



Child Support Act 1991

1991 CHAPTER 48

Collection and enforcement

[^{F1}39A Commitment to prison and disqualification from driving.

- (1) Where the Secretary of State has sought—
 - (a) in England and Wales to levy an amount by distress under this Act; or
 - (b) to recover an amount by virtue of section 36 or 38,and that amount, or any portion of it, remains unpaid he may apply to the court under this section.
- (2) An application under this section is for whichever the court considers appropriate in all the circumstances of—
 - (a) the issue of a warrant committing the liable person to prison; or
 - (b) an order for him to be disqualified from holding or obtaining a driving licence.
- (3) On any such application the court shall (in the presence of the liable person) inquire as to—
 - (a) whether he needs a driving licence to earn his living;
 - (b) his means; and
 - (c) whether there has been wilful refusal or culpable neglect on his part.
- (4) The Secretary of State may make representations to the court as to whether he thinks it more appropriate to commit the liable person to prison or to disqualify him from holding or obtaining a driving licence; and the liable person may reply to those representations.
- (5) In this section and section 40B, “driving licence” means a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1988.
- (6) In this section “the court” means—
 - (a) in England and Wales, a magistrates’ court;
 - (b) in Scotland, the sheriff.]

Status: Point in time view as at 14/07/2008. This version of this provision has been superseded.

Changes to legislation: Child Support Act 1991, Section 39A is up to date with all changes known to be in force on or before 14 July 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)

Textual Amendments

- F1** S. 39A inserted (10.11.2000 for specified purposes, 2.4.2001 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 16(1)**, 86(1)(a)(2) (with [ss. 28, 83\(6\)](#)); [S.I. 2000/2994](#), [art. 2](#), [Sch. Pt. 1](#); [S.I. 2000/3354](#), [art. 2](#)
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Modifications etc. (not altering text)

- C1** Ss. 29-41B modified by [The Child Support \(Transitional Provisions\) Regulations 2000 \(S.I. 2000/3186\)](#), **reg. 16(2A)** (as inserted (21.2.2003) by [S.I. 2003/328](#), [regs. 1\(3\)\(a\), 9\(7\)\(b\)](#))

Status:

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