

*These notes refer to the Child Support, Pensions and Social Security Act 2000 (c.19) which received Royal Assent on 28th July 2000*

# CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY ACT 2000

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## EXPLANATORY NOTES

### ***Part 1: Child Support***

#### ***Commentary on Sections***

#### ***Disqualification from driving***

#### ***Section 16: Disqualification from driving***

#### **New section 40B: Disqualification from driving: further provision**

203. *New section 40B(1)* provides a power for the court to disqualify the liable person from driving if the courts agree that he has wilfully refused to pay or been guilty of culpable neglect in connection with paying maintenance.
- (1)(a)* provides for the disqualification order to apply for a period not exceeding two years.
- (1)(b)* provides that the disqualification order may be suspended.
204. *New section 40B(2)* provides that the courts cannot make both a disqualification order and warrant for committal at the same time.
205. *New section 40B(3)* provides that the order should include the amount of the arrears included in the liability order and the court costs.
206. *New section 40B(4)* provides for the courts to require the liable person to produce his driving licence (defined in section 108(1) of the Road Traffic Act 1988).
207. *New section 40B(5)* provides that the courts may lift the order, or substitute a shorter disqualification period, if part of the amount outstanding is paid, and must revoke the disqualification if payment is made in full before the end of the disqualification period.
208. *New section 40B(6)* provides for the Secretary of State to be able to give his views to the court on the amount that should be paid before the disqualification order is lifted. It also provides for the liable person to reply to the representations.
209. *New section 40B(7)* provides for a further application to be made to the courts if any amount remains outstanding at the end of the disqualification period.
210. *New section 40B(8)* provides for the court, on imposing the disqualification, to notify the Secretary of State of the fact that a disqualification order has been made, amended or lifted, and the *new section 40B(9)* provides that a licence produced to the court should be sent to the Secretary of State. In practice, the notice and the licence will be sent to the DVLA.

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211. *New section 40B(10)* provides for section 80 of the Magistrates Court Act 1980 to apply to a disqualification order, to reflect provisions currently in section 40. This will enable a liable person to be searched in court and money found applied against the amount owing.
212. *New section 40B(11)* provides for regulations to be made, prescribing the way in which disqualification orders will operate, and *new section 40B(12)* modifies this section in its application to Scotland.
213. *Subsections (4) and (5)* of section 16 provide for references to the disqualification to be made in the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988. This will enable the police to require production of the licence if it is not given to the courts. Failure to produce the licence in these circumstances is a criminal offence punishable by a fine of up to £1,000.