



# Child Support Act 1991

## 1991 CHAPTER 48

### *Collection and enforcement*

#### 33 Liability orders.

- (1) This section applies where—
- (a) a person who is liable to make payments of child support maintenance (“the liable person”) fails to make one or more of those payments; and
  - (b) it appears to the [F<sup>1</sup>Secretary of State] that—
    - (i) it is inappropriate to make a deduction from earnings order against him (because, for example, he is not employed); or
    - (ii) although such an order has been made against him, it has proved ineffective as a means of securing that payments are made in accordance with the [F<sup>2</sup>maintenance calculation] in question.
- (2) The [F<sup>3</sup>Secretary of State] may apply to a magistrates’ court or, in Scotland, to the sheriff for an order (“a liability order”) against the liable person.
- (3) Where the [F<sup>3</sup>Secretary of State] applies for a liability order, the magistrates’ court or (as the case may be) sheriff shall make the order if satisfied that the payments in question have become payable by the liable person and have not been paid.
- (4) On an application under subsection (2), the court or (as the case may be) the sheriff shall not question the [F<sup>2</sup>maintenance calculation] under which the payments of child support maintenance fell to be made.
- [F<sup>4</sup>(5) If the [F<sup>5</sup>Secretary of State] designates a liability order for the purposes of this subsection it shall be treated as a judgment entered in a county court for the purposes of [F<sup>6</sup>section 98 of the Courts Act 2003 (register of judgments and orders etc)].]
- [F<sup>7</sup>(6) Where regulations have been made under section 29(3)(a)—
- (a) the liable person fails to make a payment (for the purposes of subsection (1) (a) of this section); and
  - (b) a payment is not paid (for the purposes of subsection (3)),

**Changes to legislation:** Child Support Act 1991, Section 33 is up to date with all changes known to be in force on or before 21 March 2024. 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

unless the payment is made to, or through, the person specified in or by virtue of those regulations for the case of the liable person in question.]

#### Textual Amendments

- F1** Words in [s. 33\(1\)\(b\)](#) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 43**
- F2** Words in [Act](#) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000](#) (c. 19), **ss. 1(2)(a), 86(1)(a)(2)** (with [ss. 28, 83\(6\)](#)); S.I. 2003/192, art. 3, Sch.
- F3** Words in [s. 33\(2\)\(3\)](#) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 43**
- F4** S. 33(5) added (4.9.1995) by [Child Support Act 1995](#) (c. 34), s. 30(4), **Sch. 3 para. 10**; S.I. 1995/2302, art. 2, Sch. Pt. 1
- F5** Words in [s. 33\(5\)](#) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 43**
- F6** Words in [s. 33\(5\)](#) substituted (6.4.2006) by [The Courts Act 2003 \(Consequential Amendment\) Order 2006](#) (S.I. 2006/1001), arts. 1(1), **2**
- F7** S. 33(6) inserted (1.1.2001) by [Child Support, Pensions and Social Security Act 2000](#) (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(17)** (with [s. 83\(6\)](#)); S.I. 2000/2994, art. 2(3)

#### Modifications etc. (not altering text)

- C1** S. 33 applied (with modifications) (E.W.) (5.4.1993) by S.I. 1992/2643, **reg.3**
- C2** Ss. 29-41B modified by [The Child Support \(Transitional Provisions\) Regulations 2000](#) (S.I. 2000/3186), **reg. 16(2A)** (as inserted (21.2.2003) by S.I. 2003/328, regs. 1(3)(a), 9(7)(b))

**Changes to legislation:**

Child Support Act 1991, Section 33 is up to date with all changes known to be in force on or before 21 March 2024. 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.

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

- s. 33 repealed by [2008 c. 6 Sch. 8](#)

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

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#)

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

- s. 4(3A)(3B) inserted by [2023 c. 24 s. 1\(2\)](#)
- s. 4(4)(d) and word inserted by [2023 c. 24 s. 1\(3\)\(b\)](#)
- s. 6(2A) inserted by [2008 c. 6 Sch. 3 para. 4\(2\)](#)
- s. 7(4A)(4B) inserted by [2023 c. 24 s. 2\(2\)](#)
- s. 7(5)(d) and word inserted by [2023 c. 24 s. 2\(3\)\(b\)](#)
- s. 9A inserted by [2012 c. 5 s. 138](#)
- s. 9A(1)(2) amendment to earlier affecting provision 2012 c. 5 s. 138 by [S.I. 2012/2007 Sch. para. 107\(2\)](#)
- s. 9A(3) amendment to earlier affecting provision 2012 c. 5 s. 138 by [S.I. 2012/2007 Sch. para. 107\(2\)](#)
- s. 9A(5) amendment to earlier affecting provision 2012 c. 5 s. 138 by [S.I. 2012/2007 Sch. para. 107\(3\)](#)
- s. 9A(6) amendment to earlier affecting provision 2012 c. 5 s. 138 by [S.I. 2012/2007 Sch. para. 107\(4\)](#)
- s. 20(1)(ba) amendment to earlier affecting provision 2008 c. 6 Sch. 7 para. 1(3) by [S.I. 2012/2007 Sch. para. 97\(2\)](#)
- s. 20(1)(ba) inserted by [2008 c. 6 Sch. 7 para. 1\(3\)](#)
- s. 20(2)(aa) inserted by [2008 c. 6 Sch. 7 para. 1\(4\)](#)
- s. 20(3A)(3B) amendment to earlier affecting provision 2012 c. 5 s. Sch. 11 para. 6(2) by [S.I. 2012/2007 Sch. para. 108\(3\)](#)
- s. 20(5A) inserted by [2008 c. 6 Sch. 7 para. 1\(5\)](#)
- s. 20(7A) amendment to earlier affecting provision 2008 c. 6 Sch. 7 para. 1(6) by [S.I. 2012/2007 Sch. para. 97\(3\)](#)
- s. 20(7A) inserted by [2008 c. 6 Sch. 7 para. 1\(6\)](#)
- s. 20(7A) words substituted by [S.I. 2008/2833 Sch. 3 para. 81\(b\)](#)
- s. 30(5A) added by [1995 c. 34 Sch. 3 para. 9](#)
- s. 31(8)(9) substituted for s. 31(8) by [2008 c. 6 s. 21](#)
- s. 32M32N inserted by [2008 c. 6 s. 25](#)
- s. 32M(1) amendment to earlier affecting provision 2008 c. 6 s. 25 by [S.I. 2012/2007 Sch. para. 79\(2\)](#)
- s. 32M(1) substituted by [2023 c. 35 s. 2](#)
- s. 32M(2) amendment to earlier affecting provision 2008 c. 6 s. 25 by [S.I. 2012/2007 Sch. para. 79\(3\)](#)
- s. 32M(3) words substituted by [2023 c. 35 s. 4\(3\)](#)
- s. 32N(2)(ba) inserted by [2023 c. 35 s. 3](#)
- s. 32N(3)-(5) inserted by [2023 c. 35 s. 4\(2\)](#)
- s. 38(1)(aa) inserted by [2007 asp 3 Sch. 5 para. 18\(a\)\(i\)](#)
- s. 38(1)(aa) word substituted by [2008 c. 6 Sch. 3 para. 40\(b\)](#) (This amendment will come into force (a) in relation to Scotland, immediately after 2007 asp 3, Sch. 5 par. 18(a)(i) comes into force, and (b) in relation to England and Wales, immediately after 2007 asp 3, Sch. 5 par. 18(a)(i) extends to England and Wales. See S.I. 2008/2675, art. 2)

-	s. 39B(3)(b)(c) words substituted by <a href="#">2010 c. 40 Sch. para. 7(2)</a>	
-	s. 39C(1)-(1B) substituted for s. 39C(1) by <a href="#">2009 c. 24 s. 51(3)</a>	
-	s. 39E(1A) inserted by <a href="#">2009 c. 24 Sch. 5 para. 5(3)</a>	
-	s. 39F(2)(e) amendment to earlier affecting provision 2009 c. 24 Sch. 5 para. 6 by <a href="#">S.I. 2012/2007 Sch. para. 100(4)</a>	
-	s. 39F(2)(f) amendment to earlier affecting provision 2009 c. 24 Sch. 5 para. 6 by <a href="#">S.I. 2012/2007 Sch. para. 100(4)</a>	
-	s. 39H-39Q inserted by <a href="#">2008 c. 6 s. 28</a>	
-	s. 39H(1) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(2)(a)</a>	
-	s. 39H(2)-(5) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(2)(b)</a>	
-	s. 39K(2) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(3)</a>	
-	s. 39K(4)(5) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(3)</a>	
-	s. 39K(6) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(3)</a>	
-	s. 39M(2)(a) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(4)</a>	
-	s. 39N(1) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(5)</a>	
-	s. 39N(7)(8) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(5)</a>	
-	s. 39P(2)(g) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(6)</a>	
-	s. 39Q(2)(c) amendment to earlier affecting provision 2008 c. 6 s. 28 by <a href="#">S.I. 2012/2007 Sch. para. 81(7)</a>	
-	s. 39CA39CB inserted by <a href="#">2009 c. 24 s. 51(4)</a>	
-	s. 39CA(11) omitted by <a href="#">S.I. 2015/583 Sch. 2 para. 7</a>	
-	s. 39CB(5)(a) amendment to earlier affecting provision 2009 c. 24 s. 51(4) by <a href="#">S.I. 2012/2007 Sch. para. 99(4)(a)</a>	
-	s. 39CB(6)(a) amendment to earlier affecting provision 2009 c. 24 s. 51(4) by <a href="#">S.I. 2012/2007 Sch. para. 99(4)(b)</a>	
-	s. 39DA heading amendment to earlier affecting provision 2009 c. 24 s. 51(5) by <a href="#">S.I. 2012/2007 Sch. para. 99(5)(a)</a>	
-	s. 39DA inserted by <a href="#">2009 c. 24 s. 51(5)</a>	
-	s. 39DA(1) amendment to earlier affecting provision 2009 c. 24 s. 51(5) by <a href="#">S.I. 2012/2007 Sch. para. 99(5)(b)</a>	
-	s. 39DA(2) amendment to earlier affecting provision 2009 c. 24 s. 51(5) by <a href="#">S.I. 2012/2007 Sch. para. 99(5)(c)</a>	
-	s. 39DA(3) amendment to earlier affecting provision 2009 c. 24 s. 51(5) by <a href="#">S.I. 2012/2007 Sch. para. 99(5)(d)</a>	
-	s. 40(2A) amendment to earlier affecting provision 2008 c. 6 s. 29(1) by <a href="#">S.I. 2012/2007 Sch. para. 82(2)(a)</a>	
-	s. 40(2A)-(2D) inserted by <a href="#">2008 c. 6 s. 29(1)</a>	
-	s. 40(2B) amendment to earlier affecting provision 2008 c. 6 s. 29(1) by <a href="#">S.I. 2012/2007 Sch. para. 82(2)(b)</a>	
-	s. 40(2D)(a) amendment to earlier affecting provision 2008 c. 6 s. 29(1) by <a href="#">S.I. 2012/2007 Sch. para. 82(2)(b)</a>	
-	s. 40(10)-(10C) substituted for s. 40(10) by <a href="#">2008 c. 6 s. 29(2)</a>	
-	s. 40A(A1) amendment to earlier affecting provision 2008 c. 6 s. 29(3) by <a href="#">S.I. 2012/2007 Sch. para. 82(3)(a)</a>	
-	s. 40A(A2) amendment to earlier affecting provision 2008 c. 6 s. 29(3) by <a href="#">S.I. 2012/2007 Sch. para. 82(3)(b)</a>	
-	s. 40A(A1)-(A4) inserted by <a href="#">2008 c. 6 s. 29(3)</a>	
-	s. 40A(A4)(a) amendment to earlier affecting provision 2008 c. 6 s. 29(3) by <a href="#">S.I. 2012/2007 Sch. para. 82(3)(b)</a>	

- s. 40A(6)(a) words in s. 40A(6) renumbered as s. 40A(6)(a) by [2008 c. 6 Sch. 7 para. 1\(14\)](#)
- s. 40A(6)(b) inserted by [2008 c. 6 Sch. 7 para. 1\(14\)](#)
- s. 40A(7A)-(7D) inserted by [2008 c. 6 s. 29\(4\)](#)
- s. 40B(A1) amendment to earlier affecting provision 2008 c. 6 s. 30(1) by [S.I. 2012/2007 Sch. para. 83\(2\)](#)
- s. 40B(A3) amendment to earlier affecting provision 2008 c. 6 s. 30(1) by [S.I. 2012/2007 Sch. para. 83\(3\)](#)
- s. 40B(A1)-(1) substituted for heading and s. 40B(1) by [2008 c. 6 s. 30\(1\)](#)
- s. 40B(A5)(a) amendment to earlier affecting provision 2008 c. 6 s. 30(1) by [S.I. 2012/2007 Sch. para. 83\(3\)](#)
- s. 40B(10)-(10C) substituted for s. 40B(10) by [2008 c. 6 s. 30\(2\)](#)
- s. 40B(13) inserted by [2008 c. 6 Sch. 7 para. 1\(18\)](#)
- s. 49A inserted by [2008 c. 6 s. 34](#)
- s. 49A(1) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(2\)](#)
- s. 49A(2)(a) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(3\)](#)
- s. 49A(3) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(4\)](#)
- s. 49A(4) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(5\)](#)
- s. 49A(5)(a) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(6\)](#)
- s. 49A(8)(b) words inserted by [2023 c. 24 s. 3\(4\)](#)
- s. 49A(9)(d) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(6\)](#)
- s. 49A(10)(b) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(6\)](#)
- s. 49A(10)(c) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(6\)](#)
- s. 49B49C inserted by [2008 c. 6 s. 39](#)
- s. 49B(1) amendment to earlier affecting provision 2008 c. 6 s. 39 by [S.I. 2012/2007 Sch. para. 87\(2\)\(a\)](#)
- s. 49B(1) amendment to earlier affecting provision 2008 c. 6 s. 39 by [S.I. 2012/2007 Sch. para. 87\(2\)\(b\)](#)
- s. 49B(2)(c) amendment to earlier affecting provision 2008 c. 6 s. 39 by [S.I. 2012/2007 Sch. para. 87\(3\)](#)
- s. 49B(3)(b) amendment to earlier affecting provision 2008 c. 6 s. 39 by [S.I. 2012/2007 Sch. para. 87\(3\)](#)
- s. 50(5)(da) inserted by [S.I. 2008/2833 Sch. 3 para. 95\(e\)](#)
- s. 52(2A)(aa) inserted by [2023 c. 35 s. 4\(4\)](#)