



2008 CHAPTER 10

PART 2

CHILD SUPPORT ETC.

Collection and enforcement

Disqualification for driving

21.—(1) In Article 37A of the Child Support Order (disqualification from driving), for the heading and paragraph (1) substitute—

“Disqualification for holding or obtaining driving licence

37A.—(A1) The Department may apply to the court for an order disqualifying a person for holding or obtaining a driving licence 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”).

(A2) Disqualification by an order under paragraph (A1) (a “disqualification order”) shall be for such period not exceeding 2 years as the court may specify in the order.

(A3) On an application under paragraph (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.
- (A4) On an application under paragraph (A1) 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.
- (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 paragraph (10) of that Article, 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 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.
- (10C) The court may exercise the powers conferred on it by paragraph (5) without the need for an application where money found on a search under paragraph (10) is applied towards payment of the amount due.”