

*Status: This version of this provision is prospective.*

**Changes to legislation:** Child Maintenance Act (Northern Ireland) 2008, Section 20 is up to date with all changes known to be in force on or before 01 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



## 2008 CHAPTER 10

### PART 2

#### CHILD SUPPORT ETC.

##### *Collection and enforcement*

PROSPECTIVE

#### **Commitment to prison**

**20.—(1)** In Article 37 of the Child Support Order (commitment to prison), before paragraph (3) insert—

“(2A) The Department may apply to the court for the issue of a warrant committing a person to prison where—

- (a) it has sought to recover an amount from the person by virtue of Article 35;
- (b) the whole or any part of the amount remains unpaid; and
- (c) the Department is of the opinion that there has been wilful refusal or culpable neglect on the part of the person from whom it has sought to recover the amount (“the liable person”).

(2B) On an application under paragraph (2A) the court shall (in the presence of the liable person) inquire as to—

- (a) the liable person's means; and
- (b) whether there has been wilful refusal or culpable neglect on the part of the liable person.

**Status:** This version of this provision is prospective.

**Changes to legislation:** Child Maintenance Act (Northern Ireland) 2008, Section 20 is up to date with all changes known to be in force on or before 01 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(2C) On an application under paragraph (2A) the court shall not question—

- (a) the liability order by reference to which the Department acted as mentioned in sub-paragraph (a) of that paragraph; or
- (b) the maintenance calculation by reference to which that liability order was made.”.

(2) For paragraph (10) of that Article, substitute—

“(10) On acting as mentioned in paragraph (3), the court may order the liable person to be searched.

(10A) Any money found on such a search shall, unless the court otherwise directs, be applied towards payment of the relevant amount; and the balance (if any) shall be returned to the person searched.

(10B) The reference in paragraph (10A) to the relevant amount is—

- (a) where the order under paragraph (10) is made by virtue of the court acting under paragraph (3)(a), to the amount mentioned in paragraph (4)(a);
- (b) where the order under paragraph (10) is made by virtue of the court acting under paragraph (3)(b), to the amount mentioned in paragraph (4)(a)(i).

(10C) The court shall not allow the application under paragraph (10A) of money found on a search under paragraph (10) if it is satisfied that the money does not belong to the person searched.”.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

Child Maintenance Act (Northern Ireland) 2008, Section 20 is up to date with all changes known to be in force on or before 01 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SR 2012/440 art. 3 by [S.R. 2014/194 art. 4](#)
- specified provision(s) amendment to earlier commencing SR 2013/201 art. 3 by [S.R. 2014/194 art. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(3) inserted by [S.I. 2015/2006 \(N.I.\) art. 126\(2\)](#)