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STATUTORY INSTRUMENTS

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**2018 No. 1279**

**The Child Support (Miscellaneous  
Amendments) Regulations 2018**

**PART 5**

**AMENDMENTS RELATING TO PASSPORT DISQUALIFICATION ORDER**

**Amendment of the Child Support (Collection and Enforcement) Regulations 1992**

**5.**—(1) The Child Support (Collection and Enforcement) Regulations 1992<sup>(1)</sup> are amended as follows.

(2) In regulation 26 (extent of this part) substitute “29(2), 35(5) and 35A(5)” for “29(2) and 35(5)”.

(3) After regulation 35, in Part IV (disqualification from driving order) insert—

**“Disqualification for holding or obtaining a United Kingdom passport**

**35A.**—(1) For the purposes of enabling an inquiry to be made under section 39B(4) of the Act as to the liable person’s ability to earn a living, means and conduct, a justice of the peace may issue a summons to the liable person to appear before a magistrates’ court and to produce a United Kingdom passport held by the liable person and, if the person does not appear, may issue a warrant for their arrest.

(2) In any proceedings under section 39B of the Act, a statement in writing to the effect that wages of any amount have been paid to the liable person during any period, signed by or on behalf of the liable person’s employer, is evidence of the facts stated.

(3) Where an application under section 39B of the Act has been made but no disqualification order is made, the application may be renewed on the ground that the circumstances of the liable person have changed.

(4) A disqualification order must be in the form prescribed in Schedule 5.

(5) The amount to be included in the disqualification order under section 39B(8)(b) of the Act in respect of the costs of the application for the disqualification order must be such amount as in the view of the court is equal to the costs reasonably incurred by the Secretary of State in respect of the costs of the application for the disqualification order.

(6) An order made under section 39B(9) of the Act may be executed anywhere in England and Wales by any person to whom it is directed or by any constable acting within the constable’s police area, if the liable person fails to appear or produce or surrender their United Kingdom passport to the court.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(7) An order made under section 39B(9) of the Act may be executed by a constable even if it is not in the constable's possession at the time but the order shall, if demanded, be shown to the liable person as soon as reasonably practicable.

(8) The court shall send to the Secretary of State for the Home Department a United Kingdom passport produced to the court under section 39B(9) of the Act".

(4) After Schedule 4 insert, as Schedule 5, the Schedule set out in the Schedule to these Regulations.

#### **Amendment of the Child Support Fees Regulations 2014**

6.—(1) The Child Support Fees Regulations 2014(2) are amended as follows.

(2) In regulation 13 (collection and enforcement of fees), after paragraph (2)(a) insert—

“(aa) section 39B(disqualification for holding or obtaining travel authorisation)(3);

(ab) section 39G (application of sections 39B and 39F to Scotland);”

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(2) [S.I. 2014/612](#).

(3) Sections 39B and 39G of the 1991 Act were inserted by section 27 of the 2008 Act.