

No. 26—1942.

Affiliation (Amendment).

AN ORDINANCE to amend the Affiliation Ordinance,
Ch. 5. No. 14.

[5th December, 1942.]

Commencement.

1. This Ordinance may be cited as the Affiliation (Amendment) Ordinance, 1942, and shall be read and construed as one with the Affiliation Ordinance, hereinafter referred to as the Principal Ordinance.

Short title and construction.

Ch. 5. No. 14.

2. Section 2 of the Principal Ordinance is hereby amended by substituting the following for the definition of "single woman" therein:—

Section 2 of the Principal Ordinance amended.

"single woman" includes a widow and also a married woman living apart from her husband."

3. Section 5 of the Principal Ordinance is hereby repealed and replaced by the following section:—

Section 5 of the Principal Ordinance repealed and replaced.

Order of maintenance.

5. (1) After the birth of such child, on the appearance of the person so summoned, or on proof that the summons was duly served on such person or left at his last place of abode seven days or more before the hearing, a Magistrate of the district in which the summons was issued shall hear the evidence of such woman and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and, if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the Magistrate, he may adjudge the person summoned to be the putative father of the child, and the Magistrate may also, if he sees fit, having regard to all the circumstances of the case, proceed to make an order on the putative father for the payment to the mother of the child or to any person who may be appointed to have the custody of the child under the provisions of this Ordinance of a sum of

money weekly not exceeding two dollars a week for the maintenance and education of the child, and of the expenses incidental to the birth of the child, and of the funeral expenses of the child if it has died before the making of such order, and of such costs as may have been incurred in obtaining such order; and if the application be made before the birth of the child or within two months after the birth of the child, such weekly sum may, if the Magistrate thinks fit, be calculated from the birth of the child.

(2) If at any time after the expiration of one month from the making of such order as aforesaid, it shall be made to appear to a Magistrate or Justice of the district in which the order was made upon oath that any sum to be paid in pursuance of such order has not been paid, the Magistrate or Justice may, by warrant under his hand, cause the putative father to be brought before a Magistrate, and in case such putative father neglect or refuse to make payment of the sums due from him under such order, or since any commitment for disobedience to such order as hereinafter provided, together with the costs attending such warrant, apprehension, and bringing up of such putative father, the Magistrate may, by warrant under his hand, direct the sum so appearing to be due, together with such costs, to be recovered by distress and sale of the goods and chattels of such putative father, and may order such putative father to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he gives sufficient security by way of recognizance or otherwise to the satisfaction of such Magistrate for his appearance before a Magistrate on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security.

(3) If upon the return of such warrant, or if by the admission of the putative father, it appear that no sufficient distress can be had, then the Magistrate may, if he sees fit, by warrant under his hand, cause such putative father to be committed to prison, there to remain without bail for any term not exceeding three months, unless such sum or costs and all reasonable charges attending the said distress, together with the costs and charges attending the commitment and conveying to prison and of the persons employed to convey him thither be sooner paid and satisfied.

(4) Notwithstanding the preceding provisions of this section, on an application for the enforcement of the payment of any sum payable in pursuance of an order under this section, the Magistrate shall make enquiries in the presence of the putative father as to whether his failure to pay that sum was due either to his wilful refusal or to his culpable neglect, and if the Magistrate is of opinion that the failure of the defendant to pay that sum was not due either to his wilful refusal or to his culpable neglect, a warrant of commitment to prison shall not be issued.

(5) Any order made under this section (including this subsection) may be revoked, revived, or varied by a subsequent order of a Magistrate, but so that in no case shall the amount ordered to be paid exceed two dollars per week.

(6) On an application for the enforcement, variation, revocation, discharge or revival of an order made under this section, the Magistrate may remit the payment of any sum due thereunder or of any part of any such sum.

(7) Where on application for the enforcement of the payment of a sum payable in pursuance of an order made under this section no warrant of commitment to prison is issued, the application may be renewed, except so far as regards any part of that sum remitted under the last foregoing subsection, on the ground that the circumstances of the person to whom the application relates have changed.

Section 8 of
the Principal
Ordinance
amended.

4. Subsection (2) of section 8 of the Principal Ordinance is hereby deleted and the following subsection substituted therefor :—

(2) The appointment of a custodian under the provisions of the preceding subsection may be made on the application of an inspector of poor relief, or of the putative father, or of the mother when she is alive, or of any person having the lawful custody of the child, and such appointment may be revoked and another person appointed to have custody of the child.

New section
14 of the
Principal
Ordinance.

5. (1) The Principal Ordinance is hereby further amended by the addition of a new section 14 at the end thereof as follows :—

Application of
the Ordinance
to orders made
under previous
Ordinances.
Cap.65 of 1925,
Revised
Edition.
No.11. of 1939

14. This Ordinance shall apply in relation to any order in force at the commencement of this Ordinance and made under the Bastardy Ordinance as from time to time amended or under the Affiliation Ordinance, 1939, as though that order had been made under the corresponding provisions of this Ordinance.

(2) This section shall be deemed to have come into force on the 25th of May, 1939.

6. The Schedule to the Principal Ordinance is hereby repealed and replaced by the following Schedule :—

The Schedule to the Principal Ordinance repealed and replaced.

SCHEDULE.

(Section 13.)

FORM.

TRINIDAD AND TOBAGO.

THE AFFILIATION ORDINANCE.

WARRANT OF APPREHENSION FOR DISOBEDIENCE OF ORDER.

To all Constables :

Whereas it has been made to appear to me..... Magistrate Justice for the County of....., on the oath of.....(hereinafter called the complainant) that by an order duly made on.....19....., of.....(hereinafter called the defendant) was adjudged to be the putative father of an illegitimate child of which.....was the mother and was ordered to pay.....and that the payments directed to be made by the said order have not been made according thereto by the defendant and that there is now in arrear the sum of..... being the amount due for.....

This is therefore to command you to apprehend the said.....and bring him before a Magistrate unless the said sum (or sums) and the costs and charges of executing this warrant amounting to the further sum of.....shall be sooner paid.

And for your so doing this shall be your sufficient warrant.

Dated this.....day of.....19.....

(Magistrate) Justice.