

SCHEDULE 2

Paragraph 2(7)(c)

Form 5EA

Rule 5EA(1)

**Form of order of disqualification from holding or obtaining a United Kingdom passport**

ORDER OF DISQUALIFICATION FROM HOLDING OR OBTAINING A UNITED KINGDOM PASSPORT UNDER SECTION 39B OF THE CHILD SUPPORT ACT 1991

*(insert place and date)*

The Sheriff, being satisfied–

- (a) that the Secretary of State for Work and Pensions has sought to recover an amount of child support maintenance under section 38 of the Child Support Act 1991;
- (b) that such amount, or a portion of it, remains unpaid; and
- (c) having inquired in the defender’s presence as to his *[or her]* means, that there has been wilful refusal or culpable neglect on his *[or her]* part,

Disqualifies *(insert name of defender)* from holding or obtaining a United Kingdom passport (within the meaning of section 33(1) of the Immigration Act 1971) for a period of *(insert period not exceeding two years)*, unless the aggregate amount in respect of which this Order is made is paid\*.

*[Where the defender did not bring his or her passport to the hearing, Orders the defender to attend a hearing at (insert address of sheriff court) on (insert date) at (insert time) with his [or her] passport for the purpose of surrendering it.]*

*[[Where the sheriff decides under section 39C(2) of the Child Support Act 1991 to suspend the running of the period for which the order is to have effect, Orders that the operation of the disqualification be suspended until (insert date)] [if the sheriff imposes any conditions on the suspension, on the following conditions (describe the conditions here)].]*

This warrant is made in respect of–

Amount outstanding under section 38 of the Child Support Act 1991, exclusive of collection fees and enforcement fees	£
Amount outstanding in respect of collection fees and enforcement fees	£
Amount in respect of the expenses of the application	£
Aggregate amount	£ _____

*(Signed)*

Sheriff

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

\*Note: If part payment of the aggregate amount is made, the period of disqualification may be reduced as provided by section 39E(1)(a) of the Child Support Act 1991. Alternatively, the order may be revoked under section 39E(1)(b). If full payment is made of the aggregate amount, the order will be revoked under section 39E(2) of the Child Support Act 1991. An application for reduction of the period of disqualification or for revocation of this order requires to be made by way of minute in the court process.