



# Child Maintenance and Other Payments Act 2008

## 2008 CHAPTER 6

### PART 3

#### CHILD SUPPORT ETC.

##### *Collection and enforcement*

PROSPECTIVE

#### 25 Administrative liability orders

After section 32L of the Child Support Act 1991 (c. 48) (inserted by section 24 of this Act) insert—

##### **“32M Liability orders**

- (1) If it appears to the [<sup>F1</sup>Secretary of State] that a person has failed to pay an amount of child support maintenance, [<sup>F2</sup>the Secretary of State] may make an order against the person in respect of that amount.
- (2) An order under subsection (1) (a “liability order”) may be made in respect of an amount due under a maintenance calculation which is the subject of an appeal only if it appears to the [<sup>F3</sup>Secretary of State]—
  - (a) that liability for the amount would not be affected were the appeal to succeed, or
  - (b) where paragraph (a) does not apply, that the making of a liability order in respect of the amount would nonetheless be fair in all the circumstances.
- (3) A liability order shall not come into force before—

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Section 25. (See end of Document for details)*

- (a) the end of the period during which an appeal can be brought under section 20 against the making of the order, and
  - (b) if an appeal is brought under section 20, the time at which proceedings on the appeal (including any proceedings on a further appeal) have been concluded and any period during which a further appeal may ordinarily be brought has ended.
- (4) Where regulations have been made under section 29(3)(a), a person liable to pay an amount of child support maintenance is to be taken for the purposes of this section to have failed to pay the amount, unless it is paid to or through the person specified in, or by virtue of, the regulations for the case in question.

### **32N Regulations about liability orders**

- (1) The Secretary of State may by regulations make provision with respect to liability orders.
- (2) Regulations under subsection (1) may, in particular—
  - (a) make provision about the form and content of a liability order;
  - (b) make provision for a liability order not to come into force if, before it does so, the whole of the amount in respect of which it is made is paid;
  - (c) make provision for the discharge of a liability order;
  - (d) make provision for the revival of a liability order in prescribed circumstances.”

#### **Textual Amendments**

- F1** Words in s. 25 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 79(2)**
- F2** Words in s. 25 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 79(2)**
- F3** Words in s. 25 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 79(3)**

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Section 25.