



2008 CHAPTER 10

PART 2

CHILD SUPPORT ETC.

*Collection and enforcement*

**Orders preventing avoidance**

**16.** After Article 32K of the Child Support Order (inserted by section 15) insert—

**“Orders preventing avoidance**

**32L.—**(1) The Department may apply to the court, on the grounds that a person—

- (a) has failed to pay an amount of child support maintenance, and
- (b) with the intention of avoiding payment of child support maintenance, is about to make a disposition or to transfer out of the jurisdiction or otherwise deal with any property,

for an order restraining the person from doing so.

(2) The Department may apply to the court, on the grounds that a person—

- (a) has failed to pay an amount of child support maintenance, and
- (b) with the intention of avoiding payment of child support maintenance, has at any time made a reviewable disposition,

for an order setting aside the disposition.

(3) If the court is satisfied of the grounds mentioned in paragraph (1) or (2) it may make an order under that paragraph.

(4) Where the court makes an order under paragraph (1) or (2) it may make such consequential provision by order or directions as it thinks fit for giving effect to the order (including provision requiring the making of any payments or the disposal of any property).

(5) Any disposition is a reviewable disposition for the purposes of paragraph (2), unless it was made for valuable consideration (other than marriage) to a person who, at the time of the disposition, acted in relation to it in good faith and without notice of an intention to avoid payment of child support maintenance.

(6) Paragraph (7) applies where an application is made under this Article with respect to—

- (a) a disposition or other dealing with property which is about to take place, or
- (b) a disposition which took place after the making of the application on which the maintenance calculation concerned was made.

(7) If the court is satisfied—

- (a) in a case falling within paragraph (1), that the disposition or other dealing would (apart from this Article) have the consequence of making ineffective a step that has been or may be taken to recover the amount outstanding, or
- (b) in a case falling within paragraph (2), that the disposition has had that consequence,

it is to be presumed, unless the contrary is shown, that the person who disposed of or is about to dispose of or deal with the property did so or, as the case may be, is about to do so, with the intention of avoiding payment of child support maintenance.

(8) In this Article “disposition” does not include any provision contained in a will or codicil but, with that exception, includes any conveyance, assurance or gift of property of any description, whether made by an instrument or otherwise.

(9) This Article does not apply to a disposition made before the coming into operation of section 16 of the Child Maintenance Act (Northern Ireland) 2008.

(10) In this Article “the court” means the High Court.”