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STATUTORY INSTRUMENTS

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**1992 No. 1989**

**The Child Support (Collection and Enforcement) Regulations 1992**

**PART IV**

**LIABILITY ORDERS**

**[<sup>F1</sup>Disqualification from driving order**

**35.**—(1) For the purposes of enabling an enquiry to be made under section 39A of the Act as to the liable person's livelihood, means and conduct, a justice of the peace <sup>F2</sup> ... may issue a summons to him to appear before a magistrates' court and to produce any driving licence held by him, <sup>F3</sup> ... and, if he does not appear, may issue a warrant for his arrest.

(2) In any proceedings under sections 39A and 40B of the Act, a statement in writing to the effect that wages of any amount have been paid to the liable person during any period, purporting to be signed for or on behalf of his employer, shall be evidence of the facts there stated.

(3) Where an application under section 39A of the Act has been made but no disqualification order is made, the application may be renewed on the ground that the circumstances of the liable person have changed.

(4) [<sup>F4</sup>A disqualification order shall be in the form prescribed in Schedule 4.]

(5) The amount to be included in the disqualification order under section 40B(3)(b) of the Act in respect of the costs shall be such amount as in the view of the court is equal to the costs reasonably incurred by the Secretary of State in respect of the costs of the application for the disqualification order.

(6) An order made under section 40B(4) of the Act may be executed anywhere in England and Wales by any person to whom it is directed or by any constable acting within his police area, if the liable person fails to appear or produce or surrender his driving licence <sup>F5</sup>... to the court.

(7) An order may be executed by a constable notwithstanding that it is not in his possession at the time but such order shall, if demanded, be shown to the liable person as soon as reasonably practicable.

(8) In this regulation "driving licence" means a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1988.]

**Textual Amendments**

- F1** Reg. 35 added (31.5.2001, See reg. 1 of S.I. for when to apply for different circumstances) by [S.I. 2001/162, reg. 1\(3\), 2\(6\)\(c\)](#) (with [reg. 6](#))
- F2** Words in reg. 35(1) omitted (1.8.2007) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/1979\)](#), regs. 1, [2\(6\)](#)
- F3** Words in reg. 35(1) omitted (8.6.2015) by virtue of [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), art. 1(1), [Sch. 2 para. 9\(a\)\(i\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the *The Child Support (Collection and Enforcement) Regulations 1992, Section 35*. (See end of Document for details)

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- F4** Reg. 35(4) omitted (E.W.) (19.7.2021) by virtue of *The Child Support (Collection and Enforcement and Maintenance Calculation) (Amendment No. 2) Regulations 2021* (S.I. 2021/763), regs. 1(2), **3(4)**
- F5** Words in reg. 35(6) omitted (8.6.2015) by virtue of *The Road Safety Act 2006 (Consequential Amendments) Order 2015* (S.I. 2015/583), art. 1(1), **Sch. 2 para. 9(a)(ii)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support (Collection and Enforcement) Regulations 1992, Section 35.