

Inhibition

An inhibition is applied for to prevent a paying parent from selling or otherwise disposing of any heritable assets such as land or property that they own either solely or jointly.

This action is carried out by case managers within Scottish enforcement.

The inhibition is granted against the paying parent rather than against specific assets that they own. This avoids the need for separate court action against each asset, and can also prevent the paying parent from obtaining credit, mortgages or loans.

Before taking inhibition action a liability order (LO) must have been granted against the paying parent. The inhibition will be valid for five years from the day it is executed. The CMG system will generate a reminder two months before the inhibition expires, and the action may be renewed after that time if required.

Once registered an Inhibition covers all heritable assets that the Paying Parent owns at the date of the inhibition being registered, but will not cover any that they subsequently acquire. A further Inhibition will be needed if you are advised that the Paying Parent has come into possession of further land or property.

An inhibition may take effect from one of two dates. When disposal of an asset/s is deemed to be imminent a notice of inhibition is registered in the Register of Inhibitions and, as long as the schedule of inhibitions is served within 21 days of the registration of the notice and registered in the Register of Inhibitions, the effective date will become the date that the schedule of inhibition is executed. When disposal of the asset/s is not imminent the inhibition is effective from the date that the schedule of inhibition is registered in the Register of Inhibitions.

The sheriff officers will serve the schedule of inhibition to the paying parent, and will lodge a notice with Register of Scotland to have the inhibition registered with the Register of Inhibitions and Adjudication. Once the inhibition has been registered the sheriff officers will return a confirmation document to the case manager, along with the original extract LO.

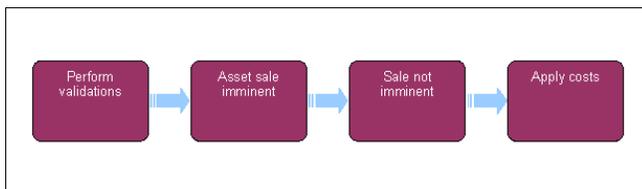


Enforcement Service Requests (SR) and Activity Plans (AP) are supported by an underlying data form, in which the enforcement case manager can record specific details as the action progresses. The complete data form for this process may be found here: [Inhibition](#)



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

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



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.

Perform validations



Due to the nature of the inhibition action the paying parent will not be contacted prior to the application to the sheriff court, as this would increase the risk of them moving or disposing of their assets.

1. Create a new service request (SR):

■ **Process = Enforcement**

- **Area = Take Enforcement Action**
 - **Sub Area = Inhibition**
2. Confirm that the paying parent falls into the correct jurisdiction for this action (i.e. they are habitually resident in Scotland) and update the SR **Status** to **In Progress**.
 3.  The system will present an activity plan of standard validations which may be completed in any order. Add an explanatory **Note** in the **Update Child Welfare – Reason** field and select **Exit** if you cannot complete any of the validations. Go to **step 23** to manually close the SR
 - **Verify arrears outstanding:** Check the exact amount of arrears outstanding. Select **Go To Contact** button, navigate to the **Financial Accounts** screen, drill down on the account number and view the **Payment Schedule** tab. Check the value in the **Total Arrears Balance** field.
 - **Consider welfare of child/ren:** Record your decision in in **Update Child Welfare Details - Reason**. This is a discretionary decision, this includes making a Welfare of the Child Decision, for more information on discretionary decisions including a verbatim statement to record in **Notes** refer to Policy, Law and Decision Making Guidance .
 -  **Letter - Outbound:** Issue letter CMEL8097 to advise the receiving parent of the Child Maintenance Group’s intention to apply for an inhibition.
 - **Add/validate LO:** Select the relevant liability order (LO) and associate it with this activity plan
 - **Decide next steps:** Select **Continue**

If you select **Continue** the system will automatically present the next activity plan to prepare the inhibition file.

 Use the **Asset** view to record assets on the system. Use the **Contact Asset** view to associate an asset to your enforcement SR. When recording assets, only use the data fields under the applet name. Don't use the menu next to **Asset Type**.

 When speaking with the receiving parent regarding the intention to apply for an inhibition, stress to them the importance of not letting the paying parent know about the proposed action. Making mention of it on social networking sites or to mutual friends will greatly increase the risk of the paying parent becoming aware of the action and disposing of any assets.

Prepare file

4. Select letter template CMEL9271 at Step 1 of the activity plan.
5. Select the **Enforce forms** tab and update the fields for **Current arrears balance on LO** and **Sum applied for** (this may include several periods of LO debt)
6. Update the activity plan to record whether the asset sale is imminent or not imminent.

Asset sale imminent

7.  Select the template for form CMEL9245 and send this along with a copy of the liability order (LO) extract decree, or a certified true copy of the LO to the solicitors who will instruct the sheriff officers to serve the Inhibition. The sheriff officer will lodge notice with the Register of Scotland, and execute the schedule of inhibition. Set a **Wait** period of 28 days for a response to be received. For further information on issuing this letter refer to Letters (Outbound) - Third Parties/Forward. The sheriff officer will lodge notice with the Register of Scotland, and execute the schedule of inhibition
8. Select the **Update form/document** tab to access the **Enforce form**, and update the field for **Instruction sent date**
9. Update the SR Status to **Pending** and the sub status to **Monitor outcome** and set a **Wait** period of 28 days for a response to be received from the Registers of Scotland.
10.  Call the Sheriff Officers for an update if no response has been received after the wait period. Set a further Wait period if necessary.
11. When a response is received select the **Update form/document** tab to access the **Enforce form** and complete the fields for **Inhibition registered date** and **Inhibition exec date**.
12. Update the **Set artefact flag** line of the activity plan to **Yes**. Refer to the procedure for **Case routing - enforcement** for more information about enforcement artefacts.
13. Proceed to **Step 21** to apply costs and issue an outcome letter to the receiving parent.

Asset sale not imminent

14.  Select the template for form CMEL9245 and send this along with a copy of the liability order (LO) extract decree, or a certified true copy of the LO to the solicitors who will instruct the sheriff officers to serve the Inhibition. Set a **Wait** period of 28 days for a response to be

received. For further information on issuing this letter refer to Letters (Outbound) - Third Parties/Forward. The sheriff officer will lodge notice with the Register of Scotland, and execute the schedule of inhibition.

15. Select the **Update form/document** tab to access the **Enforce form**, and update the field for **Instruction sent date**.
16. Update the **SR Status** to **Pending** and the **sub status** to **Monitor outcome** and set a **Wait** period of 28 days for a response to be received from the Registers of Scotland, via the Sheriff Officers.
17.  Call the sheriff officer for an update if no response has been received after the wait period. Set a further **Wait** period if necessary.
18. Update the **Set artefact flag** line of the activity plan to **Yes**. Refer to the procedure for **Case routing - enforcement** for more information about enforcement artefacts.
19. When a response is received select the **Update form/document** tab to access the **Enforce form** and complete the fields for **Inhibition registered date** and **Inhibition exec date**.
20. Proceed to **Step 21** to apply costs and issue an outcome letter to the receiving parent.

Apply costs

21. Access the Costs applet and input any costs associated with this the inhibition.
 -  This step is optional, depending on whether costs have been granted against the paying parent in this process. For more information refer to **Apply costs** in related items.
22.  Send letter CMEL8100 to advise the receiving parent if the inhibition is successful. If unsuccessful call the receiving parent to explain this.
23. To complete the process manually close the work item by updating the SR as follows:

- **Status = Closed**
- **Sub Status = Completed**

CMEL8097 Action update – bill of inhibition

Tell receiving parent that we are taking inhibition action.
All fields in this letter are system generated, no manual intervention is required.

CMEL8100 Your child maintenance update – inhibition granted

Notify receiving parent of outcome of inhibition – Successful.
All fields in this letter are system generated, no manual intervention is required.

CMEL9245 Please enforce a liability order by executing Inhibition

Instruction to sheriff officers to execute Inhibition.
Under the sub heading 'Please enforce a liability order by executing an inhibition' enter the court name in the Court name free text field.

[Admin Account - Add To](#)

[Apply costs](#)

[Letters outbound - contingency summary](#)

[Liability Order - Sheriffs Court](#)

[Terminology Changes](#)