SCHEDULES

SCHEDULE 5

Section 51

SECTION 51: CONSEQUENTIAL AMENDMENTS ETC.

Child Support Act 1991 (c. 48)

1 The Child Support Act 1991 is amended as follows.

2 In section 39B (disqualification for holding or obtaining travel authorisation), in the title, after "**obtaining**" insert "**driving licence or**".

3 (1) Section 39C (period for which orders under section 39B are to have effect) is amended as follows.

(2) In subsection (2)—

(a) for "an order under section 39B, the court" substitute "a disqualification order, the Commission", and

(b) for "as the court" substitute "as the Commission".

(3) In subsection (3)—

(a) for "such an order the court" substitute "a disqualification order, the Commission", and

(b) for "as the court" substitute "as the Commission".

(4) In subsection (4)—

(a) for "court" (in both places) substitute "Commission", and

(b) in paragraph (a), for "the order under section 39B" substitute "the disqualification order".

(5) In subsection (5)—

(a) for "application under section 39B" substitute "disqualification order", and

(b) for "an order under that section" substitute "a previous disqualification order".

(6) In the title, for "**orders under section 39B**" substitute "**disqualification orders**".

4 In section 39D (power to order search), for subsections (1) and (2) substitute—

"(1) On an appeal under section 39CB the court may order the person against whom the disqualification order was made to be searched.

(2) Any money found on such a search shall, unless the court otherwise directs, be applied towards payment of any amount that would otherwise, on the affirmation or variation of the order, be substituted under section 39CB(8) for the amount specified under section 39B(5); and the balance (if any) shall be returned to the person searched."

5 (1) Section 39E (variation and revocation of orders following payment) is amended as follows.

(2) In subsection (1)—

(a) for "an order under section 39B" substitute "a disqualification order",

(b) for "court" substitute "Commission",

(c) omit "the Commission or", and

(d) in paragraphs (a) and (b), for "the order under section 39B" substitute "the disqualification order".

(3) After that subsection insert—

"(1A) The power conferred by subsection (1) shall be exercisable by the court instead of by the Commission at any time when an appeal brought under section 39CB against the order has not been determined, withdrawn or discontinued."

(4) In subsection (2)—

(a) for "an order under section 39B" substitute "a disqualification order",

(b) for "court" substitute "Commission",

(c) omit "the Commission or", and

(d) for "the order under section 39B" substitute "the disqualification order".

(5) Omit subsections (3) to (5).

6 For section 39F substitute—

"**39F Power to make supplementary provision**

(1) The Secretary of State may by regulations make provision with respect to—

(a) disqualification orders;

(b) appeals against disqualification orders; and

(c) orders under section 39DA.

(2) The regulations may, in particular, make provision—

(a) as to the form and content of a disqualification order;

(b) as to the surrender of documents under section 39CA and their return when the period for which a disqualification order has effect is suspended or has ended;

(c) that a statement in writing to the effect that wages of any amount have been paid to a person during any period, purporting to be signed by or on behalf of the person's employer, shall be evidence (or, in Scotland, sufficient evidence) of the facts stated for the purposes of an appeal under section 39CB;

(d) permitting or requiring the court to dismiss an appeal brought under that section where the person who brought it fails to appear at the hearing;

(e) requiring the court to send notice to the Commission of any order made on an appeal under that section;

(f) as to the exercise by the Commission and the court of the power conferred by section 39E(1);

(g) as to the revival of a disqualification order in such circumstances as may be prescribed;

(h) for sections 39C to 39E to have effect with prescribed modifications in cases where a person against whom a disqualification order has effect is outside the United Kingdom."

7 Omit section 39G (application of sections 39B and 39F to Scotland).

8 Omit section 40B (disqualification for holding or obtaining driving licence).

9 In section 52(2A)(b) (regulations and orders: affirmative resolution procedure), after "under section" insert "39CA(4), 39CB(3)(b),".

Child Maintenance and Other Payments Act 2008 (c. 6)

10 In section 59(5) and (6) of the Child Maintenance and Other Payments Act 2008 (transition), after "39B," insert "39CB,".