

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

*Changes to legislation: Child Maintenance and Other Payments Act 2008, Section 30 is up to date with all changes known to be in force on or before 11 February 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*



# Child Maintenance and Other Payments Act 2008

## 2008 CHAPTER 6

### PART 3

#### CHILD SUPPORT ETC.

##### *Collection and enforcement*

PROSPECTIVE

### 30 Disqualification for driving

[<sup>F1</sup>(1) In section 40B of the Child Support Act 1991 (c. 48) (disqualification from driving), for the heading and subsection (1) substitute—

#### **“Disqualification for holding or obtaining driving licence**

(A1) The [<sup>F2</sup>Secretary of State] may apply to the court for an order disqualifying a person for holding or obtaining a driving licence where—

- (a) [<sup>F3</sup>the Secretary of State] has sought to recover an amount from the person by means of taking enforcement action by virtue of section 35 or 38, or by means of a third party debt order or a charging order by virtue of section 36;
- (b) the whole or any part of the amount remains unpaid; and
- (c) the [<sup>F2</sup>Secretary of State] is of the opinion that there has been wilful refusal or culpable neglect on the part of the person from whom [<sup>F3</sup>the Secretary of State] has sought to recover the amount (“the liable person”).

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- (A2) Disqualification by an order under subsection (A1) (a “disqualification order”) shall be for such period not exceeding two years as the court may specify in the order.
- (A3) For the purposes of subsection (A1)(a), the [F4Secretary of State] is to be taken to have sought to recover an amount by means of a charging order if an interim charging order has been made, whether or not any further steps have been taken to recover the amount.
- (A4) On an application under subsection (A1) the court shall (in the presence of the liable person) inquire as to—
- (a) whether the liable person needs a driving licence to earn a living;
  - (b) the liable person's means; and
  - (c) whether there has been wilful refusal or culpable neglect on the part of the liable person.
- (A5) On an application under subsection (A1) the court shall not question—
- (a) the liability order by reference to which the [F4Secretary of State] acted as mentioned in paragraph (a) of that subsection; or
  - (b) the maintenance calculation by reference to which that liability order was made.
- (1) If, but only if, the court is of the opinion that there has been wilful refusal or culpable neglect on the part of the liable person, it may—
- (a) make a disqualification order against the liable person; or
  - (b) make such an order but suspend its operation until such time and on such conditions (if any) as it thinks just.”
- (2) For subsection (10) of that section, substitute—
- “(10) On making a disqualification order, 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 amount due; and the balance (if any) shall be returned to the person searched.
- (10B) The court shall not allow the application under subsection (10A) of money found on a search under subsection (10) if it is satisfied that the money does not belong to the person searched.
- (10C) The court may exercise the powers conferred on it by subsection (5) without the need for an application where money found on a search under subsection (10) is applied towards payment of the amount due.”]

#### Textual Amendments

- F1** S. 30 repealed (prosp.) by Welfare Reform Act 2009 (c. 24), ss. 58, 61, **Sch. 7 Pt. 4**
- F2** Words in s. 30(1) 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. 3(2), **Sch. para. 83(2)**

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| <p><b>F3</b> Words in s. 30(1) substituted (1.8.2012) by <a href="#">The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007)</a>, art. 3(2), <b>Sch. para. 83(2)</b></p> <p><b>F4</b> Words in s. 30(1) substituted (1.8.2012) by <a href="#">The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007)</a>, art. 3(2), <b>Sch. para. 83(3)</b></p> |
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**Changes and effects yet to be applied to :**

- s. 30 repealed by [2009 c. 24 Sch. 7 Pt. 4](#)