.

4 Court may refuse to issue summons

It shall be lawful for a court, on any application for a summons under this Act, to refuse to issue the summons if it is not satisfied that there is reasonable cause to believe that the man alleged to be the father of the child is the father of the child and that the application is made *bona fide* and not for any purpose of intimidation or extortion.

5 Powers of court on hearing of complaint

- (1) On the hearing of the complaint, the court shall hear the evidence of the complainant and such other evidence as may be produced in support, and shall also hear any evidence tendered by or on behalf

of the defendant.

- (2) If the evidence of the complainant is corroborated in some material particular by other evidence to the satisfaction of the court, it may adjudge the defendant to be the putative father of the child, and may also, if it sees fit in all the circumstances of the case, proceed to make against the putative father an order for the payment by him:
 - (a) of such periodical payment as the court, having regard to his means, considers reasonable, for the maintenance and education of the child;
 - (b) the expenses incidental to the birth of the child;
 - (c) the funeral expenses of the child if it has died before the making of the order; and
 - (d) such costs as may have been incurred in obtaining the order.
- (3) If the application is made before or within two months after the birth of the child, such periodical payments may, if the court thinks fit, be calculated from the date of the birth.
- (4) The court, if it thinks fit, may, in lieu of periodical payments, order that a lump sum in such amount as the court, having regard to all the circumstances of the case, including the means of the putative father, considers reasonable, be paid into court and that such sum shall be expended on the maintenance of the child in such manner as the court may direct.
- (5) The court may also order that a portion of the periodical payments or of any lump sum awarded shall be expended on the education of the child in such school as it may nominate.
- (6) The court, on the hearing of the complaint, may, if the complaint is dismissed, order that the complainant pay to the person alleged to be the father the reasonable costs incurred by him in defending the proceedings.

6 Money to be paid to mother or custodian

- (1) Subject to the provisions of this Act, the person entitled to any

payments to be made under an affiliation order shall be the child's mother, and the order shall make provision accordingly.

- (2) An affiliation order may, on the application of a custodian, be made or varied by a court so as to entitle the custodian to any payments to be made under the order.
- (3) A court when making or varying an affiliation order may order that the money shall be paid into court and then paid to the mother or any custodian entitled thereto in such manner and subject to such conditions as it may direct.
- (4) Any custodian entitled to receive moneys under an affiliation order shall have the same power to recover the same as the mother would have had if the moneys had been payable to her.

7 Duration of order

Subject to the provisions of this Act, an affiliation order shall not, except for the purpose of recovering money previously due under the order, be of any force or validity after the child has attained the age of sixteen years or has died:

Provided that after the child has attained the age of thirteen years, the court may order that an affiliation order may cease to be of any force or validity if it is satisfied that the child is in receipt of income sufficient to maintain himself.

8 Extension of order

Notwithstanding the provisions of section 7, a court may at the time of making an affiliation order, on being satisfied that:

- (a) a child is or will be receiving instruction at an educational institution or undergoing training for a trade, profession or vocation or would if sufficient provision is made receive such instruction or undergo such training or vocation (irrespective of whether the child at the time is or may at some time after the making of the order engage in gainful employment); or
- (b) special circumstances justify or warrant the making of provision for his maintenance,

make order under section 5(2)(a) in favour of a child:

- (i) who has attained the age of sixteen years; or
- (ii) where the child has not attained the age of sixteen years,

extending the payment of benefits beyond the prescribed age of sixteen years.

9 Appointment of custodian and provisions relating to custody

- (1) A court may, at the time of making an affiliation order or thereafter, on being satisfied that:
 - (a) the mother of the child is not a fit and proper person to have custody of the child; or
 - (b) the mother has died or become of unsound mind or is in prison,appoint some person other than the mother to have custody of the child.
- (2) The appointment of a custodian may be made on the application of a social welfare officer or of the Provincial Secretary or any other public officer appointed by him in that behalf, or of the putative father, or of the mother if she is alive, and such appointment may be revoked and another person appointed to have custody of the child.
- (3) When making an order as to custody under this section, the court may order the child to be delivered by the person in whose custody the child is to the person entitled to the custody.
- (4) If a child in respect of whom an affiliation order has been made or is sought is wrongfully taken out of the custody of its mother or custodian, a court may, on the application of the mother or custodian, make an order that the child be returned to such custody as aforesaid, and any person who fails to comply with such an order shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for three months, or to both such fine and such imprisonment.

10 Variation of order

A court having jurisdiction in the place in which an affiliation order has been made may, on the application of the mother, or any custodian entitled to payments under such order, or the putative father, after enquiring into the circumstances, make an order either increasing or decreasing the amount previously ordered to be paid by the putative father.

PART III SEPARATION AND MAINTENANCE

11 Married woman may apply for order

Any married woman whose husband:

- (a) has been convicted of an offence against her person under the provisions of Parts XXIII or XXV of the *Penal Code* and sentenced to pay a fine of more than ten penalty units or to a term of imprisonment exceeding two months; or
- (b) is an habitual drunkard; or
- (c) has been guilty of adultery, and such adultery has not been condoned or connived at or been condoned to by her wilful neglect or misconduct; or
- (d) has deserted her; or
- (e) has been guilty of persistent cruelty to her or her children; or
- (f) has been guilty of wilful neglect to provide reasonable maintenance for her or her infant children whom he is legally liable to maintain; or
- (g) whilst suffering from venereal disease and knowing that he was so suffering has insisted on having sexual intercourse with her; or
- (h) has compelled her to submit to prostitution or has been guilty of such conduct as was likely to result and has resulted in her submitting herself to prostitution,

may apply to the court for an order or orders under the provisions of

6

this Part:

Provided that when a married woman is entitled to apply for an order or orders under the provisions of this section on the grounds of the conviction of her husband in the High Court, a certificate of such conviction under the hand of the Registrar of the High Court sealed with the seal of the High Court may be put in evidence before a court hearing an application under the provisions of this Part and such certificate shall be evidence of the facts therein stated.

12 Husband may apply for order

The husband of every married woman who:

- (a) has been convicted of an offence against his person under the provisions of Parts XXIII or XXV of the *Penal Code* and sentenced to pay a fine of more than ten penalty units or to a term of imprisonment exceeding two months; or
- (b) is a habitual drunkard; or
- (c) has been guilty of adultery, and such adultery has not been condoned or connived at or been condoned to by his wilful neglect or misconduct; or
- (d) has deserted him; or
- (e) has been guilty of persistent cruelty to him or his children; or
- (f) whilst suffering from venereal disease and knowing that she was so suffering has insisted on having sexual intercourse with him; or
- (g) has compelled him to submit to prostitution or has been guilty of such conduct as was likely to result and has resulted in him submitting himself to prostitution,

may apply to the court for an order or orders under the provisions of this Part:

Provided that when a husband is entitled to apply for an order or orders under the provisions of this section on the grounds of the conviction of his wife in the High Court, a certificate of such conviction

under the hand of the Registrar of the High Court sealed with the seal of the High Court may be put in evidence before a court hearing an application under the provisions of this Part and such certificate shall be evidence of the facts therein stated.

13 Powers of court

- (1) On any application under sections 11 or 12, the court may make one or more orders containing all or any of the following provisions:
 - (a) that the applicant be no longer bound to cohabit with her husband, or, as the case may be, that the applicant be no longer bound to cohabit with his wife (which provision while in force shall have the effect of a decree of judicial separation on the ground of cruelty);
 - (b) that the legal custody of any children of the marriage be committed to the husband, or to his wife, and, where such a provision is made, such provision also as the court thinks fit for access to those children by the husband or wife, as the case may be;
 - (c) that the husband shall pay to his wife, or to the court or any third person on her behalf, such periodical payments and for such term as the court, having regard to the means both of the husband and his wife, considers reasonable;
 - (d) that the husband shall pay to his wife or to the court or any third person on her behalf in addition to or in lieu of periodical payments, such lump sum as the court, having regard to the means both of the husband and his wife, considers reasonable in final settlement;
 - (e) that the husband shall pay to his wife, or to the court or to any third person on her behalf for the benefit of a child of the family to whom the application relates, or to such a child, such periodical payments and for such term as the court, having regard to the means both of the husband and his wife, considers reasonable for the maintenance of each child of the marriage committed to her custody under paragraph (b);
 - (f) that the husband shall pay to his wife or to the court or to any

third person on her behalf for the benefit of a child of the family to whom the application relates, or to such a child, such lump sum as the court, having regard to the means of the husband and his wife considers reasonable;

(g) a provision for payment by the husband or his wife, or both of them, of such reasonable costs of the parties or either of them as the court may think fit.

(2) Without prejudice to the generality of subsection (1)(d) or (f), 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 child of the family to whom the application relates, before the making of the order to be met.

14 Duration of orders for financial provision for a party to a marriage

(1) The term to be specified in any order made under section 13(1)(c) 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 13(1)(c) 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.

15 Duration of orders for financial provision for children

(1) Subject to subsection (3), no order shall be made under section 13(1)(e) or (f) in favour of a child who has attained the age of sixteen.

(2) The term to be specified in an order made under section 13(1)(e) in favour of a child may begin with the date of the making of an application for the order in question or any later date but shall not in any event, subject to subsection (3), extend beyond the date of the child's sixteenth birthday.

(3) The court:

- (a) may make an order under section 13(1)(e) or (f) in favour of a child who has attained the age of sixteen, or
- (b) may include in an order made under section 13(1)(e) or (f) in relation to a child who has not attained the age of sixteen, 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, receiving instruction at an educational institution or undergoing training for a trade, profession or vocation, or would if sufficient provision is made receive such instruction or undergo such training or vocation (irrespective of whether the child at the time is or may at some time after making of the order engage in gainful employment); or

- (ii) that special circumstances justify or warrant the making of the order or provision.

- (4) An order made under section 13(1)(e) 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.

16 Limitation of powers of court

- (1) On any application made either by a wife on the ground of the adultery of her husband or by a husband on the ground of the adultery of his wife, the court shall not make an order unless it is satisfied that the applicant has not condoned or connived at, or by her or his wilful neglect or misconduct conducted to, the adultery, and that the application is not made or prosecuted in collusion with the other party to the marriage or any person with whom it is alleged that adultery has been committed.
- (2) No order made under this Part shall be enforceable and no liability shall accrue under any such order whilst the spouse in favour of whom the order was made resides with the spouse against whom the

order was made, and any such order shall cease to have effect if for a period of nine months after it was made the spouses continue to reside together, and any such order shall also cease to have effect when the spouses having lived apart after such order has been made resume cohabitation.

17 Court may vary or discharge order

- (1) A court having jurisdiction in the place in which an order under this Part has been made may, upon the application of either spouse and upon cause being shown upon evidence of a change in circumstances not occasioned by the default or neglect of the applicant, to the satisfaction of the court, at any time alter, vary or discharge any such order and may upon any such application from time to time increase or diminish the amount of any periodical payment ordered to be made.
- (2) If any married woman upon whose application an order shall have been made under the provisions of this Part shall commit an act of adultery such order shall on proof thereof beyond all reasonable doubt be discharged:

Provided that the court may, if it thinks fit:

- (a) refuse to discharge the order if in the opinion of the court such act of adultery was conducted to by the failure of the husband to make such payments as in the opinion of the court he was able to make under the order; and
 - (b) in the event of the order being discharged, make a new order that the legal custody of the children of the marriage shall be or continue to be committed to the husband or wife and that the husband shall pay to the wife or to any officer of the court or third person on her behalf such periodical payment as the court, having regard to the means both of the applicant and his wife, considers reasonable for the maintenance of each such child committed to the custody of the wife until the child attains the age of sixteen years.
- (3) In making an order under the provisions of paragraph (b) of the proviso to subsection (2), the court shall have regard primarily to the interests of the children of the marriage and provision may be made

in any such order for access to the children by the husband or wife, as the case may be.

18 Court may refuse to make order in cases more fit for High Court

If in the opinion of the court the matters in question between the parties or any of them would be more conveniently dealt with by the High Court, the court may refuse to make an order under this Part, and in such case no appeal shall lie from the decision of the court:

Provided that the High Court shall have power by order in any proceeding in the High Court relating to or comprising the same subject matter as the application so refused as aforesaid, or any part thereof, to direct the subordinate court concerned to re-hear and determine the same.

19 Interim orders

- (1) Where an application is made for an order under sections 9 or 13:
- (a) the magistrate's court at any time before making a final order on, or dismissing or refusing the application by virtue of section 18, or
 - (b) the High Court on ordering the application to be reheard by a magistrate's court (either after the refusal of an order under section 18 or on appeal against any order made by a magistrate's court under this Act),

shall, subject to the provisions of this Part, have the following powers, that is to say:

- (i) power to make an order (hereinafter referred to as an ***"interim maintenance order"***) which requires the respondent to make to the applicant or to any child of the family who is under sixteen or to the applicant for the benefit of such a child, such periodical payments as the court thinks reasonable;
- (ii) power to make an order (hereinafter referred to as an ***"interim custody order"***) which makes any such

provision for the legal custody of, and access to, any child of the family who is under the age of sixteen, as the court has power to make under sections 9 or 13(1)(b).

- (2) An interim order made on an application for an order under sections 9 or 13 shall cease to have effect on whichever of the following dates occur first, that is to say:
 - (a) the date, if any, specified for the purpose in the interim order;
 - (b) the date of the expiration of the period of three months beginning with the date of the making of the interim order;
 - (c) the date on which a magistrate's court either makes a final order on or dismisses the application.
- (3) No appeal shall lie from the making of or refusal to make, the variation of or refusal to vary, or the revocation of or refusal to revoke, an interim maintenance order.
- (4) An interim order made by the High Court under this section ordering that an application be reheard by a magistrate's court shall, for the purpose of its enforcement and the purposes of section 17 be treated as if it were an order of that magistrate's court and not of the High Court.

20 Compellable witnesses

In all proceedings under this Part, the husband and wife shall be competent and compellable to give evidence on his or her own behalf and for or against the other.

PART IV GENERAL

21 Maintenance orders against parents

- (1) Any person who, not being a parent of any child, lawfully maintains that child, may apply to a court for an order under subsection (2).
- (2) On any application under subsection (1) the court may order that for so long as the applicant shall maintain the child either or both parents of the child shall pay to the applicant such monthly or weekly sum as

the court, having regard to the means of the parent or parents and all the circumstances of the case, considers reasonable.

- (3) No order under subsection (2) shall be made against any man unless he is the legitimate father or has been lawfully adjudged to be the putative father of the child.
- (4) An order made under subsection (2) may at any time be reviewed by the court which made it or by the High Court.
- (5) Section 7 shall apply *mutatis mutandis* to an order under subsection (2) as it applies to an affiliation order.
- (6) For the purposes of subsection (2) “**parents**” means the natural father and natural mother of a child except where the child has been adopted, in which case it shall mean the adopted father and adopted mother of the child:

Provided that no child adopted only in accordance with current customary usage (within the meaning of the definition of that expression in section 2 of the *Land and Titles Act*) shall be held to be adopted for the purposes of this section, unless that adoption has been registered with the Magistrate.

22 Powers of the court to make orders protecting a party to a marriage or a child of the family

- (1) Either party to a marriage may, whether or not an application is made by that party for an order under section 13, apply to a magistrate’s court for an order under this section.
- (2) Where on an application for an order under this section the court is satisfied that the respondent has used, or threatened to use, violence against the person of the applicant or a child of the family and that it is necessary for the protection of the applicant or a child of the family that an order should be made under this subsection, the court may make one or both of the following orders, that is to say:
 - (a) an order that the respondent shall not use, or threaten to use, violence against the person of the applicant;
 - (b) an order that the respondent shall not use, or threaten to use,

violence against the person of a child of the family.

- (3) Where on an application for an order under this section the court is satisfied:
- (a) that the respondent has used violence against the person of the applicant or a child of the family, or
 - (b) that the respondent has threatened to use violence against the person of the applicant or a child of the family and has used violence against some other person; or
 - (c) that the respondent has in contravention of an order made under subsection (2) threatened to use violence against the person of the applicant or a child of the family,

and that the applicant or a child of the family is in danger of being physically injured by the respondent (or would be in such danger if the applicant or child were to enter the matrimonial home) the court may make one or both of the following orders that is to say:

- (i) an order requiring the respondent to leave the matrimonial home;
 - (ii) an order prohibiting the respondent from entering the matrimonial home.
- (4) Where the court makes an order under subsection (3), the court may, if it thinks fit, make a further order requiring the respondent to permit the applicant to enter and remain in the matrimonial home.
- (5) Where on an application for an order under this section the court is satisfied that there is imminent danger of physical injury to the applicant or a child of the family, the court may make an order under subsection (2) notwithstanding:
- (a) that the summons has not been served on the respondent or has not been served on the respondent within a reasonable time before the hearing of the application; or
 - (b) that the summons requires that respondent to appear at some other time or place, and any order made by virtue of this

subsection is in this section referred to as an “expedited order”.

- (6) An expedited order shall not take effect until the date on which notice of the making of the order is served on the respondent in such manner as may be prescribed or, if the court specifies a later date as the date on which the order is to take effect, that later date, and an expedited order shall cease to have effect on whichever of the following dates occur first, that is to say:
 - (a) the date of the expiration of the period of 28 days beginning with the date of the making of the order;
 - (b) the date of commencement of the hearing of the application for an order under this section.
- (7) An order under this section may be made subject to such exceptions or conditions as may be specified in the order and, subject in the case of an expedited order, to subsection (6), may be made for such term as may be so specified.
- (8) The court in making an order under subsection (2)(a) or (b) may include provision that the respondent shall not incite or assist any other person to use, or threaten to use, violence against the person of the applicant or, as the case may be, the child of the family.

23 Supplementary provisions

- (1) A magistrate’s court shall, on an application made by either party to the marriage in question, have power by order to vary or revoke any order made under section 22.
- (2) Rules may be made for the purpose of giving effect to the provisions of section 22 and any such rules may in particular, but without prejudice to the generality of this subsection, make provision for the hearing without delay of any application for an order under subsection (3) of that section.
- (3) Except so far as the exercise by the respondent of a right to occupy the matrimonial home is suspended or restricted by virtue of an order made under subsection (3) of section 22, an order made under that section shall not affect any estate or interest in the matrimonial home of the respondent or any other person.

24 Powers of arrest for breach of section 22 order

- (1) Where a magistrate's court makes an order under section 22 which provides that the respondent:
 - (a) shall not use violence against the person of the applicant, or
 - (b) shall not use violence against a child of the family, or
 - (c) shall not enter the matrimonial home,the court may, if it is satisfied that the respondent has physically injured the applicant or a child of the family and considers that he is likely to do so again attach a power of arrest to the order.
- (2) Where by virtue of subsection (1) a power of arrest is attached to an order, a constable may arrest without warrant a person whom he has reasonable cause for suspecting of being in breach of any such provision of the order as is mentioned in paragraphs (a), (b) or (c) of subsection (1) by reason of that person's use of violence or, as the case may be, his entry into the matrimonial home.
- (3) Where a power of arrest is attached to an order under subsection (1) and the respondent is arrested under subsection (2):
 - (a) he shall be brought before a magistrate within a period of 24 hours beginning at the time of his arrest, and
 - (b) the magistrate before whom he is brought may remand him.
- (4) Where a court has made an order under section 22 but has not attached to the order a power of arrest under subsection (1), then if at any time the applicant for that order considers that the other party to the marriage in question has disobeyed the order, he may apply for the issue of a warrant for the arrest of that other party to a magistrate in the district in which either party to the marriage ordinarily resides; but a magistrate shall not issue a warrant on such an application unless:
 - (a) the application is substantiated on oath, and
 - (b) the magistrate has reasonable grounds for believing that the other party to the marriage has disobeyed that order.

- (5) The magistrate's court before whom any person is brought by virtue of a warrant issued under subsection (4) may remand him.

25 Procedure

- (1) The Chief Justice may make Rules of Court under this Act for all or any of the following purposes:
- (a) for regulating the practice and procedure of Magistrates' Courts in the exercise of their jurisdiction under this Act;
 - (b) for regulating the forms to be used and all matters connected therewith;
 - (c) generally for the better carrying into effect of the provisions, objects and intentions of this Act.
- (2) All applications under this Act shall be made and dealt with and all orders shall be enforced in accordance with the Rules of Court, if any, made by the Chief Justice under subsection (1) and in the event of there being no such rules in effect or no provision in such rules to meet any particular circumstances arising in any application before the court, the court and the parties shall deal with the application in accordance with the provisions of the Magistrates' Courts' (Civil Procedure) Rules.

26 Attachment of pension or income to satisfy order

- (1) Where an order has been made against any person under this Act, and there is payable to him any pension or income, including wages, which is capable of being attached, the court which made the order may:
- (a) after giving the person an opportunity of being heard; and
 - (b) on being satisfied that the person has without reasonable cause failed to make any payments which he is required by the order to make,

order the pension or income to be attached as to the periodical payment payable under the order, or as to any lesser amount as to the court may seem reasonable, and the amount attached to be paid

to the person named by the court:

Provided that the court may also exercise its power under this subsection where the person against whom the order has been made is present in court and consents or is not present in court but has given his consent in writing signed by him to the attachment of his pension or income as to the periodical amount payable under the said order or as to any lesser amount notwithstanding that he has not at the time of giving his consent as aforesaid failed to make any payment which he is required by the order to make.

- (2) An order under this section shall be an authority to the person by whom the pension or income is payable to make the payment (and any deduction from wages such payment may entail) in accordance with the order, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to the payer.

27 Enforcement of order

Any sum ordered to be paid under any order made under this Act shall be a civil debt recoverable summarily.

28 Notice of change of address

Any person for the time being under an obligation to make payments (including costs) under an order made under this Act shall give notice to the clerk of the court by which the order was made of any change of address within seven days of such change and any person failing to give such notice without reasonable excuse shall be guilty of an offence and liable to a fine of two hundred penalty units.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 1 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

2

LIST OF LEGISLATION

Affiliation, Separation and Maintenance Act (Cap. 1)

<i>Constituent legislation:</i>	8 of 1971 (Commenced 1 November 1971)
	6 of 1973
	8 of 1974
	LN 88 of 1978
	13 of 1992

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

Legislation Amendment, Repeal and Validation Act 2023 (No. 17 of 2023)

Assent date	29 December 2023
Gazetted	29 December 2023
Commenced	5 February 2024

3

LIST OF AMENDMENTS

s 9	amd by Act No 14 of 2009
s 11	amd by Act No 14 of 2009
s 12	amd by Acts No 14 of 2009; No. 17 of 2023
s 13	amd by Act No. 17 of 2023

s 19	amd by Act No. 17 of 2023
s 25	amd by Act No. 17 of 2023
s 28	amd by Act No 14 of 2009