

Act of Sederunt (Child Support Rules) 1993

SCHEDULE

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Form 1

Form of summary application for a liability order under section 33 of the Child Support Act 1991

Rule 2(1)

Summary Application
for a liability order
under section 33 of the Child Support Act 1991
by
Child Maintenance and Enforcement Commission
(insert address)

Applicant

against

A.B.

(insert full name and address of liable person)

Respondent

1. The applicant is the Child Maintenance and Enforcement Commission.
2. The respondent is a "liable person" within the meaning of the Act.
The court has jurisdiction to deal with this application by virtue of (State ground of jurisdiction)
3. In terms of an assessment made by the Child Support Officer (Insert address) on (Insert date of assessment), the respondent is obliged to pay to the Child Maintenance and Enforcement Commission the sum of £ per
4. The respondent has failed to make payment(s) under the assessment and the applicant served notice(s) of arrears on the respondent on (Insert date(s)). At the date of this application there remains a total of £ of maintenance unpaid.
**Additionally, there remains due by the respondent interest at the rate of % per annum for the period from (Insert date) to (Insert date) as detailed in the notice of arrears lodged with this application, amounting in total to £*
5. It appears to the applicant that –
** (a) it is inappropriate to make a deduction from earnings order against the respondent because (State reason),*
** (b) a deduction from earnings order was made against the respondent on (Insert date) but has proved ineffective as a means of securing payment because (State reason)*
6. The applicant craves the court to make a liability order against the respondent in the sum of £ , (*including interest of £). In addition the applicant asks the court to award expenses to him.

**Delete as appropriate*

Date (Insert date)

Signed (Signature of applicant)

Form 2

Form of notice to liable person in an application for a liability order under the Child Support Act 1991

Rule 2(2)

PART A

(To be completed by applicant before service)

Sheriff Court:

Court Ref. No.:

1. (Insert place and date)
To: (Insert name and address of liable person)
The application which accompanies this notice is served on you on (Insert date of service)
Signed (Signature and designation of solicitor/officer of court)
2. If you wish to object to the grant of the application you must complete PART B below stating the ground(s) upon which you object. Please note that in terms of section 33 of the Child Support Act 1991 the sheriff may not question the maintenance assessment and he must make the liability order if he is satisfied that the payments in question have become payable but have not been paid.
3. If you decide to object to the application you must return this form to the court with PART B completed within 21 days of the date of service of this notice, together with the court fee of £
The address of the court is: (Insert name and address of court).
4. You will be advised by the sheriff clerk of the date which has been fixed for the hearing of the application. On that date you should attend or be represented at court.
5. If you fail either to return this form to the court as directed or, having returned it, fail to attend or be represented at the hearing, the application may be granted in your absence

IF YOU REQUIRE ANY FURTHER ADVICE, CONTACT ANY SOLICITOR, CITIZENS ADVICE BUREAU OR OTHER ADVICE CENTRE

PART B

(To be completed by liable person)

I object to the grant of the application on the following ground(s)
(State grounds of objection, and provide relevant supporting information, e.g. If you claim that payments are not due, provide details of payments made).

If space is insufficient continue on a separate paper and attach to this form.

Date (Insert date)

Signed (Signature of liable person)

Form 3
Rule 2(7)

Form of liability under the Child Support Act 1991
(Insert place and date)

The sheriff makes a liability order against the liable person named in the application for payment of the undernoted sum to the Child Maintenance and Enforcement Commission.

Amount of maintenance unpaid	£
Amount of interest on maintenance unpaid	£
Expenses	£

Aggregate amount of liability order	£

Signed (Signature of sheriff)
Sheriff

Form 4

Form of extract of liability under the Child Support Act 1991

Rule 2(9)

Sheriff Court:

Court Ref. No.:

Date of order

Full name and address of liable person

The sheriff has made a liability order against the above named liable person for payment of the undernoted sum to the Child Maintenance and Enforcement Commission.

Amount of maintenance unpaid £

Amount of interest on maintenance unpaid £

Expenses £

Aggregate amount of liability order £

This liability order is authority for enforcement of the amount due by the means specified by the Child Support Act 1991

Date of extract:

Signed

(Signature of sheriff clerk)

Form 5

Form of charge for payment following the making of a liability order under the Child Support Act 1991

Rule 4(1)

CHARGE FOR PAYMENT ON A LIABILITY ORDER UNDER SECTION 33 OF THE CHILD SUPPORT ACT 1991

in causa

Child Maintenance and Enforcement Commission
(insert address)

against

A.B.

(insert full name and address of liable person)

LIABLE PERSON

To: (insert full name and address of liable person)

On (insert date) a liability order against you was made in the sheriff court at (insert place) for payment of a sum of money in terms of a maintenance assessment made by the Child Support Agency on (insert date of assessment).

**Delete as appropriate*

I, (insert name and address), sheriff officer, by virtue of an extract order of court in Her Majesty's name and authority and in the name and authority of the sheriff, charge you to pay the total sum due as set out below *(together with any further interest due) within *(14/28) days from the date of this charge. Payment should be made to (insert details as to whom payment is to be made).

If you do not pay this sum within *(14/28) days you are liable to have further action taken against you, including the attachment and auction of articles belonging to you.

This charge is served on you today by (state method of service) and is witnessed by (insert name and address of witness).

Date: (insert date)

Signed (Signature of witness) Signed (Signature of sheriff officer)

The sum now due by you is:-	
Unpaid maintenance	£
Interest on unpaid maintenance	£
Expenses	£
Aggregate amount of liability order	£
Less paid to account	£

Net aggregate amount outstanding	£
Agents fee	£
Expenses of sheriff officer	£
Charge fee	£
Travelling	£
Witness fee	£
Other outlays in connection with service of charge (<i>specify</i>)	_____
	£
TOTAL SUM DUE	

IF YOU ARE UNSURE AS TO WHAT YOU SHOULD DO ON RECEIPT OF THIS CHARGE YOU SHOULD CONSULT A SOLICITOR, CITIZENS ADVICE BUREAU, OR OTHER ADVICE CENTRE IMMEDIATELY. A LEAFLET EXPLAINING DEBT COLLECTION PROCEDURES IS AVAILABLE FROM ALL ADVICE AGENCIES AND SHERIFF COURTS.

Form 5AA **Form of application for appeal against decision of the Child Maintenance and Enforcement Commission that the good reasons exclusion in respect of a deduction from earnings order does not apply**

Rule 5AA(1) APPEAL AGAINST A DECISION OF THE CHILD MAINTENANCE AND ENFORCEMENT COMMISSION THAT THE GOOD REASONS EXCLUSION IN RESPECT OF A DEDUCTION FROM EARNINGS ORDER DOES NOT APPLY

by
A.B.
(insert full name and address of appellant)

Appellant

against
Child Maintenance and Enforcement Commission
(insert address)

Respondent

1. The appellant is (insert full name and address of appellant).
2. The respondent is the Child Maintenance and Enforcement Commission.
3. The appellant is a liable person withing the meaning of section 31 of the Child Support Act 1991.
4. On (insert date) the respondent decided that there is no good reason not to use a deduction from earnings order as a method of payment.
5. The appellant appeals against the decision that there is no good reason not to make the deduction from earnings order for the following reasons (*set out grounds*).

6. The appellant asks the court to award expnses to the appellant.

Date (Insert date)

Signed (Signature of applicant)

Form 5AB

Form of application for appeal against a regular deduction order [or a decision made on review of regular deduction order*]

Rule 5AB(1)

APPEAL AGAINST A REGULAR DEDUCTION ORDER [OR A
DECISION MADE ON REVIEW OF REGULAR DEDUCTION
ORDER*]

**Delete as
appropriate*

by

A.B.

(insert full name and address of appellant)

Appellant

against

Child Maintenance and Enforcement Commission

(insert address)

Respondent

1. The appellant is (insert full name and address of appellant).
2. The respondent is the Child Maintenance and Enforcement Commission.
3. The appellant [or (insert name and address of liable person if not the appellant)]* is the liable person withing the meaning of regulation 25C of the Child Support (Collection and Enforcement) Regulations 1992.
4. *(a) The appellant is affected by a regular deduction order because (insert grounds for claim to be affected by the order).

*(b) The appellant is affected by a decision of the respondent on an application for review of a regular deduction order because (insert grounds for claim to be affected by the decision).
5. On (insert date) a regular deduction order was made against the (appellant/liable person*) by the respondent. The making of the order was intimated to the appellant on (insert date).
6. [*On (insert date) the respondent reviewed the regular deduction order. The decision made on review was intimated to the appellant on (insert date).
7. The appellant appeals against the making of the regular deduction order [or the decision made on review of the regular deduction order]* for the following reasons (*set out grounds*).

8. The appellant asks the court to award expenses to the appellant.

Date (Insert date)

Signed (Signature of applicant)

Form 5AC

Form of application for appeal against withholding of consent to the disapplication of section 32C(1) [or 32H(2)(b)] of the Child Support Act 1991

Rule 5AC(1)

APPEAL AGAINST WITHHOLDING OF CONSENT TO THE DISAPPLICATION OF SECTION 32C(1) [OR 32H(2)(B)]* OF THE CHILD SUPPORT ACT 1991

by
A.B.

(insert full name and address of appellant)

Appellant

against

Child Maintenance and Enforcement Commission
(insert address)

Respondent

1. The appellant is (insert full name and address of appellant).
2. The respondent is the Child Maintenance and Enforcement Commission.
3. *(a) The appellant is a liable person within the meaning of section 32E of the Child Support Act 1991
 *(b) The appellant is a deposit-taker within the meaning of section 54 of the Child Support Act 1991. The liable person, within the meaning of section 32E of the Child Support Act 1991 is (insert name and address).
4. On (insert date) a lump sum deduction order was made against the liable person by the respondent. The making of the lump sum deduction order was intimated to the appellant on (insert date).
5. On (insert date) the appellant [or the liable person] [or the deposit-taker at which the lump sum deduction order is directed]* applied to the respondent for consent to disapply section 32G(1) [or 32H(2)(b)] of the Child Support Act 1991. On (insert date) the respondent intimated its decision to withhold consent.
6. The appellant appeals against the decision to withhold consent for the following reasons (set out grounds).
7. The appellant asks the court to award expenses to the appellant.

**Delete as appropriate*

Date (Insert date)

Signed (Signature of applicant)

Form 5AD

Form of application for appeal against a lump sum deduction order

Rule 5AC(2)

APPEAL AGAINST A LUMP SUM DEDUCTION ORDER

by

A.B.

(insert full name and address of appellant)

Appellant

against

Child Maintenance and Enforcement Commission

(insert address)

Respondent

1. The appellant is (insert full name and address of appellant).
2. The respondent is the Child Maintenance and Enforcement Commission.
3. The appellant is affected by a lump sum deduction order because (insert grounds for claim to be affected by the lump sum deduction order)
4. The appellant [or insert name of liable person if not the appellant]* is the liable person withing the meaning of section 32E of the Child Support Act 1991.
5. On (insert date) a lump sum deduction order was made against the appellant [or liable person]* by the respondent. The making of the lump sum deduction order was intimated to the appellant on (insert date).
6. The appellant appeals against the decision to make the lump sum deduction order for the following reasons (set out grounds).
7. The appellant asks the court to award expenses to the appellant.

**Delete as appropriate*

Date (Insert date)

Signed (Signature of applicant)

Form 6

Form of application for appeal against a deduction from earnings order

Rule 5(1)

APPEAL AGAINST A DEDUCTION FROM EARNINGS ORDER

by

A.B.

(insert full name and address of appellant)

Appellant

against

Child Maintenance and Enforcement Commission

(insert address)

Respondent

- 1. The appellant is (insert full name and address of appellant).
- 2. The respondent is the Child Maintenance and Enforcement Commission.
- 3. The appellant is a liable person withing the meaning of section 31 of the Child Support Act 1991.
- 4. On (Insert date) a deduction from earnings order was made against the appellant by the Child Maintenance and Enforcement Commission. The making of the deduction from earnings order was intimated to the appellant on (Insert date).
- 5. * (a) The appellant states that the deduction from earnings order is defective on the ground(s) that (State reason)
or
* (b) The appellant disputes that the following payments, which were taken into account by the Child Maintenance and Enforcement Commission in making the deduction from earnings order, are earnings on the grounds that (give details of payments and nature of dispute)
and accordingly appeals to the sheriff.
- 6. The appellant asks the court to award expnses to him.

**Delete as appropriate*

Date (Insert date)

Signed (Signature of applicant)

Form 7

Form of citation for summary application for commitment to prison or disqualification from driving

Rule 5A

CITATION FOR SUMMARY APPLICATION
SHERIFFDOM OF (insert name of sheriffdom)
AT (insert place of sheriff court)
[A.B.], (insert designation and address), Applicant
against
[C.D.], (insert designation and address), Respondent

Court ref. No. (insert ref no.)

(Insert place and date).

You [C.D.] are hereby served with this copy writ and warrant, and are required to answer it.

YOU MUST APPEAR IN PERSON AT THE HEARING.

IF YOU ARE UNCERTAIN AS TO WHAT FURTHER ACTION TO TAKE you should consult a solicitor. You may be eligible for legal aid depending on your income and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

IF YOU HOLD A LICENCE TO DRIVE A MOTOR VEHICLE YOU MUST BRING IT (INCLUDING ANY COUNTERPART TO THAT LICENCE) WITH YOU TO THE HEARING.

YOU SHOULD ALSO BRING WITH YOU DOCUMENTARY EVIDENCE OF YOUR FINANCIAL CIRCUMSTANCES AND, TO ASSIST THE COURT TO INQUIRE INTO YOUR MEANS, A COMPLETED FORM 7A ATTACHED.

IF YOU DO NOT APPEAR IN PERSON IN ANSWER TO THIS DOCUMENT THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

Signed (signature of sheriff officer)

or

[X.Y.] (add designation and business address)

Solicitor for the Applicant

Form 8

Form of Warrant to Arrest

Rule 5D

(Insert place and date)

** Delete as appropriate*

The Sheriff,* in respect that the respondent has failed to appear at the hearing after being duly cited, Grants Warrant to Sheriff Officers to apprehend the said (insert name of respondent) and to bring him before the court; Grants Warrant to Governors of HM Prisons to receive and detain the said (insert name of respondent) pending his appearance before the court and, in the event that such a Governor is unable to so receive and detain the said (insert name of respondent) because of the lateness of the hour, requests police officers to assist in the execution of this Warrant by receiving and detaining the said (insert name of respondent) overnight until such hour as the said (insert name of respondent) can be presented at a prison or brought to court; requests all competent courts in England and elsewhere to give their aid and concurrence in carrying into effect this Warrant; appoints execution to proceed upon a certified copy of this interlocutor.

(Signed)
Sheriff

Form 9

**Form of Warrant of Commitment to Prison
Child Support Act 1991**

Rule 5E

(Insert place and date)

The Sheriff, being satisfied—

- (i) that the Child Maintenance and Enforcement Commission has sought to recover an amount of child support under section 38 of the Child Support Act 1991;
- (ii) that such amount, or a portion of it, remains unpaid; and
- (iii) having inquired in the respondent's presence as to his means, that there has been wilful refusal or culpable neglect on his part,

Grants Warrant to all Sheriff Officers to apprehend and convey to the prison of (insert place of prison) the said (insert name of respondent), and to the Governor thereof to receive and detain him for the period of (insert period of up to six weeks) from the date of his imprisonment or until he be sooner discharged in due course of law*.

This warrant is made in respect of—

Amount outstanding under section 38 of the Child Support Act 1991: (insert)

Amount in respect of the expenses of commitment: (insert)

Aggregate amount: (insert)

(Signed)

Sheriff

*Note: The period of imprisonment may be reduced as provided by regulations made under section 40A(6) of the Child Support Act 1991 where there is part payment of the amount in respect of which the warrant was issued.

Form 10

**Form of Order of Disqualification from Holding or Obtaining
a Driving Licence**

Child Support Act 1991, Sections 39A and 40B

Rule

(Insert place and date)

The Sheriff, being satisfied–

(i) that the Child Maintenance and Enforcement Commission has sought to recover an amount of child support under section 38 of the Child Support Act 1991;

(ii) that such amount, or a portion of it remains unpaid; and

(iii) having inquired in the respondent's presence as to his means, that there has been wilful refusal or culpable neglect on his part,

Disqualifies the said (insert name of respondent) from holding or obtaining a driving licence for a period of (insert period not exceeding two years) unless the aggregate amount in respect of which this Order is made is paid*.

This warrant is made in respect of–

Amount outstanding under section 38 of the Child Support Act 1991: (insert)

Amount in respect of the expenses of the application: (insert)

Aggregate amount: (insert)

(Signed)

Sheriff

*Note: The period of disqualification may be reduced as provided by section 40B(5)(a) of the Child Support Act 1991 if part payment is made of the aggregate amount. The Order will be revoked under section 40B(5)(b) of the Child Support Act 1991 if full payment is made of the aggregate amount. An application for reduction of a period of disqualification requires to be made by way of minute in the court process.