



## Civil Enforcement Overview (Scotland)

The purpose of this summary is to provide a high level overview of the civil enforcement process for Scotland which complements the more detailed procedures linked to the topic. For an overview of the specific civil enforcement processes for Scotland see the corresponding procedures.

These processes will be dealt with by case managers and support staff in Scottish enforcement.

When a case manager is making a decision whether to progress a case for further action, they will make a decision informed by data gathered and the individual cases history. This will be fully documented on the system.

The general enforcement powers available for the case manager are:

- Lump sum deduction order (LSDO)
- Regular deduction order (RDO)
- Interdict
- Action for reduction

Enforcement powers specific to Scotland case managers are:

- Liability order – sheriffs court
- Inhibition on dependence
- Arrestment on dependence
- Interim attachment
- Charge for payment
- Ordinary arrestment
- Attachment
- Exceptional attachment
- Inhibition
- Action of Furthcoming

If any of the above list are unsuccessful the case manager may consider sanctions against the paying parent's liberty from the following list:

- Removal of driving licence
- Committal to prison



When considering sanctions Wilful Refusal/Culpable Neglect must be considered and recorded as an Instance. For further information refer to [Wilful Refusal/Culpable Neglect](#).

When the case manager is considering an LSDO or an RDO, they will need to establish which bank or building society the paying parent uses. The case manager will refer the case to a specialised deduction order team who will obtain the required information and complete the LSDO or RDO action.

When sending a court pack to our contracted solicitors include the Summary of Letters Issued template. This is to help prevent adjournment should information about charging be required in court.

### Considering Parallel and Concurrent Actions

Parallel and concurrent action should be considered at the point of initial referral to Enforcement so that a clear plan is in place to be executed at the earliest and most reasonable time.

Enforcement Case Managers (ECMs) should be mindful of the amount of debt in relation to relevant Enforcement Charges in order to ensure that actions are reasonable.

At any point during the Enforcement lifecycle, referral to Financial Investigation Unit (FIU) can be considered

At each decision point in the process, ECMs should be considering parallel or concurrent actions, as PP circumstances can change.

The decision will need to be made on a case by case basis, balancing factors such as

- the amount of debt
  - a reasonable repayment period
  - the cost of Enforcement actions in relation to the debt
- assets and likely success rate of parallel or concurrent actions
- the speed at which maintenance can be re-established

The Details tab has a table showing examples of when parallel or concurrent action should be considered

## Minimum enforceable amounts

Each enforcement action is subject to a de minimis amount, the amount below which the action should not be considered

- Liability Order £500.00
- LSDO £500.00
- Commitment £1,000

For more information refer to the Policy, Law and Decision Making Guidance 

 Existing business processes should be followed if a Liability Order has previously been granted on any CSA system. For more information refer to the [Enforcement/Liability Order Actions - Check CSA](#) procedures. All Segment 5 cases with previous CSA Legal Enforcement action will automatically generate an SR which will be managed by the 1993/2003 Rules Reassessment team who will build the Liability Order. Exceptions to this will be:

- Order for Sale
- Committal
- Sisted cases.

For more information refer to Enforcement Transition Part 1 and Enforcement Transition Part 2 from [Fundamentals](#).

Some actions may require an up front payment to the service provider (eg Courts). This payment will be made using the government procurement card (GPC), for more information refer to [Admin Account - Add To](#).

The paying parent may appeal against a court decision. The enforcement case manager will continue to action the case, and will ensure that nothing prejudicial will happen on the case until the appeal is resolved. The Child Maintenance Group (CMG) can also appeal against a court decision.

 When speaking to clients always use the new terminology - for more information refer to [Terminology Changes](#).

 This procedure uses the terms receiving parent and paying parent.

The receiving parent is the parent who receives or who is expected to receive child maintenance, known as the parent with care (PWC) or person with care (PeWC) on the system and in legislation. The paying parent is the parent who pays or who is expected to pay child maintenance, known as the non resident parent (NRP) on the system and in legislation.

### Consider Parallel and Concurrent Actions

What Enforcement actions can be taken in parallel or concurrently?

Legally various actions can be taken in parallel or concurrently. ECMs should consider the benefits case by case.

Enforcement Action	Parallel Action	Concurrent Action
<b>DEO and LO</b>	Yes	No
<b>DEO and RDO</b>	No	No
<b>DEO and LSDO</b>	Yes	No
<b>RDO and LO</b>	Yes	No
<b>LSDO and LO</b>	No	No
<b>Bailiff and Charging Order</b>	No	Yes
<b>Bailiff and Third Party Debt Order (TPDO)</b>	No	Yes
<b>Bailiff and Sanctions</b>	No - not legally possible	No- not legally possible

[Action For Reduction](#)

[Action Of Furthcoming](#)

[Admin Account - Add To](#)

[Arrestment](#)

[Arrestment On Dependence](#)

[Attachment](#)

[Case Routing Enforcement](#)

[Charge For Payment](#)

[Default \(Scotland\)](#)

[Enforcement Action - Consider \(Scotland\)](#)

[Exceptional Attachment](#)

[Inhibition](#)

[Inhibition On Dependence](#)

[Interim Attachment](#)

[Liability Order – Sheriffs Court](#)

[Order For Interdicting](#)

[Sanctions \(Scotland\)](#)

[Sequestration \(Scotland\)](#)

[Terminology Changes](#)

[Wilful Refusal/Culpable Neglect](#)