



# 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 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 maintenance assessment in question.
- (2) The 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 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 maintenance assessment under which the payments of child support maintenance fell to be made.