



2008 CHAPTER 10

PART 2

CHILD SUPPORT ETC.

Collection and enforcement

Administrative liability orders

17. After Article 32L of the Child Support Order (inserted by section 16) insert—

“Liability orders

32M.—(1) If it appears to the Department that a person has failed to pay an amount of child support maintenance, it may make an order against the person in respect of that amount.

(2) An order under paragraph (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 Department—

- (a) that liability for the amount would not be affected were the appeal to succeed, or
- (b) where sub-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—

- (a) the end of the period during which an appeal can be brought under Article 22 against the making of the order, and

(b) if an appeal is brought under Article 22, 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 Article 29(3)(a), a person liable to pay an amount of child support maintenance is to be taken for the purposes of this Article 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.

Regulations about liability orders

32N.—(1) The Department may by regulations make provision with respect to liability orders.

(2) Regulations under paragraph (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.”