

## SCHEDULES

### SCHEDULE 3

#### CRIMINAL PROCEEDINGS: ENFORCEMENT OF CONTRIBUTION ORDERS

##### PART I

##### ORDERS MADE BY A COURT

##### *Enforcement proceedings*

- 2 (1) Any sum required to be paid by a contribution order shall be recoverable as if it had been adjudged to be paid by an order of the collecting court, subject to and in accordance with the provisions of this paragraph.
- (2) Sections 17 (not more than one committal for same arrears) and 18 (power to review committal) of the Maintenance Orders Act 1958 shall apply as if a contribution order were a maintenance order.
- (3) The collecting court may exercise, in relation to a contribution order, the power conferred by section 75 of the Magistrates' Courts Act 1980 (power to dispense with immediate payment); and for the purposes of that section any provisions made by the authority which made the order as to time for payment, or payment by instalments, shall be treated as made by the collecting court.
- (4) The following provisions of the Magistrates' Courts Act 1980 shall apply as if a contribution order were enforceable as an affiliation order—  
section 80 (application of money found on defaulter to satisfy sum adjudged);  
section 93 (complaint for arrears);  
section 94 (effect of committal on arrears); and  
section 95 (power to remit arrears).
- (5) Any costs awarded under section 64 of the Magistrates' Courts Act 1980 on the hearing of a complaint for the enforcement of a contribution order shall be enforceable as a sum required to be paid by that order.
- 3 (1) Without prejudice to paragraph 2, any sum required to be paid by a contribution order shall be enforceable by the High Court or a county court as if the sum were due to the clerk of the collecting court in pursuance of a judgment or order of the High Court or county court, as the case may be.
- (2) The clerk of the collecting court shall not take proceedings by virtue of this paragraph unless authorised to do so by the court.
- (3) This paragraph shall not authorise—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the enforcement of a sum required to be paid by a contribution order by issue of a writ of fieri facias or other process against goods or by imprisonment or attachment of earnings; or
  - (b) the enforcement by a county court of payment of any sum exceeding the amount which for the time being is the county court limit for the purposes of section 15 of the County Courts Act 1984.
- 4 (1) Any expenses incurred by the clerk of a magistrates' court in recovering any sum required to be paid by a contribution order shall be treated for the purposes of Part VI of the Justices of the Peace Act 1979 as expenses of the magistrates' courts committee.
- (2) Any sum paid to a clerk of a magistrates' court in or towards satisfaction of a liability imposed by a contribution order shall be paid by him to the Lord Chancellor and section 61(4) of the Justices of the Peace Act 1979 (regulations as to accounts of justices' clerks) shall apply in relation to sums payable to the Lord Chancellor under this sub-paragraph as it applies in relation to sums payable to the Secretary of State under that section.